

Submission on the Hutt City Proposed District Plan



To: Hutt City Council (“Council”)
district.plan@huttcity.govt.nz

Submitter: Foodstuffs North Island (“FSNI”)

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INTRODUCTION

1. This is a submission on the Hutt City Proposed District Plan (“PDP”) in accordance with clause 6(1) of the first schedule of the Resource Management Act (“RMA”) 1991.
2. This submission relates to specific provisions as listed in the attached document and those related provisions of the PDP. The reasons are provided in the attached document.
3. The submitter, FSNI, could not gain an advantage in trade competition through this submission.
4. FSNI wishes to be heard in support of this submission.
5. FSNI would consider presenting a joint case with any other party seeking similar relief.

FSNI’S LANDHOLDINGS AND OPERATIONAL CONTEXT

6. FSNI is New Zealand’s largest grocery retailer with 330 stores across the North Island and serving over 2.7 million New Zealanders every week. Foodstuffs is proudly 100% New Zealand owned and operated and employs more than 30,000 people nationwide. As active members of the community, FSNI strive to provide the best shopping experience possible for all customers.
7. Foodstuffs supermarket brands consist of New World, Pak’n Save, Four Square and Gilmours which operate throughout the North Island and also at the national level. Within Lower Hutt, FSNI currently operate two New Worlds, two Pak’n Saves and one Gilmours store at the following locations:

- New World Hutt City – Bloomfield Terrace / 43 Waterloo Road

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Kerikeri | Whangārei | Warkworth | Auckland | Hamilton | Cambridge | Tauranga | Napier | Wellington | Christchurch | Queenstown | Wānaka

- New World Stokes Valley – Evans Street
 - Pak ‘n Save Petone – 114/124 Jackson Street
 - Pak ‘n Save Lower Hutt – 20 Brunswick Street
 - Gilmours Wellington – 33 Bouverie Street
8. Further expansion opportunities in the future are projected to serve growing communities.
9. In FSNI’s experience, regional and district planning frameworks often do not properly recognise the need for businesses growth to occur, especially alongside residential growth. Given FSNI’s significant past and planned further investment in New Zealand, the content of these and any future District Plan provisions will be integral to the continuing operation and development of FSNI in Lower Hutt.

SUBMISSION

10. FSNI makes a number of PDP submission points as set in **Attachment 1**.
11. FSNI current store locations in the Hutt City area are given in **Attachment 2** with related submission points.
12. FSNI seeks all such consequential relief required to give effect to the relief sought in Attachments 1 and 2.
13. For the Proposed Plan provisions not addressed in this submission, FSNI either agrees with, or is indifferent to, the Proposed Plan provisions as written in their present form. Should the drafting subsequently change, FSNI reserves its ability to file a further submission or provide further comment on those changes.

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Attachment 1: The specific submission points on the Hutt City Proposed District Plan that this submission relates to are as follows.

Note ~~strike through~~ text represents text proposed to be deleted and ***bold italic*** text represents text proposed to be inserted.

PDP Reference	Submission / Reasons	Support / Oppose	Relief Sought
Part 1: Introduction and General Provisions			
Definitions	<p>The PDP contains a number of definitions that FSNI supermarkets will fall under being:</p> <ul style="list-style-type: none"> • Supermarket • Grocery Store • Commercial activity <p>FSNI supports these Definitions in part, however, does not see a reason in the PDP for including grocery store and supermarket separately.</p> <p>Wholesale activities, such as Gilmours, are not captured within the definitions.</p> <p>Large format retail is referred to within the PDP but not included within the definitions.</p> <p>It would be beneficial for the PDP to include a nesting table on the hierarchy of activities because would provide a logical method for organising different land use activities in a broader term.</p>	Support in part	<p>It would be simpler to refer to the floor areas within the rules rather than the definitions and not have grocery store and supermarket defined separately.</p> <p>Include a definition for wholesale activities:</p> <p><i>means a business engaged in the storage and distribution of goods to businesses (including retail activities) and institutional customers.</i></p> <p>Include a definition for large format retail.</p> <p>Include nesting table.</p>
Part 2: District-Wide Matters - Transport			
<p>Rule: TR-R3</p> <p>City Centre Zone</p> <p>Metropolitan Centre Zone</p>	<p>Rule TR-R3.1.a refers to the ‘High trip generating activity thresholds’ stated in Table 8. For grocery stores and supermarkets in City Centre Zone and Metropolitan Centre Zone there is no high trip generating activity threshold which is supported by FSNI.</p> <p>However under Rule TR-R3.1.b, where the activities are located in the City Centre Zone and Metropolitan Centre Zone, these activities are permitted only if no more than 10 on-site motor vehicle parking spaces are provided for the activity.</p> <p>Retail activities such as supermarkets generally seek to provide on-site customer car parking for more than 10 vehicles, while also encouraging other sustainable transport modes. Rule TR-R3.1.b will mean that carparking for supermarkets in the City and Metropolitan Centre zones need resource consent as a Restricted Discretionary activity and require an Integrated Transport Assessment.</p> <p>FSNI does not oppose this but seeks to ensure that the matters of discretion are appropriate, include recognition of operational and functional needs thereby recognising that supermarkets should be</p>	Support in part, oppose in part	<p>FSNI seeks to have the matters of discretion under TR-R3.2 amended as follows:</p> <p><i>Matters of discretion are restricted to:</i></p> <ol style="list-style-type: none"> 1. The extent that the development provides for active and public transport modes. 2. Positive effects on facilitating the uptake of active and public transport modes where in relation to any matter specified in TR-P7: Positive effects. 3. <i>The operational and functional needs of the activity to exceed the high trip generation threshold.</i> 4. Effects on the capacity, safety, efficiency, and multi-modal function of the transport network. 5. Whether safe and effective access can be provided and maintained for emergency service vehicles to the site and within the transport network. 6. The design of transport facilities and their integration with the transport network. 7. Whether any improvements to the transport network are proposed or required as a <i>direct</i> result of the <i>proposed</i> activity, and a financial contribution has been made in accordance with the provisions of the Financial Contributions chapter. 8. The transport needs of activities on the site. 9. Any cumulative adverse effects.

	supported for the positive contribution they make to the viability and function of these centres. FSNI oppose reference to a financial contribution within the matters of discretion for the reasons detailed in Part 2 below.		
Local Centre Zone Neighbourhood Centre Zone Mixed Use Zone	For the Local Centre Zone, Neighbourhood Centre Zone, and Mixed Use Zone the high trip generating activity threshold for supermarkets is 300m ² GFA. This threshold is low for most supermarket activities, and it is recommended that this is increased to recognise the operational demands of these activities.		FSNI seeks to increase the high trip generating activity threshold for supermarkets in the Local Centre Zone, Neighbourhood Centre Zone, and Mixed Use Zone to 1500m ² .
General Industrial Zone	Wholesale retail activities are not included within Table 8. These should be included within Table 8 with no threshold to recognise the operational demands of these activities.	Oppose in part	FSNI seeks to include Wholesale retail activities within Table 8 with no threshold for all zones.
Part 2: District-Wide Matters – General District Wide Matters - Earthworks			
Earthworks EW-S1	FSNI opposes the proposed maximum of 500m ² of earthworks for commercial and industrial zones. This limit does not reflect the generally larger scale of sites and required earthworks to enable commercial and industrial activities.	Oppose	FSNI seeks to enable a larger volume of earthworks as a permitted activity within commercial and industrial zones, up to 3,000m ² per site, per 12-month period. FSNI seeks that EW-S1.2 is amended as follows: 1. The area of earthworks must not exceed 3000m² 500m ² per site in any 12-month period.
Part 2: District-Wide Matters – General District Wide Matters – Financial Contributions			
Financial Contributions FC	FSNI consider that the Financial Contributions chapter does not provide sufficient guidance as to how/when Financial Contributions would be required by Council. This leaves the discretion to Council and has the potential to disincentivise development. Further, this is in direct conflict with s108(10)(b) of the RMA as the level of contribution is not clearly determined in the PDP.	Oppose	FSNI seeks that the Financial Contributions chapter be removed, or at the least amended to reduce discretion and provide clearer guidance for council and developers.
Part 3: Area Specific Matters – Policies			
Potentially Incompatible Activities City Centre Zone - CCZ-P3	FSNI is opposed to all ground level car parking (on sites subject to Active Street Frontage Overlay) being considered as a potentially incompatible activity in the Metropolitan and City Centre zones. The policy seeks to protect adverse effects on amenity and vitality therefore if the car parking is not visible then this policy should not apply.	Oppose	FSNI is opposed to the Active Street Frontage Overlay in its entirety on their sites and the related rules and standards (as noted below). As CCZ-P3 and MCZ-P3 both relate to the Active Street Frontage Overlay, if these overlays are not removed, FSNI reserves their right to seek relief with respect to these policies in their evidence.
Metropolitan Centre Zone - MCZ-P3	Retail activities such as supermarkets generally seek to provide on-site customer car parking. This policy will act as a deterrent to development in these commercial zones.		

Part 3: Area Specific Matters – General Industrial Zone			
<p>Construction of new buildings and structures and alterations and additions to existing buildings and structures</p> <p>GIZ-S5</p>	<p>Under Rule GIZ-R3, the construction of new buildings and structures and alterations and additions to existing buildings and structures is a permitted activity where:</p> <ol style="list-style-type: none"> Compliance is achieved with: Standards GIZ-S1 to GIZ-S5. The new buildings, the new structures, the alterations, or the additions, are for the purpose of an activity permitted by one or more of rules GIZ-R4 through GIZ-R17, or a heavy industrial activity. <p>Standard GIZ-S5 relates to landscaping and screening adjacent to the Industrial Main Through Route Frontage Overlay. It is considered that these controls should apply to new buildings and new development only and the requirements should be adjusted such that they do not apply in the case of small change/addition to a building/site but rather only in a substantial redevelopment of a site.</p>	Oppose in part	<p>FSNI seeks that GIZ-S5 is amended as follows:</p> <ol style="list-style-type: none"> <i>On any site subject to an Industrial Main Through Route Frontage Overlay, any new buildings shall provide the following:</i> Landscaping is required on the front 3 metres of any site fronting on to a street with the Industrial Main Through Route Frontage Overlay. Landscaping is required on a 3 metre buffer on any boundary with an adjoining site in the Residential Zone, Rural Zone, Mixed Use Zone, Marae Zone, or Open Space and Recreation Zone, unless the site is screened with a solid or close-boarded fully opaque fence on the boundary of at least 1.8m in height above ground level. Landscaping required by this standard must: <ol style="list-style-type: none"> Extend across the full width, except for vehicle accesses connecting to a legal vehicle crossing, and pedestrian walkways, Include at least one tree per 15 metres of frontage or boundary (as relevant), and Those trees must have a minimum stem diameter of 40mm at the time of planting and be capable of reaching a height of at least 5 metres at maturity. <p>Matters of discretion if the standard is breached:</p> <ol style="list-style-type: none"> Visual amenity from the road subject to the Industrial Main Through Route Frontage Overlay or the adjoining site, as relevant. Urban design outcomes 1, 2, and 6 in GIZ-P9: Urban design outcomes (by meeting standard or assessment), and the exclusions in GIZ-P11. Any positive effects that can only be achieved through non-compliance with the standard.
GIZ-R3	<p>GIZ-R3.1.b does not account for additions and alterations to buildings that relate to existing activities thereby requiring a resource consent for any additions or alterations for an existing building with an established use. This rule should be updated to recognise existing uses.</p>	Oppose in part	<p>FSNI seeks that GIZ-R3 is amended as follows:</p> <p>Where:</p> <ol style="list-style-type: none"> Compliance is achieved with: <ol style="list-style-type: none"> GIZ-S1: Height, GIZ-S2: Height in relation to boundary – Adjoining zones, GIZ-S3: Setbacks – Adjoining zones, GIZ-S4: Overlooking – Adjoining zones, and GIZ-S5: Landscaping and screening, and <p>The new buildings, the new structures, the alterations, or the additions, are for the purpose of an activity permitted by one or more of rules GIZ-R4 through GIZ-R17, or a heavy industrial activity, or for an existing activity on the site.</p>

Land Use Activities	<p>Permitted Land Use Activities are provided in Rules GIZ-R4 to R17. FSNI considers that Wholesale Activities (as per the definition requested earlier in this submission) should be provided for as a permitted activity.</p> <p>Wholesale activities are consistent with the purpose of the General Industrial Zone and are compatible with the adverse effects generated from industrial activities. Furthermore, they are typically of a scale that is consistent with industrial activity and will not undermine the hierarchy of Centres.</p>	Amend	FSNI seeks that Wholesale Activities is provided for as a permitted activity in the General Industrial Zone.		
Part 3: Area-Specific Matters - Standards					
<p>Active Frontages</p> <p>City Centre Zone - CCZ-S4</p> <p>City Centre Zone - CCZ-S5</p>	<p>In FSNI’s experience, centres and commercial areas have a mixture of street typologies. Most have at least one main shopping street and while it can be appropriate that these streets have high levels of activation, there are secondary frontages or streets are less important retail streets and have lower levels of pedestrian activity.</p>	Oppose	<p>Remove the Active Street Frontage Overlay in its entirety on FSNI’s sites.</p> <p>If these overlays are not removed, FSNI also reserves their right to seek relief with respect to CCZ-S4, CCZ-S5, MCZ-S4, LCZ-S4, MCZ-S5 and LCZ-S5 in their evidence, particularly with respect to the lack of reconciliation of existing development and alterations/additions to a building/site.</p>		
<p>Active Frontages - Building and structures</p> <p>Metropolitan Centre Zone - MCZ-S4</p> <p>Local Centre Zone - LCZ-S4</p> <p>Metropolitan Centre Zone - MCZ-S5</p> <p>Local Centre Zone - LCZ-S5</p>	<p>FSNI is opposed to the Active Street Frontage Overlay in its entirety on their sites and these related standards. FSNI reserves their right to seek amendments to these standards in their evidence, particularly with respect to the lack of reconciliation of existing development and alterations/additions to a building/site.</p>				
Part 3: Area-Specific Matters - Rules					
<p>Carparking Activities</p> <p>City Centre Zone - CCZ-R18</p> <p>Metropolitan Centre Zone - MCZ-R18</p> <p>Local Centre Zone - LCZ-R13</p> <p>Neighbourhood Centre Zone - NCZ-R13</p>	<p>FSNI opposes the rules pertaining to carparking activities which does not make it clear whether the reconfiguration of an existing carpark requires resource consent. Reconfiguration of an existing carpark within the same area of the site, including where that reconfiguration results in a change to the type and/or number of parking or loading spaces provided should be provided for as permitted activities.</p> <p>Accessible parking and electric vehicle charging spaces should also be provided for as permitted activities.</p> <p>FSNI is opposed to the Active Street Frontage Overlay in its entirety on their sites, therefore rules that reference this overlay are also opposed.</p>			Oppose	<p>FSNI seeks that CCZ-R18, MCZ-R18, LCZ-R13 and NCZ-R13 should provide for reconfiguration of an existing carpark, accessible parking and electric vehicle charging spaces as permitted activities. Suggested additional wording to the rules:</p> <ul style="list-style-type: none">x. The carparking is the reconfiguration of an existing carpark area (including where that reconfiguration results in a change to the type and/or number of parking or loading spaces provided) within the existing site boundary, provided that the existing carpark area within the site is not expanded; orx. The parking spaces are for accessible parking or electric vehicle charging. <p>Furthermore, as CCZ-R18, MCZ-R18, LCZ-R13 and NCZ-R13 make reference to the Active Street Frontage Overlay within the rules, FSNI reserves their right to seek further relief with respect to these rules in their evidence.</p>

Part 3: Area-Specific Matters - Standards			
<p>Location and design of carparking</p> <p>City Centre Zone - CCZ-S8</p> <p>Metropolitan Centre Zone - MCZ-S8</p> <p>Local Centre Zone - LCZ-S8</p>	<p>FSNI opposes the standards pertaining to carparking activities and the location of parking which requires the provision of on-site car parking to be located within, underneath, on top of, 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> <p>FSNI considers that if the car parking is not visible then this should be a permitted activity.</p> <p>FSNI is opposed to the Active Street Frontage Overlay in its entirety on their sites, therefore standards that reference this overlay are also opposed.</p>	<p>Oppose</p>	<p>FSNI seeks that CZ-S8, MCZ-S8 and LCZ-S8 should provide for car parking that is not visible from the street frontage as a permitted activity. Suggested additional wording to the standards:</p> <p><i>or otherwise not visible at the street edge or public space</i></p> <p>Furthermore, as CZ-S8, MCZ-S8 and LCZ-S8 make reference to the Active Street Frontage Overlay within the standards, FSNI reserves their right to seek further relief with respect to these standards in their evidence.</p>

Attachment 2: FSNi current store locations in the Hutt City area and related submission points:

Site	PDP Zone	Support / Oppose	Relief Sought
Pak 'n Save Petone 114/124 Jackson Street	Metropolitan Centre Zone	<ul style="list-style-type: none"> • Support zoning • Support supermarket as permitted activity • Oppose Active Street Frontage overlay 	<ul style="list-style-type: none"> • Retain zoning as notified • Remove Active Street Frontage B from the site • Remove Active Street Frontage C from the site
Pak 'n Save Lower Hutt 20 Brunswick Street	City Centre Zone	<ul style="list-style-type: none"> • Support zoning • Support supermarket as permitted activity • Oppose Active Street Frontage overlay 	<ul style="list-style-type: none"> • Retain zoning as notified • Remove Active Street Frontage C from the site
New World Hutt City Bloomfield Terrace / 43 Waterloo Road	City Centre Zone	<ul style="list-style-type: none"> • Support zoning • Support supermarket as permitted activity • Oppose Active Street Frontage overlay 	<ul style="list-style-type: none"> • Retain zoning as notified • Remove Active Street Frontage C from this site
New World Stokes Valley Evans Street	Local Centre Zone	<ul style="list-style-type: none"> • Support zoning • Support supermarket as permitted activity • Oppose Active Street Frontage overlay 	<ul style="list-style-type: none"> • Retain zoning as notified • Remove Active Street Frontage B from the site
Gilmours Wellington 33 Bouverie Street, Petone	General Industrial Zone	<ul style="list-style-type: none"> • Support zoning 	<ul style="list-style-type: none"> • Retain zoning as notified