

BEFORE THE PORIRUA DISTRICT COUNCIL HEARING PANEL

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of Proposed Porirua District Plan:
Definitions and Definitions Nesting
Tables (“**PDP**”) to the Porirua District
Plan (“**District Plan**”).

**STATEMENT OF PRIMARY EVIDENCE OF MARY PAMELA GABRIELLE ORDEN
SANTOS**

ON BEHALF OF FOODSTUFFS NORTH ISLAND LIMITED

10 SEPTEMBER 2021

1. INTRODUCTION

- 1.1 This evidence has been prepared by Mary Pamela Gabrielle Orden Santos of Barker & Associates Limited, an independent, specialist planning consultancy based in Auckland, with offices located around the country, including Wellington.

Qualifications & Experience

- 1.2 My full name is Mary Pamela Gabrielle Orden Santos (“Pamela”). I am a Senior Planner at Barker & Associates Limited and I operate out of the Auckland office. I hold a Bachelor of Planning with Honours from the University of Auckland and I am an Intermediate Member of the New Zealand Planning Institute.
- 1.3 I have over nine years’ experience as an urban planner working in the resource management space in the private sector. My experience includes providing planning advice, due diligence reporting, preparation of medium to large scale resource consent applications, consultation and stakeholder engagement and preparation and consideration of submissions. In addition to this, I have some experience with the application of District and Regional Plan provisions throughout the North Island to a number of supermarket development by Foodstuffs North Island Limited (“**Foodstuffs**”).

Code of Conduct

- 1.4 I confirm that the evidence on planning matters that I present is within my areas of expertise and I am not aware of any material facts which might alter or detract from the opinions I express. I have read and agree to comply with the Code of Conduct for Expert Witnesses 2014 contained in the Environment Court Practice Note. The opinions expressed in this evidence are based on my qualifications and experience, and are within my area of expertise. If I rely on the evidence or opinions of another, my evidence will acknowledge that position.
- 1.5 I have no conflicts of interest to declare.

Engagement

- 1.6 I have been engaged by Foodstuffs to prepare and present this statement of evidence to address the matters raised in Foodstuffs’ primary and further submissions on the Proposed Porirua District Plan (“**PDP**”).

Scope of Evidence

- 1.7 Foodstuffs made a submission (submission #122 – see **Attachment 1**) and further submission (further submission #FS38 – see **Attachment 2**) on the PDP. Summaries of Foodstuffs’ submission and further submission relating to the definitions and definitions nesting tables topic are included within Appendix B of Part B of the s42A Report.
- 1.8 My evidence responds to recommendations made within Part B of Section 42A Hearing Report (“**s42A report**”), prepared by Michael Rachlin, Principal Policy Planner at Porirua City Council. To reduce unnecessary repetition, where I agree with the reporting planners’ recommendations, I have simply stated so in my evidence.
- 1.9 My evidence will specifically address the following matters:
 - (a) Areas where I support the recommendations of the reporting planners;
 - (b) Areas where I disagree with the recommendations of the reporting planners, as it primarily relates to the inclusion of ‘supermarkets’ within the ‘large format retail activities’ definition nesting table; and
 - (c) Conclusion.
- 1.10 The matters addressed in my evidence relating to the above are within the scope of the submission made by Foodstuffs.

2. AREAS WHERE I SUPPORT THE RECOMMENDATIONS OF THE REPORTING PLANNER

- 2.1 Foodstuffs’ supports the recommendation of the reporting planner as it relates to the definition of ‘Supermarket’ (paragraph 156 and Appendix A of the s42A report).

3. AREAS WHERE I DISAGREE WITH THE RECOMMENDATIONS OF THE REPORTING PLANNER

Supermarkets within the Large Format Retail Activities definitions nesting table

- 3.1 Foodstuffs’ primary submission (122.2 and 122.3) relating to the requested removal of supermarkets from the large format retail activities nesting table and its relocation within retail activities nesting table is addressed by Mr Rachlin in section 3.5.1.2 paragraph 88 of the s42A report.

3.2 Mr Rachlin has rejected submission 122.2 and 122.3, recommending supermarkets be retained within the large format retail activities nesting table as notified. The reason stated for this recommendation was:

“I also consider that supermarkets are generally a form of large format retail and so are appropriately listed in the large format retail activity table. In terms of the management regime for retail activities, supermarkets and large format retail activities, where the rule framework seeks to distinguish between them, specific reference is made to the relevant activity definition. This approach recognises the differences in terms of the service these activities provide to people and communities, their operational and functional requirements, and their site requirements. For example, LCZ-R12 provides for supermarkets as a restricted discretionary activity while large format retail activities are discretionary, to reflect the policy direction and purpose for that zone.”

3.3 While I acknowledge that supermarkets are generally a form of large format retail primarily due to their size, supermarkets have a range of store formats and sizes which are not all large format. For example, New World ‘metro’ stores are relatively smaller stores in comparison to a supermarket offering ‘full service’ products.

3.4 Mr Rachlin stated in his reasons for rejecting the submission point (paragraph 88 and 138 of the s42A report) that the rule framework distinguishes between supermarkets and other large format activities through the application of different management regimes (i.e., specific reference is made to the relevant activity definition). If the rule framework makes this differentiation, it makes more sense for these two activities to be separated (i.e., not nested) and for large format retail activities to specifically exclude supermarkets. This is supported by Kāinga Ora’s primary submission (81.94) requesting the definition of large format retail activity to be amended to exclude supermarkets. I agree with Kāinga Ora on this point.

3.5 In my opinion, the standalone listing of supermarkets under the ‘Retail Activities’ nesting table is more appropriate. This will recognise that the characteristics of supermarkets in terms of the service they provide to people and communities, their operational and functional requirements, and their site requirements, are different from large format retail activities. As an example, the Proposed New Plymouth District Plan (notified 23 September 2019) has separated out supermarkets and large format retail activities in their definitions nesting tables.

3.6 In my opinion, without the specific exclusion of supermarkets from the large format retail activities nesting table, there remains a risk that supermarket activities will

be unintentionally captured within large format retail activity classification, as per the definitions nesting tables.

- 3.7 To avoid this scenario, I propose the following changes to the definitions nesting table as follows:

“Large format retail activities

- *Integrated retail activity*
- ~~*Supermarkets*~~

Retail activities

- *Clothing and footwear*
- *Homeware*
- *Jewellery*
- *Antiques, used goods and charity shops*
- *Recreational goods and sports stores*
- *Electrical goods*
- *Dairies*
- *Bakeries*
- *Supermarkets*

4. CONCLUSION

4.1 Overall, Foodstuffs’ is generally supportive of the Proposed Porirua District Plan and majority of the recommendations within the s42A report: Part B – Definitions and Definitions Nesting Tables.

4.2 There is one main area, which I have addressed within this evidence, where my opinions differ from the position and recommendations of Mr Rachlin which relates to the inclusion of supermarkets within the large format retail activities definitions nesting table.

- 4.3 The amendments proposed within my evidence will, in my view best achieve the objectives and policies of the Porirua District Plan, in terms of ensuring:
- (a) The efficiency and effectiveness of the provisions in accordance with s32 of the RMA; and
 - (b) That the overall framework provided by the Porirua District Plan is implemented in the manner intended and achieves the sustainable management purpose of the RMA.

Pamela Santos

A handwritten signature in black ink, appearing to read 'Pamela Santos', written in a cursive style.

10 September 2021

ATTACHMENT 1: FOODSTUFFS' PRIMARY SUBMISSION

20 November 2020

Submission on Porirua City Proposed District Plan

Porirua City District Council
Proposed District Plan | Environment and City Planning
PO Box 50-218
Porirua

Name of Submitter: Foodstuffs North Island Limited (“Foodstuffs”)

1. Foodstuffs makes this submission on the Porirua City Proposed District Plan (“PDP”) in accordance with Clause 6 of the First schedule of the Resource Management Act (“RMA”) 1991 as follows.
2. Foodstuffs could not gain advantage in trade competition through this submission.
3. Foodstuffs is directly affected by effects of the subject matters of the submission that –
 - a. Adversely affects the environment; and
 - b. Do not relate to trade competition or the effects of trade competition.
4. Foodstuffs wish to be heard in support of their submission.
5. If any other submitters make a similar submission, Foodstuffs will consider presenting a joint case with them at the hearing.

Overview of Foodstuffs

6. Foodstuffs North Island Limited covers the entire North Island of New Zealand. Foodstuffs is proudly 100% New Zealand owned and operated and employs more than 30,000 people nationwide. Foodstuffs is New Zealand’s largest grocery distributor, and one of the country’s largest organisations. As active members of the community, Foodstuffs strive to provide the best shopping experience possible for all customers.
7. Foodstuffs supermarket brands consist of PAK’nSAVE, New World and Four Square which operate throughout the North Island and at the national level too. Within the Porirua City district, Foodstuffs currently operate five stores and further expansion opportunities in the future are projected to serve growing communities.
8. In Foodstuffs’ experience, regional and district planning frameworks often do not properly recognise the need for businesses growth to occur, especially alongside residential growth. Given Foodstuffs’ significant past and planned further investment in New Zealand, the content



Urban & Environmental

Submission

9. Foodstuffs current store locations in the Porirua City area are given below:

Site	PDP Zone	PDP Special Features	Submission
New World Porirua City (2 Walton Leigh Ave)	City Centre Zone	Active Street Frontage – Primary frontage control Primary frontage and building line	Retain zoning as notified.
PAK'nSAVE Porirua (12 Parumoana St)	Large Format Retail Zone	Active Street Frontage – Primary frontage control	Retain zoning as notified.
Porirua Fuel (23 Parumoana St)	Large Format Retail Zone	Active Street Frontage – Primary frontage control	Retain zoning as notified.
New World Whitby (69A Discovery Dr)	Local Centre Zone	Active Street Frontage – Primary frontage control	Retain zoning as notified and remove Active Street Frontage - Primary frontage and building line control.
New World Paremata (93-97 Mana Esplanade)	Local Centre Zone	Active Street Frontage – Primary frontage control	Retain zoning as notified.

10. Foodstuffs makes the following submission points as set in **Attachment 1** overleaf.

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Foodstuffs North Island Limited
c/- David Boerson, Development Manager
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Attachment 1: The specific submission points on the Porirua City Proposed District Plan that this submission relates to are as follows.

Note ~~strikethrough~~ text represents text proposed to be deleted and **bold** text represents text proposed to be inserted.

PDP Reference	Submission / Reasons	Support/Oppose	Relief Sought
Part 1: Introduction and General Provisions			
Definitions Nesting Table	Foodstuffs supports the “Definitions Nesting Tables” approach in Part 1 of the PDP because it is a logical method for organising different land use activities in a broader term.	Support	Retain definitions nesting table as notified.
‘Large format retail activities’ nesting table	<p>Foodstuffs oppose the inclusion of “supermarkets” as a retail activity nested under the broader term of “Large format retail activities”.</p> <p>Supermarkets are individual retail outlets and have a range of store formats and sizes which are not all ‘large format’. This includes store formats referred to as “full service”, “discount”, “superette” and “metro” stores, the latter of which are relatively smaller stores.</p>	Oppose	<p>Amend the ‘large format retail activities’ nesting table to remove supermarkets, as below:</p> <p>“Large format retail activities</p> <ul style="list-style-type: none"> • Integrated retail activity • Supermarkets”
‘Retail activities’ nesting table	<p>Foodstuffs supports the approach of listing the range of activities that are considered to be ‘retail activities’ under this broad term.</p> <p>However, Foodstuffs considers that this level of specificity, and for the avoidance of doubt, should include ‘supermarkets’ as type of retail activities listed in this nested term.</p>	Support in part	<p>Amend the nested term of ‘retail activities’ to specifically include ‘large format retail activities’ or ‘supermarkets’</p> <p>“Retail activities</p> <ul style="list-style-type: none"> • Clothing and footwear • Homeware • Jewellery • Antiques, used goods and charity shops • Recreational goods and sports stores • Electrical goods • Dairies • Bakeries • Supermarkets”
‘Supermarket’ definition	Foodstuffs supports the provision of a ‘supermarket’ definition under the PDP. However, the ‘supermarket’ definition is considered to be insufficiently comprehensive and it is proposed to be replaced with the alternative definition proposed in the relief sought.	Support in part	<p>Replace the definition of ‘supermarket’ given in the PDP with the following:</p> <p>‘An individual retail outlet, which sells, primarily by way of self service, a comprehensive range of:</p> <p>a. domestic supplies, fresh food and groceries, such as:</p> <ul style="list-style-type: none"> • fresh meat and produce; • chilled, frozen, packaged, canned and bottled foodstuffs and beverages; • general housekeeping and personal goods, including (but not limited to) cooking, cleaning and washing products, kitchenwares, toilet paper, diapers and other paper tissue products, pharmaceutical, health and personal hygiene products and other toiletries, and cigarettes, magazine and newspapers, greeting cards and stationery, batteries, flashlights, light bulbs and related products; and



			<p>b. non domestic supplies and comparison goods comprising not more than 20 per cent of all products offered for sale as measured by retail floor space, including (but not limited to):</p> <ul style="list-style-type: none"> • barbecue and heating fuels; • audio visual products; • electrical appliances; • clothing and footwear; • furniture; and • office supplies.
Part 2: District-Wide Matters			
NH-P2 Hazard-Sensitive and Potentially-sensitive activities within the high hazard areas	<p>Foodstuffs supports the approach to manage development in Natural and Coastal Hazard Overlays. However, provided it is demonstrated that the relevant considerations in policy NH-P2 are satisfied, development should be allowed to proceed.</p> <p>The use of term “avoid” is considered to be unnecessarily onerous and suggests that the establishment of Hazard-Sensitive Activities and Potentially-Hazard-Sensitive Activities within the High Hazard Areas of the Natural Hazard Overlay should not occur at all.</p>	Support in part	<p>Amend policy NH-P2 to read:</p> <p>Avoid Discourage the establishment of Hazard-Sensitive Activities and Potentially-Hazard-Sensitive Activities within the High Hazard Areas of the Natural Hazard Overlay unless it can be demonstrated that:</p> <ol style="list-style-type: none"> 1. The activity has a critical operational need and functional need to locate within the High Hazard Area and locating outside the High Hazard Area is not a practicable option; 2. The activity incorporates mitigation measures that demonstrate that risk to people's life and wellbeing; and building damage is avoided; 3. People can safely evacuate the property during a natural hazard event; and 4. The risk to the activity and surrounding properties is either avoided, or is low due to site-specific factors, and/or the scale, location and design of the activity.
NH-P3 Hazard-Sensitive and Potentially-sensitive activities within the medium hazard areas	<p>Foodstuffs supports the approach to manage development in the Medium Hazard Areas of the Natural Hazard Overlay.</p> <p>However, provided it is demonstrated that the relevant considerations in policy NH-P3 are satisfied, development should be enabled.</p>	Support in part	<p>Amend policy NH-P3 to read:</p> <p>Only allow Enable Hazard-Sensitive Activities and Potentially-Hazard-Sensitive Activities within the Medium Hazard Areas of the Natural Hazard Overlay where:</p> <ol style="list-style-type: none"> 1. The activity incorporates mitigation measures that demonstrate that risk to people's lives and wellbeing, and building damage is avoided; 2. People can safely evacuate the property during a natural hazard event; and 3. The risk to adjacent properties, activities and people is not increased as a result of the activity proceeding.
Part 3: Area Specific Matters			
NCZ – Neighbourhood Centre Zone			

<p>NCZ-R3 Retail activity</p>	<p>Foodstuffs supports the permitted activity status for retail activities in the Neighbourhood Centre Zone (NCZ). However, for the reasons set out above, it is considered that explicit provision should be made for supermarkets in the NCZ.</p> <p>The zone description and objective NCZ-O1 describes the purpose of the NCZ to “service the day-to-day needs of surrounding residential neighbourhoods”. The very nature of supermarkets is to provide for the day-to-day needs of people and communities. Therefore, it is considered that supermarkets meet the purpose and intent of the NCZ. However, this has not been appropriately reflected in the rules of this zone by specifically providing for supermarkets as a permitted activity.</p>	<p>Support in part</p>	<p>Retain rule NCZ-R3 as notified and insert new rule providing for supermarkets in the NCZ as a permitted activity.</p>
<p>NCZ – S4 Active Frontages</p>	<p>Foodstuffs acknowledges the intent of the active street frontages controls but consider that they do not appropriately recognise existing development.</p> <p>It is considered that these controls should only apply to new buildings and new development only.</p>	<p>Oppose</p>	<p>Amend rules NCZ-S4 Active frontages to read as follows:</p> <ol style="list-style-type: none"> 1. All new buildings must be built up to and oriented towards the front boundary of the site. 2. At least 55% of the ground floor frontage of a new building fronting a street, pedestrian mall or other public space must be display windows or transparent glazing. 3. The principal public entrance to the new building must be located on orientated to the front boundary.
<p>NCZ-O2 Character and amenity values of the Neighbourhood Centre zone</p> <p>NCZ-P5 Built Environment</p>	<p>Foodstuffs acknowledges the following passage from the zone description and for this to be aligned with objective NCZ-O2.</p> <p>“Due to the small size and the location within residential neighbourhoods (often abutting residential sites) any non-residential activities and developments have the potential to generate adverse effects on surrounding residential areas.”</p> <p>However, it is considered that there is sufficient consideration of the operational and functional requirements for particular activities in the objectives and policies framework.</p>	<p>Support in part</p>	<p>Amend NCZ-O2 to be read as follows:</p> <p>Built development in the Neighbourhood Centre Zone:</p> <ol style="list-style-type: none"> 1. Is of low to medium density and reflects the character of the surrounding residential neighbourhood; and 2. Is well-designed, responds and contributes positively to the residential context. <p>Where preferred built form outcomes are not achieved, development needs to achieve a quality built environment by positively contributing to public open space.</p> <p>Amend NCZ-P5 Built development to be read as follows:</p> <p>Provide for built development that:</p> <ol style="list-style-type: none"> 1. Is compatible with the purpose of the Neighbourhood Centre Zone; 2. Reflects the low to medium density scale and built character of the Neighbourhood Centre Zone;

			<p>3. Is well designed and contributes to an attractive urban environment; and</p> <p>4. Is of a scale that is consistent with the anticipated character and amenity values of the surrounding residential area; and</p> <p>5. Recognise the functional and operational requirements of these activities.</p>
NCZ-S7 Screening and landscaping of service areas, outdoor storage areas and parking areas	<p>Foodstuffs supports the approach in principle to provide screening or landscaping around service, outdoor storage and parking areas to ensure that an appropriate level of inter-site amenity with adjacent sites is achieved.</p> <p>However, it is considered that the current drafting of the rule does not provide sufficient direction to clearly measure compliance or otherwise with this rule and therefore has the potential to lead to unintended consequences.</p>	Support in part	<p>Amend NCZ-S7 Screening and landscaping of service areas, outdoor storage areas and parking areas as follows:</p> <p>1. Any on-site service areas, including rubbish collection areas, and areas for the outdoor storage of goods or materials must, without preventing the provision of an entry point to the site, be fully adequately screened by a 1.8m fence or 2m landscaping buffer where they are visible from any:</p> <ul style="list-style-type: none"> a. Public road; b. Other public space; and c. Directly adjoining site zoned General Residential, Medium Density Residential, Open Space or Sport and Active Recreation. <p>2. Any on-site parking areas must be fully adequately screened by a 1.8m fence or 2m landscaping buffer from any directly adjoining site zoned General Residential, Medium Density Residential, Open Space or Sport and Active Recreation.</p>
LCZ – Local Centre Zone			
LCZ-R1 Buildings and structures, including additions and alteration	<p>Foodstuffs considers that a consistent approach and clear terminology should be adopted for the construction of new buildings and structures in the Commercial and Mixed Use Zones.</p> <p>The matters of discretion for supermarkets in LCZ-P3 also concern site layout and design considerations. It is considered that it would be appropriate to assess these matters for the construction of new buildings or structures in the LCZ itself, as opposed to the land use activity.</p>	Oppose	<p>Amend LCZ-R1 to read as below:</p> <p>“LCZ-R1 New Bbuildings and structures, including additions and alterations</p> <p>1. Activity status: Permitted</p> <p>-</p> <p>Where:</p> <ul style="list-style-type: none"> a. The gross floor area of the new building does not exceed 450m²; b. Any addition to an existing building does not result in the total gross floor area of the building exceeding 450m²; and c. Compliance is achieved with <ul style="list-style-type: none"> i. LCZ-S1; ii. LCZ-S2; iii. LCZ-S3; iv. LCZ-S4; v. LCZ-S5; vi. LCZ-S6; and vii. LCZ-S7. <p>2 1. Activity status: Restricted discretionary</p>

			<p>Where:</p> <p>a. Compliance is not achieved with LCZ-R1-1.a or LCZ-R1-1.b.</p> <p>Matters of discretion are restricted to:</p> <p>1. The matters in LCZ-P5 and LCZ-P6.</p> <p>Notification: An application under this rule is precluded from being publicly notified in accordance with section 95A of the RMA.</p> <p>3 2. Activity status: Restricted discretionary</p> <p>Where:</p> <p>a. Compliance is not achieved with LCZ-S1, LCZ-S2, LCZ-S3, LCZ-S4 LCZ-S5, LCZ-S6 or LCZ-S7.</p> <p>Matters of discretion are restricted to:</p> <p>1. The matters of discretion of any infringed standard.</p> <p>Notification:</p> <ul style="list-style-type: none"> • An application under this rule where compliance is not achieved with LCZ-S2, LCZ-S3, LCZ-S4, LCZ-S5 or LCZ-S7 is precluded from being publicly notified in accordance with section 95A of the RMA. • An application under this rule where compliance is not achieved with LCZ-S6 is precluded from being publicly or limited notified in accordance with sections 95A and 95B of the RMA.
LCZ-R12 Supermarkets	<p>Foodstuffs opposes the restricted discretionary activity status for supermarkets in the Local Centre Zone (LCZ). The zone description for the LCZ states the following, note <u>underlined</u> emphasis added:</p> <p><i>“Local Centres are medium-scale commercial centres that are located conveniently to service the needs of the surrounding residential catchment. They provide for a range of retail, commercial and community activities, and offer services, employment and living opportunities. <u>These can include supermarkets and medical centres.</u>”</i></p> <p>This zone description clearly suggests that supermarkets are provided for and anticipated</p>	Oppose	Amend the activity status for rule LCZ-R12 Supermarkets from restricted discretionary to permitted activity in the LCZ.

	within the LCZ but this is not appropriately reflected in the activity status for this activity.		
LC4-S4 Active Frontages	<p>Foodstuffs acknowledges the intent of the active street frontages controls but consider that they do not appropriately recognise existing development.</p> <p>It is considered that these controls should only apply to new buildings and new development only.</p>	Oppose	<p>Amend rule LC4-S4 Active Frontages to read as follows:</p> <ol style="list-style-type: none"> 1. Along building lines identified on the planning maps all new buildings must be built up to and oriented towards the identified building line and provide a veranda that: <ol style="list-style-type: none"> a. Extends along the entire length of the building frontage; b. Provides continuous shelter with any adjoining veranda; and c. Has a minimum setback of 500mm from any kerb face. 2. For sites with primary street-facing façade controls identified on the planning maps new buildings shall provide the following: <ol style="list-style-type: none"> a. At least 55% of the ground floor building frontage must be display windows or transparent glazing; and b. The principal public entrance to the building must be located on orientated to the front boundary. 3. For sites with secondary street-facing façade controls identified on the planning maps: <ol style="list-style-type: none"> a. For new buildings At least 35% of the ground floor building frontage for non-residential activities must be display windows or transparent glazing.
LCZ-S7 Screening and landscaping of service areas, outdoor storage areas and parking areas	<p>Foodstuffs supports the approach in principle to provide screening or landscaping around service, outdoor storage and parking areas to ensure that an appropriate level of inter-site amenity with adjacent sites is achieved.</p> <p>However, it is considered that the current drafting of the rule does not provide sufficient direction to clearly measure compliance or otherwise with this rule and therefore has the potential to lead to unintended consequences.</p>	Support in part	<p>Amend LCZ-S7 Screening and landscaping of service areas, outdoor storage areas and parking areas to be read as follows:</p> <ol style="list-style-type: none"> 1. Any on-site service area, including rubbish collection areas, and area for the outdoor storage of goods or materials must, without preventing the provision of an entry point to the site, be fully adequately screened by a 1.8m fence or 2m landscaping buffer where they are visible from any: <ol style="list-style-type: none"> a. Public road; b. Other public space; and c. Directly adjoining site zoned General Residential, Medium Density Residential, Open Space or Sport and Active Recreation. 2. Any on-site parking area must: <ol style="list-style-type: none"> a. Be fully adequately screened by a 1.8m fence or 2m landscaping from any directly adjoining site zoned General Residential, Medium Density Residential, Open Space or Sport and Active Recreation. b. Where located along a street edge, provide a landscaping strip that extends at least 1.5m from the boundary with

			<p>the road and comprise a mix of trees, shrubs and ground cover plants, without preventing the provision of an entry point to the site.</p> <p>Except that:</p> <ul style="list-style-type: none"> The landscaping requirement for on-site parking areas along a street edge does not apply to individual parking spaces for residential development, if provided.
LCZ-S1 Height, LCZ-S4 Active Street Frontages and LCZ-S7 Screening and landscaping of service areas, outdoor storage areas and parking areas – Matters of Discretion	Foodstuffs opposes the inclusion of Local Centre Zone Design Guide in the matters of discretion for these standards. These are intended to guidelines only and should not be matters of discretion or assessment criteria.	Oppose	<p>Amend matters of discretion for LCZ-S1 Height as follows:</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> The location, design and appearance of the building or structure; Any adverse effects on the streetscape; Visual dominance, shading and loss of privacy for adjoining Residential or Open Space and Recreation zoned sites; Compatibility with the anticipated scale, proportion and context of buildings, structures and activities in the surrounding area; Whether an increase in building height results from a response to natural hazard mitigation; and Consistency with the Local Centre Zone Design Guide. <p>Amend matters of discretion for LCZ-S4 Active Street Frontages as follows:</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> The amenity and quality of the streetscape; The ability to reuse and adapt the building for a variety of activities; and Consistency with the Local Centre Zone Design Guide. <p>Amend LCZ-S7 Screening and landscaping of service areas, outdoor storage areas and parking areas, as follows:</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> Any adverse effects on the streetscape; The visual amenity of adjoining Residential and Open Space and Recreation zoned sites including shading; The service, storage and parking needs of the activity; The size and location of service, storage and parking areas; and Consistency with the Local Centre Zone Design Guide.
LFRZ – Large Format Retail Zone			
LFRZ-R9 Retail activity	Foodstuffs supports the restricted discretionary activity status for retail activities in the LFRZ.	Support in part	Retain LFRZ as notified and insert new rule providing for supermarkets in the LFRZ as a permitted activity.

	However, for the reasons set out above, it is considered that explicit provision should be made for supermarkets in the LFRZ.		
LFRZ-S4 Active Street Frontages	<p>Foodstuffs acknowledges the intent of the active street frontages controls but consider that they do not appropriately recognise existing development.</p> <p>It is considered that these controls should only apply to new buildings and new development only.</p>	Oppose	<p>Amend rule LFRZ-S4 Active Frontages to be read as follows:</p> <ol style="list-style-type: none"> 1. For sites with primary street-facing façade controls identified on the planning maps, new buildings shall provide the following: <ol style="list-style-type: none"> a. At least 40% of the primary ground floor building frontage must be display windows or transparent glazing; and b. The principal public entrance to the building must be located on the front boundary. 2. For sites with secondary street-facing façade controls identified on the planning maps for new buildings at least 20% of the ground floor building frontage must be display windows or transparent glazing.
LFRZ-S6 Screening and landscaping of parking areas	<p>Foodstuffs supports the approach in principle to provide screening of parking areas to ensure that an appropriate level of inter-site amenity with adjacent sites is achieved.</p> <p>However, it is considered that the current drafting of the rule does not provide sufficient direction to clearly measure compliance or otherwise with this rule and therefore has the potential to lead to unintended consequences.</p>	Support in part	<p>Amend rule LFRZ-S6 Screening and landscaping of parking areas to be read as follows:</p> <ol style="list-style-type: none"> 1. Any on-site parking area must be fully adequately screened by a 1.8m fence or 2m landscaping from any directly adjoining site zoned General Residential Zone, Medium Density Residential Zone, Open Space Zone or Sport and Active Recreation Zone. 2. At least 5% of any ground level parking area not contained within a building must be landscaped. 3. Where a ground level parking area adjoins the street edge, a landscaping strip must be provided along the street edge, that extends at least 1.5m from the boundary with a road and comprise a mix of trees, shrubs and ground cover plants, without preventing the provision of an entry point.
LFRZ-S7 Service areas and outdoor storage	<p>Foodstuffs supports the approach in principle to provide screening or landscaping around service and outdoor storage areas to ensure that an appropriate level of inter-site amenity with adjacent sites is achieved.</p> <p>However, it is considered that the current drafting of the rule does not provide sufficient direction to clearly measure compliance or otherwise with this rule and therefore has the potential to lead to unintended consequences.</p>	Support in part	<p>Amend rule LFRZ-S7 Service areas and outdoor storage to be read as follows:</p> <ol style="list-style-type: none"> 1. Any on-site service area, including rubbish collection areas, and outdoor storage of goods or materials must, without preventing the provision of an entry point to the site, be fully adequately screened by a 1.8m fence or 2m landscaping where it is visible from any: <ol style="list-style-type: none"> a. Public road; b. Other public space; and c. Directly adjoining site zoned General Residential, Medium Density Residential, Open Space or Sport and Active Recreation.
LFRZ-S6 Screening and landscaping of parking areas and LFRZ-S7 Service areas and outdoor storage – Matters of Discretion	Foodstuffs opposes the inclusion of Large Format Retail Zone Design Guide in the matters of discretion for these standards. These are intended to	Oppose	<p>Amend matters of discretion for LFRZ-S6 Screening and landscaping of parking areas, as follows:</p> <p>Matters of discretion are restricted to:</p>

	guidelines only and should not be matters of discretion or assessment criteria.		<ol style="list-style-type: none"> 1. Any adverse effects on the streetscape; 2. The visual amenity of adjoining Residential or Open Space and Recreation sites including shading and loss of privacy; 3. The parking needs of the activity; and 4. Consistency with the Large Format Retail Zone Design Guide. <p>Amend matters of discretion for LFRZ-S7 Service areas and outdoor storage, as follows:</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. Any adverse effects on the streetscape; 2. The visual amenity of adjoining Residential or Open Space and Recreation sites including shading and loss of privacy; 3. The service and storage needs of the activity; 4. The size and location of the service and storage areas; and 5. Consistency with the Large Format Retail Zone Design Guide.
MUZ – Mixed Use Zone			
MUZ-R3 Retail activity	Foodstuffs supports the permitted activity status for retail activities in the Mixed Use Zone. However, for the reasons set out above, it is considered that explicit provision should be made for supermarkets in MUZ.	Support in part	Retain rule MUZ-R3 as notified and insert new rule in the MUZ specifically providing for supermarkets as a permitted activity.
MUZ-S6 Screening and landscaping of service areas, outdoor storage areas and parking areas	<p>Foodstuffs supports the approach in principle to provide screening or landscaping around service, outdoor storage and parking areas to ensure that an appropriate level of inter-site amenity with adjacent sites is achieved.</p> <p>However, it is considered that the current drafting of the rule does not provide sufficient direction to clearly measure compliance or otherwise with this rule and therefore has the potential to lead to unintended consequences.</p>	Support in part	<p>Amend rule MUZ-S6 Screening and landscaping of service areas, outdoor storage areas and parking areas to be read as follows:</p> <ol style="list-style-type: none"> 1. Any on-site service area, including rubbish collection areas, and area for the outdoor storage of goods or materials must, without preventing the provision of an entry point to the site, be fully adequately screened by a 1.8m fence or 2m landscaping where they are visible from any: <ol style="list-style-type: none"> a. Public road; b. Other public space; and c. Directly adjoining site zoned General Residential Zone, Medium Density Residential Zone, Open Space Zone or Sport and Active Recreation Zone. 2. Any on-site parking area must: <ol style="list-style-type: none"> a. Be fully adequately screened by a 1.8m fence or 2m landscaping from any directly adjoining site zoned General Residential, Medium Density Residential, Open Space or Sport and Active Recreation. b. If located along a street edge, provide a landscaping strip along the frontage, that extends at least 1.5m from the boundary with the road and comprise a mix of trees, shrubs and ground cover

			<p>plants without preventing the provision of an entry point to the site.</p> <p>Except that:</p> <ul style="list-style-type: none"> The landscaping requirement for on-site parking areas along a street edge does not apply to individual parking spaces for residential development, if provided.
MUZ-S1 Height, MUS-S4 Active Street Frontage, MUZ-S6 Screening and landscaping of service areas, outdoor storage areas and parking areas – Matters of Discretion	Foodstuffs opposes the inclusion of Mixed Use Zone Design Guide in the matters of discretion for these standards. These are intended to guidelines only and should not be matters of discretion or assessment criteria.	Oppose	<p>Amend matters of discretion for MUZ-S1 Height, as follows:</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> The location, design and appearance of the building or structure; Any adverse effects on the streetscape; Visual dominance, shading and loss of privacy for adjoining Residential or Open Space and Recreation zoned sites; Compatibility with the anticipated scale, proportion and context of buildings, structures and activities in the surrounding area; Whether an increase in building height results from a response to natural hazard mitigation; and Consistency with the Mixed Use Zone Design Guide. <p>Amend matters of discretion for MUS-S4 Active Street Frontage, as follows:</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> The amenity and quality of the streetscape; The ability to reuse and adapt the building for a variety of activities; and Consistency with the Mixed Use Zone Design Guide. <p>Amend matters of discretion for MUZ-S6 Screening and landscaping of service areas, outdoor storage areas and parking areas, as follows:</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> Any adverse effects on the streetscape; The visual amenity of adjoining Residential and Open Space and Recreation zoned sites including shading; The service, storage and parking needs of the activity; The size and location of service, storage and parking areas; and Consistency with the Mixed Use Zone Design Guide.
CCZ – City Centre Zone			
CCZ-R5 Retail activity	Foodstuffs support the permitted activity status for retail activities in the City Centre Zone. However, for the reasons set out above, it is considered that explicit provision should be made for supermarkets in CCZ.	Support in part	Retain rule CCZ-R5 Retail activity as notified and insert new rule in the CCZ specifically providing for supermarkets as a permitted activity.

	It is considered that supermarkets should be encouraged to locate in the City Centre Zone because this activity positively contributes to the economic viability and function of the city centre being Porirua's principal commercial, civic and community centre.		
CCZ-R15 New buildings and structures	Foodstuffs support the restricted discretionary activity status for new buildings and structures in the City Centre Zone, and the rule to preclude public notification of an application under this rule.	Support	Retain rule CCZ-R15 New buildings and structures as notified.
CCZ-R19 Ground level parking and CCZ-S5 Location of Parking	<p>Foodstuffs opposes the rules pertaining to ground level parking and the location of parking which requires the provision of on-site car parking to be located within or at the rear of the building which it serves.</p> <p>These rules do not recognise the specific operational and functional requirement of activities, such as supermarkets in particular, which have integral back-of-house and loading requirements as part of their store formats that are usually located at the rear of buildings with the main entrance then located at the front of the building. This restricts the opportunity to provide parking at the rear of the building to comply with these standards while creating functional site layouts.</p>	Oppose	Delete rule CCZ-R19 Ground level parking and standard CCZ-S5 Location of Parking.
CCZ-S2 Active Street Frontages	<p>Foodstuffs acknowledges the intent of the active street frontages controls but consider that they do not appropriately recognise existing development.</p> <p>It is considered that these controls should only apply to new buildings and new development only.</p>	Oppose	<p>Amend standard CCZ-S2 Active Street Frontages to be read as follows:</p> <ol style="list-style-type: none"> 1. Along building lines identified on the planning maps all new buildings must be built up to and oriented towards the identified building line and provide a veranda that: <ol style="list-style-type: none"> a. Extends along the entire length of the building frontage; b. Provides continuous shelter with any adjoining veranda; and c. Has a minimum setback of 500mm from any kerb face. 2. For sites with primary street-facing façade controls identified in the planning maps new buildings shall provide the following: <ol style="list-style-type: none"> a. At least 55% of the ground floor building frontage must be display windows or transparent glazing; and b. The principal public entrance to the building must be located on the front boundary. 3. For sites with secondary street-facing façade controls identified in the planning maps for new buildings at least 35% of the ground floor building frontage must be display windows or transparent glazing.

<p>CCZ Location of Parking and CCZ-S6 Service areas and outdoor storage - Matters of Discretion</p>	<p>Foodstuffs opposes the inclusion of City Centre Zone Design Guide in the matters of discretion for these standards. These are intended to guidelines only and should not be matters of discretion or assessment criteria.</p>	<p>Oppose</p>	<p>Amend matters of discretion for CCZ Location of Parking, as follows:</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. The amenity and quality of the streetscape; 2. The parking needs of the activity; and 3. Consistency with the City Centre Zone Design Guide <p>Amend matters of discretion for CCZ-S6 Service areas and outdoor storage, as follows:</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. The amenity and quality of the streetscape or public space; 2. Their service and storage needs of the activity; and 3. Consistency with the City Centre Zone Design Guide.
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ATTACHMENT 2: FOODSTUFFS' FURTHER SUBMISSION

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Urban & Environmental
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11 May 2021

Further Submission on Porirua City Proposed District Plan

Porirua City District Council
Proposed District Plan | Environment and City Planning
PO Box 50-218
Porirua

via email: dpreview@pcc.govt.nz

1.0 SUBMITTER DETAILS

Submitter Name: Foodstuffs North Island Limited

Submitter No. 122

Address for Service:

Barker & Associates Ltd
Attn: Matt Norwell
PO Box 1986
Shortland Street
Auckland 1140

Contact Number: 029 850 2780

Email: mattn@barker.co.nz

2.0 IN ACCORDANCE WITH CLAUSE 8(1) OF THE FIRST SCHEDULE OF THE RMA

I have an interest in the proposed district plan greater than the interest that the general public has because the submitter currently operates five stores within the Porirua City district and the submitter's long term aspiration is for further expansion opportunities to serve growing communities.



Urban & Environmental

3.0 ATTENDANCE AT COUNCIL HEARING

I wish to be heard (attend and speak at the Council hearing) in support of my submission.

If others make a submission, I will consider presenting a joint case with them at the hearing.

4.0 SIGNATURE OF SUBMITTER

Person authorised to sign on behalf of Foodstuffs North Island Limited.

A handwritten signature in black ink, appearing to read 'Matt Norwell', written in a cursive style.

Matt Norwell – Director
Barker & Associates Ltd

The specific submissions on the Porirua City Proposed District Plan that this further submission relates to is/are as follows:

Submission Point	Submitter name	Support	Oppose	Reasons	Relief Sought
11.34	Porirua City Council	Support in part		Foodstuffs supports the ability for appropriate development to occur within hazard areas. However, the use of term “avoid” is considered onerous and suggests that establishment of Hazard-Sensitive Activities and Potentially-Hazard-Sensitive Activities within the High Hazard Areas of the Natural Hazard Overlay should not occur at all.	Amend policy NH-P2 to remove the term “avoid” and replace this with the term “discourage” as per the relief sought in Foodstuffs’ submission.
11.35	Porirua City Council	Support in part		Foodstuffs supports the ability for appropriate development to occur within hazard areas. However, the use of term “only allow” is considered onerous and provided it is demonstrated that the relevant considerations in policy NH-P3 are satisfied, development should be enabled.	Amend policy NH-P3 to remove the term “only allow” and replace this with “enable” as per the relief sought in Foodstuffs’ submission.
120.4	Woolworths New Zealand Limited	Support		Foodstuffs supports the inclusion of the non-notification clause for public and limited notification as it relates to TR-R5 – Trip Generation as this rule is related to traffic related matters only.	Amend Rule TR-5 to include a non-notification clause for both public and limited notification.
120.4	Woolworths New Zealand Limited	Support		Foodstuffs supports the removal of TR-P1(5) matters of discretion relating to character and amenity as this is not relevant to the consideration of high trip generating use and development.	Delete matters of discretion TR-P1(5).



81.7	Kāinga Ora – Homes and Communities		Oppose	Foodstuffs opposes the extension of the City Centre Zone to replace the Large Format Zone to the north of the City Centre Zone. Rezoning this area City Centre will allow uses such as residential to be established as a permitted activity. This is not compatible with the existing uses within the area and could result in reverse sensitivity effects.	Amend the extent of the City Centre Zone to be consistent with that as shown on the planning maps in the Proposed District Plan.
81.2	Kāinga Ora – Homes and Communities		Oppose	Foodstuffs opposes the inclusion of a height variation control to enable at least 6+ storeys. The 12m height limit is appropriate for the Local Centre Zone and provides a better transition for the adjoining Sports and Active Recreation Zone and Medium Density Residential Zone where an 8m height limit and 11m height limit is provided for respectively.	Retain Local Centre Zone with no additional height variation control as shown on the planning maps in the Proposed District Plan.