Before the Hearings Panel
At Waimakariri District Council

Under	Schedule 1 of the Resource Management Act 1991
In the matter of	the Proposed Waimakariri District Plan
Between	**Various**
	Submitters
And	**Waimakariri District Council**
	Respondent

Council Officer's Preliminary Response to written questions on the Commercial and Mixed-Use Zones on behalf of the Waimakariri District Council

Date: 25 January 2024

INTRODUCTION:

1 My full name is Andrew Peter Willis. I am a planning consultant engaged by the Council to support the development of the commercial and mixed-use zone chapters.

2 The purpose of this document is to respond to the list of questions published from the Hearings Panel in response to my s42A report. In preparing these responses I note that I have not had the benefit of hearing evidence presented to the Panel at the hearing. For this reason, my response to the questions may alter through the course of the hearing and after consideration of any additional matters raised.

3 Given the economics focussed nature of some of the questions, I asked Mr Foy to provide advice. Where I have been informed by Mr Foy's advice I have noted this in my response. To keep this response succinct I have not provided Mr Foy's advice as an Appendix, but could provide it on request attached to my Right of Reply report.

4 Following the conclusion of this hearing, a final Right of Reply report will be prepared outlining any changes to my recommendations as a result of evidence presented at the hearing and in response to these questions, and a complete set of any additions or amendments relevant to the matters covered in my s42A report.

5 I am authorised to provide this evidence on behalf of the Council.

Date: 25 January 2024

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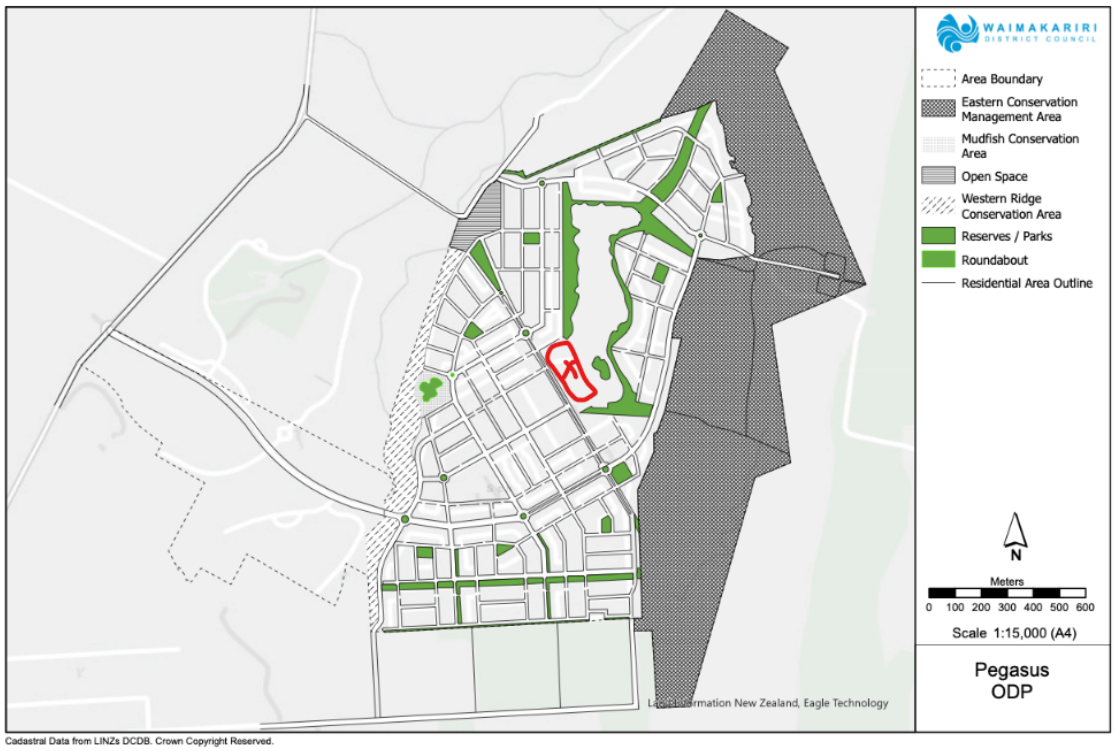
Paragraph or Plan reference	Question
Para 61	Kāinga Ora's submissions on height in relation to boundary, is that it be amended as follows: "1. Where an internal boundary adjoins Residential Zones, Rural Zones, or Open Space and Recreation Zones, the height in relation to boundary for the adjoining zone shall apply., ~~and where specified, structures shall not project beyond a building envelope defined by recession planes measuring 2.5m from ground level above any site boundary in accordance with the diagrams in Appendix APP3.~~" Q: You have rejected that because you consider the rule is clear and is consistent with other rules, but is there not some duplication in the notified version and could the deletion of the following achieve the same purpose? "1. Where an internal boundary adjoins Residential Zones, Rural Zones, or Open Space and Recreation Zones, the height in relation to boundary for the adjoining zone shall apply~~., and where specified, structures shall not project beyond a building envelope defined by recession planes measuring 2.5m from ground level above any site boundary~~ in accordance with the diagrams in Appendix APP3."
	Response I agree that the provision could be simplified and reworded as set out below, drawing from the Panel's suggested wording. I do not agree with removing references to structures projecting beyond the building envelope as this is not specified in APP3 (which is just a description of how to measure a recession plan) and therefore the requirement to not exceed the recession plan should be retained in the rule. I note that a number of zones include height in relation to boundary rules and that these should be

	consistent where possible. I further note that recession plane requirements on MDRS Zone boundaries will be subject to later recommendations as part of Hearing Stream 7. <u>Suggested Amended Wording</u> "1. Where an internal boundary adjoins Residential Zones, Rural Zones, or Open Space and Recreation Zones, the height in relation to boundary for the adjoining zone shall apply.~~, and where specified, s~~<u>S</u>tructures shall not project beyond a building envelope defined by recession planes~~ measuring 2.5m from ground level above any site boundary~~ in accordance with the diagrams in Appendix APP3."
Para 127	The Panel is having difficulty understanding your statement: *CMUZ-P3 relates to new local and neighbourhood centres included within development areas. These are either future greenfield development areas or existing development areas that already have ODPs applying. <u>Pegasus has an existing ODP (DEV-PEG-APP Pegasus ODP) but it does not include commercial areas. It therefore does not apply to the Pegasus town centre. I therefore agree that an ODP for the Pegasus LCZ would not be required.</u> No amendment is required to CMUZ-P3 and I therefore recommend that this submission is rejected.* Q: Please clarify the underlined words and how this interpretation gives effect to the submitter's point regarding the extension to the LCZ, which is: *"They consider that an ODP for the <u>extension to the LCZ</u> as requested by Pegasus should not be required and that CMUZ-P3 should be amended so that it does not apply to the <u>proposed extended LCZ</u> at Pegasus".*
	Response CMUZ-P3 seeks to provide for new local and neighbourhood centres in identified development areas <u>as specified on ODPs</u> (outline development

	plans). The policy is forward looking and intended for new development areas, rather than existing developed areas such as Pegasus (noting the area is still being developed). It sets out matters to achieve when identifying new LCZ / NCZ areas as part of comprehensive development. These are to be identified on ODPs. There is an existing ODP for Pegasus – see snip below. Given it predates the Proposed Plan, the existing ODP does not specify areas for new local or neighbourhood centres (unlike the Rangiora West ODP copied further below). It is silent on the specific area subject to the submission (it does not identify the subject area as residential, or reserve, or open space, or conservation). Extending the LCZ zone as proposed by the submitter in the area where there are no ODP notations is consistent with the existing Pegasus ODP. As there is an existing Pegasus ODP, it is silent on commercial areas, no changes are required to it as a result of the submission and there is an existing commercial centre in the Pegasus township, I do not think it necessary to amend CMUZ-P3 as requested to exclude the Pegasus LCZ – I do not think CMUZ-P3 applies to the Pegasus LCZ. I note that in section 6.16 of his s42A report (Proposed Waimakariri District Plan: Wāhanga Waihanga – Development Areas (DEV)), Mr Wilson has provided an assessment of Templeton Group [412.24, 414.25] submissions which seek amendments within the development areas chapter relating to the Pegasus ODP and associated advice note DEV-KLFR. Mr Wilson has recommended that the ODP is updated by aligning the zoning, existing residential and commercial areas and the ODP. I note that there are rezoning requests within Pegasus and that following the rezoning hearing this may or may not result in further changes to the ODP to ensure alignment. Whether the Pegasus ODP is amended or not to include the proposed revised LCZ area, I still do not think CMUZ-P3 would apply as this policy applies to new local centres whereas Pegasus is an existing development and the zoning is already in the Plan (noting it may be amended through the Plan development process).

Appendix

DEV-PEG-APP1 Pegasus ODP



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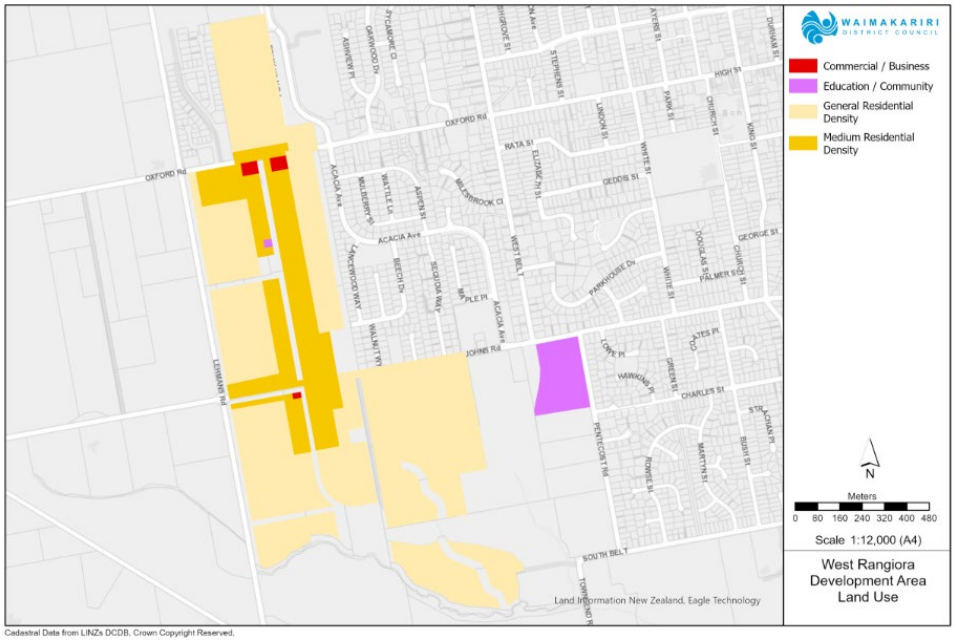
Rangiora West Outline Development Plan - Land Use



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Para 166	You state "I therefore consider that the TCZ does provide for the greatest scale of built form of the zones. That is entirely different to saying there might be bigger developments due to the larger sites in the LFR". Q: Do you mean that the TCZ provides for the greatest scale of built form on a site of all zones?
	Response Yes.
Para 182	You state that the submitter seeks a new policy which recognise that some activities preclude them from meeting the urban design objectives of the TCZ. Q: Can you please point the Panel to the direction of what and where the urban design objectives are?
	Response The submitters reference to 'urban design objectives' could be a specific reference to the Proposed Plan's objectives (i.e. the noun) such as CMUZ-O2 Urban Form, Scale and Design, which specifies outcomes for all the commercial zones (for example a good quality urban environment and managing effects on the surrounding environment). Alternatively, the reference could be to general urban design objectives as a whole for the chapter. In addition to CMUZ-O2, CMUZ-P6 covers design and layout, specifying a number of matters to consider and achieve (for example requiring active frontages) while the built form standards and assessment matters seek to achieve design outcomes relevant to the standard. Collectively these are the chapter's 'urban design objectives'.
Para 210	You have recommended new text under "how to interpret and apply the rules" to address how the Definitions Nesting Table works.

	Q: Does this apply to other Chapters in the PDP? If so, have you considered whether this is the most appropriate location in the PDP? Is there scope to make this amendment elsewhere, if appropriate?
	Response This would apply to all chapters where definitions included in the nesting table are used. I did consider if this is the most appropriate location - currently the guidance is only located in the Interpretation Chapter which in my opinion is the most appropriate location. However, to aid interpretation I considered it could be repeated in the commercial chapters as proposed as these chapters rely heavily on the nesting approach. Given this addition is simply about application of the existing provisions, including repeating the already notified nesting guidance, I consider the amendment could be made elsewhere if required, under RMA Schedule 1 Clause 16.[1] However that is not my recommendation in the s42A report, nor this response, but I do not have strong views on this.
Para 240	The Panel would like Mr Foy to explain why development of four level (and presumably more) buildings is not commercially viable.
	Response by Mr Foy (Mr Foy's memo can be provided upon request). "In my evidence I stated: *Generally, the development of four level buildings is not commercially viable, because the additional costs associated with developing above three levels are higher as compared to the potential revenue from the development.*[2]

[1] I consider that utilising RMA Schedule 1 clause 16 here can be distinguished from other changes to interpretation provisions (as considered in the Energy and Infrastructure s42A Report regarding its relationship to the Heritage Chapter) as no changes to the intent and meaning of the guidance is proposed – it is limited to repeating the guidance.

[2] Paragraph 6.15

	In response to the question I note the "generally" qualifier I used in my evidence, and that four level buildings can be commercially viable, but are relatively uncommon compared to three or five storey developments. The reasons for that are that constraints relating to the need for elevators, public circulation space, resource consents and engineering costs once buildings are greater than three storeys in height. Buildings of three storeys or less do not usually incur most of those costs that are associated with four or more storey buildings, and the removal of a substantial part of the built area for use as circulation space and elevator shafts can make a significant difference to the viability of four storey buildings. A five or more storey building can spread the costs (elevators, engineering, consents etc.) across more units (dwelling units or commercial offices, etc.) and offer a greater economy of scale and differentiation from three storey buildings."
Para 244	Q: In respect of TCZ-BFS1, how is the inconsistency in the PDP going to be addressed in the integration deliberations, and is there scope for this?
	Response As indicated in my s42A report regarding consistency of references to height calculations, this matter is broader than the commercial and mixed-use chapters and therefore requires a coordinated response from the wider drafting team. Because of this, I now understand that chapter authors will consider recommendations as they relate to specific chapters in the relevant s42A reports. For the purpose of the Commercial and Mixed-Use Zone chapters I will address this further in my Right of Reply report after discussions with other chapter authors.
Para 245 and 254	Q: What are the transport effects that you are referring from, that are not otherwise addressed through the Transport Chapter? Is commercial distribution a defined term?
	Response

	A breach of building height could result from a building that is say 1m taller than the built form standard or say 50m taller than the built form standard. The transport chapter considers vehicle movements (including through the high trip generation rule) but does not expressly consider such things as pedestrian movements and their consequences (e.g. insufficient footpath width and queuing space), building servicing requirements, or cycle movements in and out of a building. A very large building could generate unanticipated non-vehicular transport effects that may be significant depending on a site's location, such as if adjacent to a Council carpark access or fronting a principal shopping frontage. Commercial distribution is not a defined term.
Para 278 (and elsewhere)	Clause (b refers to "achieve similar Plan outcomes". Q: What are the Plan outcomes that are being referred to here?
	Response CMUZ-MD8 (and other similarly amended matters of discretion) are triggered by non-compliance with the relevant built form standards. The built form standards, together with the objectives and policies collectively identify the outcomes anticipated by the application of the Plan's provisions. For this matter of discretion, an alternative design might meet operational or functional requirements and still generally achieve the Plan's outcomes even if the specific built form standard is not met. For example, a landscape strip might not be provided along the full length of the road boundary, but it might be wider then required and include more trees than required. The PDP's desired amenity outcomes for the zone and boundary interface (see for example CMUZ-P6 and the references to a visually attractive setting and compatibility of activities in clauses 7 and 8) may still be achieved despite the non-conformance with the specific standard.

Para 290	Q: Does the submitter have scope to seek a different zoning to the TCZ through the rezoning hearing?
	Response In terms of scope, the submitter (RDL [347.83]) has sought various outcomes through their submission to seek to implement the consent order for PC30. In paras 7 and 8, the submission challenges the Proposed Plan's zoning of the PC30 area and seeks alternate zoning. Town Centre, General Industrial, General Residential and Medium Density Residential are the requested zones. LFRZ is not one of the requested zones. Given the specificity of the zoning request, it is arguable that rezoning to LFRZ is not within the submission scope, despite re-zoning clearly being the subject of the submission. Having reviewed para 290, I consider my report should have been in the past tense – it would have been more accurate if phrased: "...a different commercial zoning such as LFRZ should have been sought for some or all of their proposed town centre area at North Woodend through the re-zoning hearing." I note that RDL's legal submission (paras 22 to 25) covers TCZ-BFS7 Road boundary setback, glazing and verandahs, which was the matter considered in para 290. The legal submission states that "the management of built form, landscaping and urban design within the Ravenswood TCZ will be addressed through evidence for the Stream 12 hearing."
Para 320	Q: What is the Plain English meaning of convenience activities?
	Response I sought advice from Mr Foy to inform my response to this question. My understanding is "convenience activities" are those activities that are frequently (typically more often than weekly) required by consumers for

	their day-to-day needs, and goods and services that are relatively inexpensive and which it would be difficult to justify travelling long distances to purchase. I note that the Christchurch District Plan has a definition of Convenience activities, which I support. That definition is: "Convenience activities means the use of land and/or buildings to provide readily accessible retail activities and commercial services required on a day to day basis." The definition includes a number of exclusions such as travel and real estate agents, gyms, drycleaners and insurance services, which I agree are appropriate to exclude.
Para 361	Q: Are there other retail activities contained in the LCZ rules? If not, should there be an exclusion for LCZ-R4 relating to food and beverage?
	Response Yes, LCZ-R21 Trade supplier and LCZ-R22 Yard-based activity are also retail activities. There would therefore need to be three exclusions if this approach was taken.
Para 397 (& 482)	The Panel notes the support for an increase in the maximum height limit in LCZ-BFS1 to 12m, whereas Variation 1 has the height limit at 11m. Q: Please clarify how the Panel can make a decision now on this submission on the PDP without first considering the Variation? Are there any relevant submissions on the Variation?
	Response I think the Panel should consider the commercial submissions on height limits at the same time as Variation 1, or alternatively, after consideration of the Variation 1 submissions. The height limits in the LCZ and NCZ have been recommended to change in response to anticipated adjacent

	residential height limit changes under Variation 1 to implement the MDRS. If those changes are not accepted by the Panel, or the Council chooses an alternative approach after consideration of the IHP recommendation, then this has implications for the height limits in commercial areas bordering the MDRS areas.
Para 418	You recommend: Amend LCZ-BFS5 as follows: *Where a site **does not have a building** ~~**is not**~~ **built along the entire** ~~**to a**~~ road boundary, landscaping shall be provided along the full length of the road boundary, except for vehicle crossings, outdoor seating or dining areas. This landscape strip shall be a minimum of 2m deep.* Q: Would it be more correct to include the word 'available', as follows: *Where a site **does not have a building** ~~**is not**~~ **built along the entire** ~~**to a**~~ road boundary, landscaping shall be provided along the ~~**full**~~ length of the road boundary not occupied by building, except for vehicle crossings, outdoor seating or dining areas. This landscape strip shall be a minimum of 2m deep.*
	Response The word 'available' is not included in the alternative version. However, the proposed alternative wording is clear and correct and is a better alternative. I prefer this wording and will recommend this in my Right of Reply report.
442	Q: Do you see any danger in allowing 'educational facilities as permitted activities at 200m^2 or less, for more than one (or several) different types of

	these activities to seek to establish in (small) neighbourhood centres potentially displacing the available area for retail activities? (NB: In para 449 you have recommended a clause for 'Education activities', which is an undefined term in the PDP and could therefore have a potentially wide application).
	Response I sought advice from Mr Foy to inform my response to this question. Firstly, my recommended amendment in para 449 should have referred to the defined term (educational facility) rather than education activity. The MoE submission [277.52] correctly referred to the defined term. This can be picked up in my Right of Reply report. Secondly, I consider that there is some danger in allowing multiple small (up to 200m^2 GFA) educational facilities to establish in neighbourhood centres, because they could displace the available area for retail activities, thereby undermining the purpose of the NCZ. Because there are few of these centres in Waimakariri, there is a finite ability to provide those activities, and if some of the NCZ is occupied by other (non-convenience) activities, that would limit the ability of the neighbourhood centres to function conveniently for their surrounding catchment. However, I understand that it is unlikely that there would be demand for multiple educational facilities to establish in any single neighbourhood centre, and I am not aware of any examples of neighbourhood centres in other towns or cities where there is more than one educational facility in a neighbourhood centre. Nevertheless, to avoid the risk of retail activities being displaced from a neighbourhood centre zone, it may be appropriate to consider a rule enabling only one educational facility establishing in each neighbourhood centre.

	Given that there are other locations in which educational facilities are permitted (for example childcare facilities of up to 200m^2 GFA in residential zones fronting defined roads), limiting their ability to establish in NCZs should not be materially disenabling. I understand that providing for educational facilities in residential zones is the subject of submissions and will be addressed in the Residential Chapters s42A report for Hearing Stream 7. I will respond to this matter in my Right of Reply report.
Para 451	You have suggested a size limitation of 450m^2 for supermarkets (differentiated from other 'retail activity' which has a 200m^2 limit). Q: What is the rationale for treating supermarkets/grocery stores differently to other retail shops in terms of the size they can attain in the NCZ? Is being a potential 'anchor store' sufficient reason to provide a more than doubling of the maximum floorspace for a supermarket, when there may be competition for limited space by a range of other retail stores seeking to locate in a NCZ to serve the local neighbourhood?
	Response I asked Mr Foy to provide advice for this question. In his evidence (paragraph 4.16) attached to my s42A report Mr Foy alluded to the justifications for a larger maximum floorspace for supermarkets/grocery stores than other stores in the NCZ. In his experience larger dairies and small grocery stores are often larger than 200m^2 GFA, and imposing a 200m^2 GFA limit for supermarkets/grocery stores would restrict the range and type of such stores that would be able to establish in the NCZ to only small dairies. That would limit the convenience able to be offered by those stores, because dairies of less than 200m^2 GFA have a much smaller product range than supermarkets/grocery stores in the 200-450m^2 GFA range.

	Mr Foy considers that enabling stores in the 200-450m^2 GFA range will not have any material distributional effects on larger supermarkets, which will be relatively invulnerable to such effects due to the very small size of those 200-450m^2 GFA stores, which would be only 5-10% of the size of a full service supermarket, with larger stores offering a vastly larger range. Also, 200-450m^2 GFA supermarkets/grocery stores offer the very types of convenience goods that should be provided in a NCZ, and any potential 'crowding out' of other activities in the NCZ, given the limited space in each NCZ, is justified because the goods provided in the supermarkets/grocery store are entirely consistent with what an NCZ is intended to be (unlike the case of educational facilities, as discussed in response to paragraph 442). Mr Foy considers that the anchoring role of supermarkets/grocery stores in the NCZ is important and is sufficient reason, alongside the convenience role those stores play, to justify a larger maximum store size than for other stores. Further, other stores (such as hairdressers, liquor stores etc.) in the NCZ are much less likely to need to exceed 200m^2 GFA if they have a true convenience role, because of the much more limited range of goods (or services) they provide. I accept Mr Foy's advice on this matter.
Para 483	You state: "*If the height limits in the residential areas are reduced to 8m, then he considers that the height limits in the NCZ (and LCZ) should be correspondingly reduced to 8m"* Q: What is the context for the Residential height limit being potentially reduced (are there submissions on the Residential Chapter requesting this)?
	Response 8m is the proposed height limit in the notified Plan for the GRZ (GRZ-BFS4). Variation 1 has sought to increase this height limit. If the IHP chooses to not increase the hight limit or the Council chooses an alternative approach after consideration of the IHP recommendations, then the height limit will potentially revert back to the notified 8m. There are submissions on

	Variation 1 seeking to not apply the MDRS and retain the notified height limits (e.g. 9.1 and 28.1).
Para 501	You have recommended making education activities a permitted activity in the Mixed Use Zones. Q: Are there any protections with regards to effects (including reverse sensitivity effects) on businesses in the MUZ's from having "noise sensitive activities" (as defined) establishing in these types of zones?
	Response Yes there are for residential activities (bedrooms), hospitals, healthcare facilities and elderly persons housing. Noise sensitive activities include residential activities, education activities, visitor accommodation, hospitals, healthcare facilities and any elderly persons housing or complex. NOISE-R18 includes requirements for acoustic attenuation for bedrooms. The MUZ provisions make hospitals, healthcare facilities and elderly persons housing discretionary. There is no specific protection from education activities in the MUZ, nor is there in the TCZ, LCZ or NCZ. I note that the noise limit in the MUZ is the same as for the TCZ (60 dB LAeq daytime and 50 dB LAeq nighttime) so education facilities would be exposed to comparable noise in both zones. I also note that unlike the other examples there is typically no overnight accommodation component in education facilities. As such, I consider these activities to be the least noise sensitive of the listed activities.
Para 526	You have recommended: Amend MUZ-P1 as follows: "support the Kaiapoi Town Centre's identified function, role, **anticipated built form** and **associated** amenity values;

	Q: Could the insertion of 'anticipated' in this manner not be read as diminishing existing amenity values (which appears not to have been your intention)?
	Response Yes, it could be read as diminishing existing amenity values. The NPS-UD requires building heights and densities of urban form commensurate with the level of commercial activity and community services within and adjacent to neighbourhood centre zones, local centre zones, and town centre zones. As such, the NPS-UD potentially supports changes to the anticipated built form in the Kaiapoi TCZ. This change potentially results in some amenity values diminishing, or potentially improving other amenity values. Maintaining existing amenity values through maintaining the existing built form standards may be contrary to the NPS-UD, which the Proposed Plan must give effect to. Much hinges on the interpretation of 'commensurate with' and I note that Kāinga Ora have provided evidence on this matter for Hearing Stream 9.
Para 581	Q: When evaluating the suitability of educational facilities, did you consider the appropriateness of smaller scale facilities, such as childcare that could support workers in a LFRZ area?
	Response No, I did not consider smaller scale facilities, such as childcare facilities that could support workers. I sought advice from Mr Foy to inform my response to this question. I consider that smaller scale educational facilities, such as childcare to support the LFRZ workers, can be appropriate in the LFRZ as long as they do not prevent the establishment of LFR activities to any significant degree. Because each LFRZ tends to be relatively large in terms of land area (by virtue of the space extensive requirements of large format retail activities),

	the risk of small educational facilities limiting the provision of LFR to any significant degree would be very limited, and not of concern. The potential presence of much larger educational facilities, such as a new tertiary facility or secondary school, that occupied a significant proportion of the zone would be of concern. For that reason, if educational facilities are to be permitted in the LFRZ, there should be a maximum size limit considered for each facility to ensure that provision is limited to smaller facilities. An appropriate limit might be 200m^2 GFA as discussed above in response to questions on paragraph 442. I will respond to this matter in my Right of Reply report.
Para 589	Q: Do you consider the Woolworths submission provides scope for your recommended amendment: Amend LFRZ-P1 as follows: *Provide for commercial activities within the Large Format Retail Zone that are difficult to accommodate within commercial centres due to their scale or functional requirements* ***and other commercial activities that are more suited to out of centre locations****, while*;
	Response I accept that the scope for the change is not strong given the absence of requested relief against LFRZ-P1. However, Woolworths [282.115] consider there is a lack of clarity regarding the relationship between the LFRZ and TCZ and specifically refer to LFRZ-P1, opposing the suggestion that the LFRZ provides for activities "that are difficult to accommodate within commercial centres due to their scale or functional requirements". In addition, Woolworths [282.99] seek to amend the LFRZ to recognise the role the LFRZ plays in supporting centre zones to deliver a broad, robust, and appropriately diverse economic strategy that provides areas for main street retail [TCZ] and large format retail [LFRZ]. The changes recommended to

	LFRZ-P1 seek to respond to both these submission points by recognising that the LFRZ is not only limited to those activities that are difficult to accommodate within commercial centres but can also accommodate other centre activities that are simply more suited to these locations. This helps to recognise that the LFRZ has value in its own right for LFR, and is not just a zone to accommodate what can't fit in the TCZ. I consider the recommended change responds to the matters raised in the submission and is therefore within scope.
Para 629	Q: Does the Clampett Investments submission provide the scope for the reintroduction of these standards?
	Response The Clampett Investments Ltd [284.502] submission has sought to delete clause 2 of LFRZ-R9 as they consider this to be impractical as food tenancies are best located together, to enable a range of choices within close proximity of one another, rather than be separated by a minimum of 50m. My proposed amendment directly responds to the submission point and seeks to make the clause practical by recommending alternative relief to clause 2. I consider it is within the scope of the Clampett Investments Ltd submission.
Para 667	Q: Is your rejection of the KiwiRail submission consistent with your acceptance of Woolworths submissions that seek that supermarkets are permitted activities in zones where they are already permitted?
	Response I acknowledge that the report appears inconsistent in places as to how it responds to these submitters. For clarity: • KiwiRail [373.96] sought an additional matter of discretion for rail boundary setbacks, however the Proposed Plan already contained

	the proposed matter of discretion. I recommended that this submission was rejected. • Woolworths [various submission points] sought to permit supermarkets in the TCZ and MUZ (and CMUZ), however as an activity they were already permitted in the TCZ and MUZ. I recommended that these submissions were accepted / accepted in part. The key difference is that KiwiRail's relief was specific and clear and sought to insert a new provision where this was not needed. As I recommended no changes to the Proposed Plan as a result of this submission it seemed appropriate to reject it. However, I interpreted the Woolworths submissions as suggesting there may have been some misunderstanding of the application of the retail nesting table and how the construction or alteration of or addition to any building or other structure rule applied (R1 in each zone), and I accordingly recommended changes to the Proposed Plan to clarify both these matters (e.g. see para 202 and para 94 of my s42A report). I reasoned that as I was suggesting changes to the Plan in response to the Woolworths' submissions it was appropriate to accept / accept in part these submissions. I did not consider it appropriate to recommend changes as a result of these submissions yet reject the submissions. I accept that this is not always clear in my various responses and there is some inconsistency as in places I have recommended to 'accept' the Woolworths' submission and in others 'accept in part'. The repetitious approach to the Woolworths' submissions in the Submissions Summary and the s42A report structure exacerbated these consistency issues. These can be resolved in the Right of Reply report.