

**SUBMISSION ON THE WAIMAKARIRI DISTRICT COUNCIL – PROPOSED
WAIMAKARIRI DISTRICT PLAN**

To: Proposed District Plan Submission, Waimakariri District Council,
Private Bag 1005, Rangiora 7440

By email: developmentplanning@wmk.govt.nz

Submission by: Foodstuffs South Island Limited and Foodstuffs (South Island)
Properties Limited

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1. This is a submission by Foodstuffs South Island Limited and Foodstuffs (South Island) Properties Limited (**Foodstuffs**) on the Proposed Waimakariri District Plan (**PWDP**) which the Waimakariri District Council notified for public consultation 17 September 2021.
2. Foodstuffs could not gain an advantage in trade competition through this submission.
3. This submission relates to the PWDP in its entirety and particularly those provisions which apply to or affect Foodstuffs' commercial interests within the District, including as further detailed herein.

Background

4. Foodstuffs are a retailer owned co-operative company and the wholesale supplier to PAK'nSAVE food warehouses, New World and Four Square supermarkets, Raeward Fresh, On the Spot dairies, Henrys and many unaffiliated outlets. Foodstuffs also own a variety of properties throughout the South Island from which many of its retail members undertake their businesses. Foodstuffs (South Island) Properties Limited is a property holding company and wholly owned subsidiary of parent company Foodstuffs.
5. Within the Waimakariri District, Foodstuffs own / operate the following stores:
 - a. PAK'nSAVE Rangiora, 2 Southbrook Road, Rangiora (Part Lot 2 DP 10116 and Lot 1 DP 10116 contained in the Records of Title CB470/296 and CB433/289; and Lot 1 DP 68829 and Lot 2 DP 68829 contained in Records of Title CB40A/1036 and CB40A/1037).
 - b. New World Rangiora, 10 Good Street, Rangiora (Lot 1 DP 416495, Lot 6 DP 531230, Lot 1 DP 19735, Lot 1 DP 69690; Lot 6 DP 14337, Lot 5 DP 14337, Part Lot 4 DP 14337, Part Lot 1 DP 14337, Lot 2 DP 14337, and Lot 3 DP

- 14337 contained within Records of Title 981418, 866426 and CB795/89, CB40C/454, CB40C/454, CB519/195, CB519/271, CB519/198, CB519/196 and CB519/197).
- c. New World Kaiapoi, 52 Charles Street, Kaiapoi (Lot 1 DP 440138 contained in Record of Title 567498).
 - d. New World Ravenswood, 10 Bob Robertson Drive, Woodend (Lot 2 DP 521536 contained in Record of Title 829189).
6. Supermarkets (including associated access and car parking areas) are of a functional nature, design and scale that distinguish them from most other activities in a commercial area. A supermarket's operational requirements dictate site layout and built form. Amenity can be achieved through considered landscaping, effective building setbacks, variations in facade treatment, discrete loading operations, and safe and legible pedestrian access. Collectively, these elements enable functional supermarket developments to be established in a way that takes account of site-specific circumstances and operational requirements. This should be expressly recognised in the PWDP. Foodstuffs prides itself on supermarket operations that are planned in a way that is both practical and achieves high quality design and amenity outcomes.
7. Foodstuffs are considered by statute to be an 'essential service' and in response to the Canterbury Earthquakes of 2010 and 2011 and the Kaikoura Earthquake of 2016 has been pursuing a more resilient business strategy. More recently the importance of this strategy has been emphasised further with the national state of emergency that was declared for the COVID-19 virus. Supermarkets are one of the few essential services the Government has identified, and have remained open and able to meet the needs of New Zealanders throughout the COVID-19 alert levels.
8. Foodstuffs recognises the critical role that food distribution stores have in a civil defence emergency and disaster recovery phase for communities, and the business strategy seeks to ensure all stores, especially those newly built, are designed and constructed and operated with resilience at the forefront.
9. Foodstuffs have proven their ability to maintain their operations through natural disasters and the COVID-19 crisis. They see themselves as leaders in the food industry and crucial to the health and well-being of the population, both today and in the future. As an essential service, Foodstuffs continue to navigate this current crisis, as well as build and strengthen their business resilience for the longer term. The contents of this submission reflect Foodstuffs' commitment to continuing this role in the District into the future.

Submission

Part 3 Area Specific Matters – Town Centre Zone (TCZ)

- 10. Foodstuffs **supports** the identification of New World Rangiora and New World Kaiapoi within the TCZ.
- 11. The reason for this submission:

- a. Foodstuffs' operations at Rangiora and Kaiapoi contribute to the vibrancy and economic viability of the two principal centres of the Waimakariri District. To this end it is appropriate they be recognised through the Town Centre zoning, which is described as providing a focal point for community life, commercial activities, shopping convenience and attractive high quality development and accessibility.
12. Foodstuffs **supports** the permitted activity status for Retail Activity (TCZ-R2), Commercial Services (TCZ-R3) and Commercial Activity (TCZ-R14).
13. The reason for this submission is:
 - a. It is important the TCZ permits a range of commercial, retail and entertainment activities to promote liveliness and diversity in the principal centres of the District. The provision of retail stores and services, supermarkets, and food and beverage outlets will support the growth and vitality of the town centres.
14. Foodstuffs **oppose** TCZ-R1 Construction or alteration of or addition to any building or other structure.
15. The reason for this submission is:
 - a. TCZ-R1 stipulates a 450m² GFA threshold for any building, above which resource consent is required as a restricted discretionary activity.
 - b. New supermarkets and alterations/additions to existing supermarkets are, by their nature, larger than 450m² GFA. In order to contribute to and fulfil the role of town centres, supermarkets need to provide for sufficient space for storage, customers, market demand and the overall function of the supermarket. The PWDP specifically provides for supermarkets in the TCZ as a permitted activity, yet unnecessarily restricts their development or expansion through Rule TCZ-R1. Foodstuffs seeks the removal of the GFA threshold for supermarkets. If TCZ-R1 is to remain as notified (not Foodstuffs' preference), the PWDP needs to include matters of discretion pertaining to "scale and characteristics of the existing development" and "functional and operational requirements of the activity", or wording to similar effect.
 - c. It is also noted that given site constraints and operational requirements, it is not always feasible to locate new buildings or building additions away from a Principal Shopping Street. For this reason, Foodstuffs oppose the identification of part of the New World Rangiora frontage as a Principal Shopping Street and seek removal of this notation.
16. Foodstuffs **oppose in part** Rule TCZ-BFS1 Height
17. The reason for this submission is:
 - a. New buildings or additions to existing buildings which front a Principal Shopping Street that are higher than 5m triggers a discretionary activity status. A 5m high building addition to an existing supermarket that is considerably higher than this will promote poor and unintended built form outcomes through lack of height consistency and would create issues with internal operations

and efficiency, such as stock management and accessibility. For this reason, Foodstuffs oppose the identification of part of the New World Rangiora frontage as a Principal Shopping Street and seek removal of this notation.

- b. Foodstuffs otherwise support the 12m height limit as it applies to the TCZ.

18. Foodstuffs **oppose** Rule TCZ-BFS6 Road boundary landscaping.

23 The reason for this submission is:

- a. Rule TCZ-BFS6 requires a minimum depth of 2m of landscaping to be provided along the full length of the road boundary, except for vehicle crossings, outdoor seating or dining areas. New World Rangiora and New World Kaiapoi face constraints due to the site shape and dimensions, environmental factors and the supermarket design and associated parking layout. This results in instances where it is not feasible, or indeed appropriate, to achieve landscaping of road boundaries

24 Foodstuffs **oppose** Rule TCZ-BFS7 Road boundary setback, glazing and verandahs.

25 The reason for this submission is:

- a. Supermarkets have unique and specific operational requirements that determine building design and layout. Precise requirements for internal floor configuration, storage/display of product, covered/secure loading, and refrigeration systems are not readily compatible with extensive glazing. Foodstuffs instead introduce other architectural/design elements to achieve an attractive, engaging and pedestrian-scale interface with public areas, e.g. building recesses, material/colour variation, verandahs, artwork, landscaping, seating, etc. The operational and functional requirements of supermarkets are such that they will not always be able to meet these active frontage standards, imposing an unreasonable resource consent burden. For these reasons, Foodstuffs seeks the removal of such requirements as they relate to supermarkets.

26 Foodstuffs **oppose** Rule TCZ-BFS9 Outdoor storage areas

27 The reason for this submission is:

- a. Rule TCZ-BFS9 introduces a new requirement that all outdoor storage or parking areas be screened by a 1.8m high solid fencing or dense hedge landscaping from any adjoining site in Residential Zones, Rural Zones, Open Space and Recreation Zones or Commercial and Mixed Use Zones or the road boundary. Non-compliance triggers restricted discretionary activity status. The reference to 'parking areas' appears to be an error, as the matters of discretion (CMUS-MD9 – Outdoor storage and waste management) where the rule is not met do not contain any reference to parking areas.
- b. The operational and functional requirements of supermarkets dictate that open-air parking be visible and readily accessible to customers. The viability of supermarkets is underpinned by the visibility, availability and accessibility of on-site parking. Requiring that all outdoor carparking be screened from

adjoining zones is impractical, and would compromise the functionality, accessibility and viability of a supermarket. Foodstuffs seeks the removal of the words “or parking areas” from TCZ-BFS9.

28 Foodstuffs **oppose** Rule TCZ-BFS11 Waste management requirements for all commercial activities

29 The reason for this submission is:

- a. Rule TCZ-BFS11 introduces a new requirement that a waste management area for the storage of rubbish and recycling must be 5m² with a minimum dimension of 1.5m. As currently worded, a waste management area less than, or more than, 5m² would trigger restricted discretionary activity status.
- b. Supermarkets require waste management areas greater than 5m². Foodstuffs seek that TCZ-BFS11 1. a. is amended to provide for waste management areas of a minimum area of 5m².

Part 3 Area Specific Matters – Large Format Retail Zone (LFRZ)

30 Foodstuffs **supports** the identification of PAK’nSAVE Rangiora within the LFRZ.

31 The reason for this submission is:

- a. The LFRZ recognises that supermarkets cannot always be located in commercial centres due to their scale and operational requirements. The ‘large format retail’ definition stipulates a retail tenancy having a minimum floor area of 450m², and specifically references a supermarket as large format retail. Large format retail plays an important role in supporting the principal centres and is capable of integrating with the surrounding environment. It is essential to ensure the continued operation and expansion of existing supermarkets in the LFRZ is not unduly constrained.

32 Foodstuffs **support** Policy LFRZ-P1 Large Format Retail Zone function

33 The reason for this submission is:

- a. Policy LFRZ-P1 provides for the continued operation and expansion of existing supermarkets in the LFRZ, in recognition of the difficulty of accommodating supermarkets within commercial centres due to their scale and functional requirements

34 Foodstuffs **oppose** LFRZ-R1 Construction or alteration of or addition to any building or other structure.

35 The reason for this submission is:

- a. New supermarkets and alterations/additions to existing supermarkets are, by their nature, larger than 450m² GFA. In order to contribute to and fulfil the role of the LFRZ, existing supermarkets need to be able to expand to provide for sufficient space for storage, customers, market demand and the overall

function of the supermarket. The LFRZ specifically acknowledges existing supermarkets, yet limiting alterations / additions to 450m² GFA unnecessarily restricts their expansion, and is contrary to the definition of 'large format retail' which references a minimum floor area of 450m². Foodstuffs seeks the removal of the GFA threshold for existing supermarkets.

36 Foodstuffs **oppose in part** Rule LFRZ-R2 Large format retail

37 The reason for the submission is:

- a. Rule LFRZ-R2 states that *"This rule does not apply to...any supermarket provided for under LFRZ-19"*. LFRZ-19 is not the correct reference; amend to LFRZ-18.

38 Foodstuffs **oppose** Rule LFRZ-R14 Expansion of an existing supermarket or department store

39 The reason for this submission is:

- a. Rule LFRZ-R14 conflicts with LFRZ-R1. For the same reasons set out above in respect of LFRZ-R1, Foodstuffs oppose LFRZ-R14 and seeks that the expansion of any existing supermarket in the LFRZ is provided for as a permitted activity. If LFRZ-R1 is to remain, the PWDP needs to include matters of discretion pertaining to "scale and characteristics of the existing development" and "functional and operational requirements of the activity", or wording to similar effect.

40 Foodstuffs **oppose** Rule LFRZ-BFS5 Road boundary landscaping.

41 The reason for this submission is:

- a. Rule LFRZ-BFS5 requires a minimum depth of 2m of landscaping to be provided along the full length of the road boundary, except for vehicle crossings, outdoor seating or dining areas. Site constraints, including size, shape, , physical/environmental factors and existing supermarket design and associated parking layout, mean it is not always feasible, or indeed appropriate, to achieve landscaping of road boundaries.

42 Foodstuffs **oppose** Rule LFRZ-BFS8 Waste management requirements for all commercial activities.

43 The reason for this submission is:

- a. Rule LFRZ-BFS8 introduces a new requirement that a waste management area for the storage of rubbish and recycling must be 5m² with a minimum dimension of 1.5m. As currently worded, a waste management area less than, or more than, 5m² triggers a restricted discretionary activity status.
- b. Supermarkets require waste management areas greater than 5m². Foodstuffs seek that LFRZ-BFS8 1. a. is amended to provide for waste management areas of a minimum area of 5m².

Part 2 District Wide Matters – Transport and Signs

44. Foodstuffs **support** the removal of minimum car parking requirements.
45. The reason for this submission is:
- a. The removal of minimum parking requirements is consistent with the direction outlined in the NPS-UD. Supermarkets are dependent on the provision of adequate on-site parking, and Foodstuffs is experienced in the calculation of parking provision to meet the demand of its operations. Arbitrary parking requirements based on the floor area of generic activities does not recognise the specific parking characteristics of supermarket operations.
46. Foodstuffs **oppose** Rule TRAN-R19 Provision of a parking area or loading area and associated manoeuvring area on a site with frontage to a Principal Shopping Street in Rangiora or Kaiapoi as a restricted discretionary activity.
47. The reason for this submission is:
- a. Rule TRAN-R19 does not provide the necessary clarity to confirm if an alteration to an existing parking area or vehicle crossing is considered to be a new parking area or vehicle crossing. Foodstuffs' submission is that TRAN-R19 should not capture any such alteration to existing parking / access arrangements, and that the New World Rangiora frontage is not identified as a Principal Shopping Street.
48. Foodstuffs **oppose** Rule SIGN-S2 Maximum number, area, and height of signs per site
49. The reason for this submission is:
- a. Foodstuffs have standardised branding and signage designs that it deploys at its stores throughout the country. The area, dimension and quantity requirements specified in Rule SIGN-S2, Table SIGN-2 and Figures SIGN-1 – SIGN-4 unnecessarily constrain the standardised type, quantity and sizing of signage at Foodstuffs' stores that is readily accepted around the country and are not justified on the basis of effects. It is important that a range, type, size and quantity of signage is allowed for supermarket operations to identify to customers the location of the supermarket and entry and exit for visibility and safety purposes. It is also important to the business to provide consistency of image and messaging for the NZ-wide business as a whole.

Summary

The PWDP needs to expressly acknowledge the specific operational and functional requirements that are unique to supermarkets and the practical realities of site-specific constraints that influence the siting and design of new supermarkets and the expansion of existing supermarkets. As an alternative to changing the general rules as requested, rules could include exemptions for supermarkets in recognition of their operational and functional requirements and the essential service they provide.

Relief sought

50. Foodstuffs seek the following relief in relation to its submission:

- (a) That the provisions be amended to support supermarkets (and their associated functional and operational aspects) in appropriate zones; and
- (b) That the PWDP provisions be amended to reflect the issues raised in this submission; and/or
- (c) Such other relief as may be required to give effect to this submission, including consequential amendments to the PWDP that address the matters raised by Foodstuffs.

51. Foodstuffs wishes to be heard in support of this submission. If others make a similar submission, Foodstuffs will consider presenting a joint case with them at a hearing.

Date: 26 November 2021



M Allan

on behalf of Foodstuffs South Island Limited and Foodstuffs (South Island) Properties Limited