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**BEFORE THE WHANGĀREI DISTRICT COUNCIL HEARING PANEL**

**UNDER**

The Resource Management Act 1991

**IN THE MATTER OF**

of Proposed Urban & Services Plan  
Change Package ("Plan Changes") to  
the Whangārei District Plan ("District  
Plan").

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**SUMMARY STATEMENT OF PLANNING EVIDENCE OF MATTHEW FORBES  
NORWELL AND STACEY KRISTAL SHARP**

**ON BEHALF OF FOODSTUFFS NORTH ISLAND LIMITED**

**4 DECEMBER 2019**

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## 1. INTRODUCTION

- 1.1 My name is Stacey Sharp and this is Matthew Norwell. We are planning consultants at Barker & Associates, an independent planning consultancy that has been engaged to make submissions, further submissions, and now to prepare and present evidence on Whangarei District Council's Proposed Urban & Services Plan Changes (**U&S Plan Changes**) on behalf of Foodstuffs North Island Ltd (**Foodstuffs**). Our qualifications and experience are contained in paragraphs 1.1 – 1.3 of our evidence.
- 1.2 Barker & Associates has been involved in the development of a number of chapters of the U&S Plan Changes on behalf of the Council, including the Airport, Hospital, and Port Special Purpose Zones, Signs and Lighting. We reiterate that none of Foodstuffs' submissions or further submissions relate to these topics. We have no conflict of interest to declare.
- 1.3 Foodstuffs currently operates three established supermarkets within Whangarei's urban area; New World Regent on Bank Street, New World Onerahi on Onerahi Road, and the Whangarei PAK'N'SAVE on the corner of Walton Street and Dent Street. There are aerial images and zoning maps provided on pages 1 – 5 of Attachment 1 of our evidence, being Foodstuffs primary submission. The two New World sites are proposed to be rezoned Local Centre Zone and the PAK'N'SAVE site is proposed to be rezoned Mixed Use Zone under the U&S Plan Changes. In addition to those established sites, Foodstuffs also retains an interest in the various commercial zones of the district with regards to future development opportunities.
- 1.4 With regards to the U&S Plan Changes, the majority of the matters raised in Foodstuffs' submissions have since been resolved through the recommendations of the reporting planners within their s42A Reports. A list of these points has been provided within Attachment 3 of our primary evidence.
- 1.5 However, a number of isolated matters remain in dispute. This summary speaks to those matters, which include:
- (a) Supermarkets within the Local Centre Zone;
  - (b) Floor area restrictions and residential amenity controls within the Mixed Use Zone;
  - (c) Urban design requirements; and

- (d) Conflicts between road boundary setbacks.

## 2. SUMMARY OF EVIDENCE

### ***Supermarkets Within the Local Centre Zone***

- 2.1 For the reasons stated within paragraphs 3.3 and 3.4 of our primary evidence, we support Mr Cook's recommendations to remove the reference to supermarkets from policy LC-P10 relating to avoiding adverse effects on the Shopping Centre Zone from large scale commercial and retail activities.
- 2.2 However, instead of removing the reference to supermarkets from the policy, we consider rewording the policy to specifically exclude supermarkets would accurately capture Council's intent here. In addition, the amended wording would avoid any unintended consenting complication as a result of supermarkets being grouped under the Commercial Activity nesting tables.
- 2.3 Recommended amended wording for LC-P10 is provided within paragraph 3.5 of our evidence.

### ***Floor Area Restrictions on Supermarkets Within the Mixed Use Zone***

- 2.4 Paragraphs 3.6 – 3.10 of our primary evidence has addressed Council's recommendation to retain the floor area restrictions for supermarkets located within the Mixed Use Zone – rule MU-R12.
- 2.5 The reasons provided within both the s32 and s42A reports for imposing floor area restrictions on supermarkets appear to be predominantly focused around managing the adverse economic effects of these activities.
- 2.6 Following a review of Council's own economic evidence provided by Mr Foy, we consider his conclusions regarding these matters to be clear and definitive. These have been quoted within paragraph 3.9 of our evidence.
- 2.7 We reiterate that based on Mr Foy's evidence, we do not agree with Council's recommendation that it is necessary from an economic effects perspective to impose floor area restrictions on supermarkets within the Mixed Use Zone. Accordingly, we recommend these are removed and supermarkets retain a permitted activity status within the Mixed Use Zone.

### ***Residential Amenity Controls Within the Mixed Use Zone***

- 2.8 Foodstuffs supported Clarkes Ltd primary submission<sup>1</sup> requesting that the objective MUZ-O2 be reframed to require activities which would materially detract from residential amenity to be 'managed' or 'discouraged' as oppose to being 'avoided'.
- 2.9 While the requirement to avoid may be appropriate within a residential zone, this is a mixed use environment, providing for a wide range of activities. While it is acknowledged that the provisions of the MU Zone seek to facilitate a change in the amenity values of the area and encourage residential development, we agree that a management approach in this instance is more appropriate.

### ***Urban Design Requirements***

- 2.10 As detailed within paragraphs 3.16 – 3.21 of our evidence, Foodstuffs requested the deletion of the urban design provisions LC-O3 and LC-P2<sup>2</sup>. Mr Cook has recommended that these provisions be retained, but has instead recommended changes to the rules of the Local Centre Zone to better provide for supermarkets within these areas<sup>3</sup>.
- 2.11 While we support Mr Cook's recommended amendments to these rules, we recommend further amendments to policy LC-P2 to ensure that this intent is accurately captured and the policy framework for the zone provides sufficient guidance for assessing resource consent applications.
- 2.12 In paragraph 3.21 of our evidence, we provide recommended wording for policy LC-P2. This wording has been adopted from the Business – Mixed Use Zone of the Auckland Unitary Plan.<sup>4</sup> Should Council have concerns that the wording of this addition may have wider implications than solely providing for supermarket activities, we suggest the addition could be further amended as follows:

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<sup>1</sup> Foodstuffs supported Clarkes Ltd primary submission (227.5) – further submission X338.10.

<sup>2</sup> Foodstuffs primary submissions 225.4 and 22.5.

<sup>3</sup> Including excluding supermarkets from mandatory road boundary setbacks (LCZ-R3), building frontage (LCZ-R6), car parking (LCZ-R12) and NFA requirements (LCZ-R15).

<sup>4</sup> Business – Mixed Use Zone policy H13.3.12.

*“Recognise the function and operational requirements of ~~activities and development~~ grocery stores.”*

- 2.13 In paragraphs 3.22 – 3.26 of our evidence we address Foodstuffs request to delete rule MU-R29 relating to car parks locating between the building frontage and road boundary within the Mixed Use zone. Ms Brownie has recommended rejecting the submission stating that the rule aims to create a pedestrian-centric environment with safe and walkable frontages.
- 2.14 Supermarkets are, subject to our earlier points regarding floor area restrictions, provided for as permitted activities within the Mixed Use zone, and remain subject to a number of other controls that seek to encourage walkability.<sup>5</sup>
- 2.15 While we acknowledge that walkability is a key outcome for the Mixed Use zone, the functional and operational requirements of these activities need to be provided for. Especially since non-compliance with MU-R29 requires resource consent for a non-complying activity.
- 2.16 This issue has been similarly addressed within the Local Centre Zone, in which Mr Cook has recommended that grocery stores be exempt from the respective rule within the Local Centre Zone, LCZ-R12. Given the similarities in intended development outcomes between these two areas (with regards to walkability and creating a pedestrian centric environment) and for consistency purposes, we consider it appropriate that the same exemption be applied to rule MUZ-R29.
- 2.17 Paragraph 3.27 – 3.29 of our evidence addresses the mandatory requirement for an urban design assessment to accompany any resource consent application within the Shopping Centre zone.
- 2.18 In our experience, the provision of an urban design assessment, if required for even a marginal non-compliance with the Shopping Centre Zone standards can add significant costs to a development, particularly for large scale developments such as supermarkets.
- 2.19 We consider the objectives and policies of the Shopping Centre Zone clearly highlight urban design as a key consideration for any resource consent application.

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<sup>5</sup> Including building setback restrictions and controls on vehicle crossings and any stand-alone car parking facilities.

As such, we believe that it is more appropriate in this instance for Council to exercise their right to request specialist urban design assessment on a case-by-case basis, if and when necessary and subsequently recommend information requirement SCZ-REQ1 is deleted.

***Transport – Conflicts Between SRPA’s Setbacks and Zone-Specific Setbacks***

- 2.20 Paragraphs 3.30 – 3.33 of our evidence addresses the conflicts between the Strategic Road Protection Area and Indicative Road boundary setbacks and those contained within the zones that seek to provide for active building frontages.
- 2.21 In a number of locations, including the New World Regent and PAK’N’SAVE sites, there is no way to comply with both zone and TRA-R9 setback requirements at the same time, requiring resource consent in every instance.
- 2.22 The Strategic Road Protection Area and Indicative Road building line restrictions have been reviewed as part of the plan change process and confirmed as appropriate. As such, while it is acknowledged that urban design is key consideration throughout the proposed zone chapters, we consider that protecting the transport network for future growth is an appropriate exception to these urban design requirements.

**3. SUMMARY & CONCLUSION**

- 3.1 Overall, it is our opinion that the recommendations of Council supported by Foodstuffs, and the further amendments outlined in our evidence are the most appropriate methods for achieving the purpose of the Act and the higher order objectives of the WDP and the U&S Plan Changes. We are happy to take any questions you may have.



**Matthew Norwell**



**Stacey Sharp**

**4 December 2019**