

My evidence addressed six key matters, which I can combine into three key topics for the purposes of this summary:

- Carparking activities in the Commercial and Mixed-Use Zones.
- Active Street Frontage Overlays in the Commercial and Mixed-Use Zones.
- Existing activities in the General Industrial Zone.

### ***General Industrial Zone***

For existing activities in the General Industrial Zone, I agree with Mr Davis's recommendation in the s42A report regarding landscaping and screening to include "for new buildings only" in Standard GIZ-S5 (s42A, Para 432).

Rule GIZ-R3 (include existing use): I still consider that it would be better to recognise existing uses along with permitted uses in this rule, I have reflected on Mr Davis's comments in the rebuttal and agree that the situation is unlikely to arise where consent would not otherwise be required in this case. While I don't necessarily agree that the fact consent is already required is a sufficient reason to suggest that consent can also be required on another matter, I am happy not to pursue this further.

### **Commercial and Mixed-Use Zones**

My outstanding concerns relate to some fine-tuning to provide clarity for plan-users going forward. In particular, looking at how these provisions play out in real life as to how the rules would be interpreted for a typical proposal.

#### ***Carparking activities***

The main point I want to make is the rules as proposed leave uncertainty that could will result in an inefficient, unclear planning framework that potentially requires simple resource consents for what is essentially a functional and operational necessity.

Evidence Paragraph 8.1 onward (jumps back to 6.1 on page 7):

*In practice, most established sites, contain at-grade carparking extending across a substantial portion of the frontage. (Para '6.4')*

I agree that this does not necessarily contribute to a positive active street frontage, but the concern here is whether the rules as proposed will result in an inefficient, unclear planning framework that potentially requires simple resource consents for what is essentially a functional and operational necessity.

s42A Report at Paragraph 265:

*the rule is already clear that it does cover the reconfiguration of existing parking areas, as a permitted activity subject to standards.*

I suppose this is true, as with any permitted activity subject to standards, but in this case, the standards are unachievable in the context of an existing supermarket in which the carparking is typically at the front of the site, in front of the building. In this context: I see no reliable permitted activity pathway in Rules

CCZ-R18 and MCZ-R18 for the reconfiguration of existing parking on sites subject to an Active Street Frontage overlay.

S42A Paragraph 265 also indicates that existing use rights can be relied upon...

In my experience around the country, where anything changes (carparking, signage, landscaping), councils are hesitant to agree to existing use rights. There is a level of assessment and sometimes expert advice required to demonstrate that existing use rights apply, and that the effects of the use are the same or similar in character, intensity, and scale to those which existed before.

The example I have used at Evidence Paragraph 6.5 (Page 7):

*a click and collect facility at an existing store, this will often involve reconfiguring existing parking spaces to provide dedicated click and collect spaces closer to the building, altering only the layout and number of parking spaces within the existing parking area.*

Evidence Paragraph 6.7:

*The combined effect of the standards and policy framework is that there is, in practical terms, no reliable permitted activity pathway for the reconfiguration of existing carparking on many sites, including those subject to Overlay C. Instead, routine and operationally necessary modifications are captured by the resource consent process.*

More concerning... Evidence Paragraph 6.8:

*The policy framework does not readily support applications for the reconfiguration of existing carparking, even where those changes are effects-neutral and confined within the existing footprint.*

This is highlighted in Paragraph 265 of the s42A report which says that requiring a resource consent enables council to consider the activity against CCZ/MCZ-P5 which encourages the replacement of activities incompatible with the purpose of the zone. (Referred to at Evidence Para 8.3, 6.8)

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:

- 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; or
- x. The parking spaces are for accessible parking or electric vehicle charging.

**Figure 1. As per FSNI Submission**

Overall, Evidence Paragraph 6.9

*...there remains a disconnect between the rule framework and the practical realities of existing development. In my view, this results in an inefficient and uncertain planning framework that does not appropriately provide for the ongoing use and functional improvement of established uses within the existing site envelope.*

## Active Street Frontage Overlays in the Commercial and Mixed-Use Zones

Evidence Paragraph 9.1, onward:

*I acknowledge the intent of the Active Street Frontage provisions in promoting active and engaging street edges. However, I consider that the provisions do not adequately recognise the constraints of existing development, nor distinguish between minor changes and comprehensive redevelopment.*

The amendments recommended to these provisions, at Para 230 of the s42A report and 6.4 of the Rebuttal go some way in accounting for existing development.

**1. Activity status:** Permitted

Where:

a. ~~For additions, compliance is achieved with, and for alterations, compliance is either achieved with or existing non-compliances are not worsened for~~ [the standards]

b. For buildings, the external building form of the existing building remains unchanged, and

c. The alterations or additions are not visible from public spaces, ~~or are purely internal alterations.~~

...

c. ~~The alterations or a~~dditions are not visible from public spaces, or are purely internal alterations.

**Figure 2. Para 6.4, Rebuttal**

**Figure 3. Para 230, s42A**

Evidence Paragraph 9.5, 9.6

*In my view, these changes do not fully resolve the issues identified.*

*The core issue remains that, as currently drafted, the rules require compliance with these standards for additions, regardless of scale. As set out above, this means that even minor or operational changes can trigger non-compliance and require resource consent, despite not materially changing the existing frontage condition.*