

Proposed Selwyn District Plan



Right of Reply Report

Commercial & Mixed Use Zones

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1. Purpose of Report

- 1.1 The purpose of this report is to respond to the questions raised by the Hearings Panel during Hearing 23: 'Commercial and Mixed Use Zones', and for the Officer to address other matters raised in evidence and to propose any further amendments to the notified version of the Proposed District Plan (PDP) above those recommended in the Officer's s42a evidence report.

2. Hearing Panel's Questions to the s42a Reporting Officer and Response

[1] Clarification of Proposed Height Limits across the CMUZ

- 2.1 In addition to CMUZ height limits being considered through the CMUZ hearing, these height limits are also being revisited as part of the implementation of the Medium Density Residential Standards (MDRS) and Policy 3 of the National Policy Statement on Urban Development (NPS-UD) in Rolleston, Lincoln and Prebbleton where relevant residential zones adjoin CMUZs.
- 2.2 Where Variation 1 to the PDP impacts the height in a specific CMUZ it is noted in the table below. The recommendations in this Reply Report only respond to submissions and evidence lodged in relation to the PDP as notified. Any additional changes to the height limits within TCZ Rolleston PREC 1 and PREC 2; TCZ Lincoln PREC 4 and PREC 5; all NCZs; and the LCZ zoning in Prebbleton as part of the Variation 1 to the PDP will be considered as part of the Variation process

PDP Zone/Precinct	PDP as notified	S42a Report	Right of Reply Position
TCZ Rolleston PREC1 TCZ Rolleston PREC2	15m 10m	18m 10m	Height limit of 15m Rolleston TCZ PREC1 and 12m in Rolleston PREC2
TCZ Lincoln PREC4 TCZ Lincoln PREC5	12m 12m	12m 12m	Retain as notified
Any TCZ except as otherwise specified	10m	10m	Retain as notified. I note that the variation proposes rezoning Prebbleton to TCZ, however, this will become 'otherwise listed' to enable a 12m height limit as is the case for PREC2, PREC4 and PREC5.
LCZ all Townships	10m	10m	Retain as notified
NCZ all Townships	8m	10m	Retain as notified
LFRZ Rolleston	15m	15m	Retain as notified

- 2.2 Following discussion during the CMUZ hearing, I am now of the opinion that the height limit in TCZ Rolleston PREC1 should be retained at 15m as notified. I note there was concern about increasing the height limit in PREC2 from 10m to 15m however, the operative Plan has a 15m height limit and this was reduced to 10m in the PDP to focus the height of buildings in the Core. I consider allowing for buildings of up to 12m would be appropriate in PREC2 in Rolleston, this aligns with the maximum height limit in Lincoln Township. There were concerns with potential shading issues in adjoining residential areas, but I note that height in relation to boundary requirements exist at the interface between zones and with

these being measure a height of 2.5m on the boundary line, with an angle of 30 to 55 degrees (depending on the boundaries position) will result in a defacto setback, I note that a consent is sought to breach height in relation to boundary rule requirements, council maintains discretion to consider any adverse effects of shading on any adjoining property owner and the potential sensitivity of any zone to overshadowing or dominance.

- 2.3 I am still of the opinion that the height limits in Lincoln should be retained at 12m for both PREC 4 and PREC5, that Darfield and Leeston TCZ should retain their 10m maximum height limit as notified, that all LCZ zones should retain their notified height limit of 10m. Regarding the NCZ, in my s42a report I considered that increasing the height limit in the NCZ was appropriate given the recent RMA amendments introducing MDRS, which would likely apply boarding the NCZ's in Rolleston and Lincoln. I recommend the submission point by Next Level Developments Limited (DPR-0351.003) to increase the height limit from 8m to 10m was accepted in part, however, I proposed a 12m limit to align with the likely 11m plus a gable limit could be applied in the adjoining residential zones. Now knowing what I know about the approach Council will take to apply the MDRS provisions to the PDP, I no longer think it is appropriate to use the impending increase in height limit as a justification to increase the height to 12m. I recommend that the provision is retained as notified, noting that Variation 1 to the PDP will ensure that the height is amended only in a NCZ in a township where the MDRS apply. I still consider if appropriate to accept the submission in part, noting that the final height limit of the NCZ will be determined following the completion of the Variation 1 hearing.
- 2.4 In summary, following the hearing, I now consider the height limits in each CMUZ should reflect those listed in the updated version of Appendix 2.

[2] Castle Hill Alpine Design Provisions

- 2.5 The issue of coloured corrugated being permitted as a commonly used wall cladding was raised at the CMUZ hearing, the submitters were concerned as historically (under the ODP and using private covenants) its use has been restricted. The persons listed as the owners of Castle Hill commercial allotments do not appear to have submitted on the PDP. The Castle Hill Community Association (DPR-0442.012), which represents the interests of the homeowners in the village, has submitted, their submission seeks to remove corrugated metal sheeting as a wall cladding material in the LCZ. Mr Reid from Castle Hill Adventure Tours Limited (DPR-0391.FS013) supported the rule which would allow no more than 20% of building cladding to be metal sheeting. A search of the Resource Consent database indicates that, in terms of the ODP, no resource consents have been granted historically to breach to maximum 20% corrugated metal sheeting provision, this could also be due to the previous inclusion of design covenants on titles, which the submitter indicated are no longer applied to titles.
- 2.6 On review of the ODP and background information relating to such provisions, I confirm that the ability to use coloured corrugated iron as a wall cladding is not consistent with the Alpine Design provisions in the ODP as they apply to Castle Hill in terms of both residential and commercial developments. The Baseline Assessment report, prepared as background information to support the develop of these provisions states that in regards to cladding in Alpine Villages that: *"Wooden or stone buildings to ensure that development maintains an alpine chalet theme and alpine village character. In the case of Arthur's Pass this also includes corrugated iron materials"*. The Baseline Assessment continues on to say that much of the character of Castle Hill Village is derived from its strong, cohesive alpine style, noting that there is an existing policy that seeks to maintain its 'alpine chalet' theme and this policy is supported by rules relating to materials, colour and roof design, *stating:* *"These provisions are important to ensuring the alpine theme of the Village continues through into new developments"*

and therefore they should be retained” and ...“In the case of Castle Hill, the Village’s ‘specialness’ is derived from its development as an ‘alpine themed village’ and this theme and style has continued to be reflected in ongoing new development. Specific provisions should continue to be applied to the Castle Hill Village to ensure the cohesiveness and consistency of the build form continues”.

- 2.7 In Summary, I consider that removal of coloured corrugated metal sheeting from the list would not preclude the cladding from being utilised in the Commercial area, but its potential use would be scaled back in order to maintain a cohesive alpine-themed character for the Village as a whole.

[3] Supermarkets

- 2.8 At the request of the Panel a Joint Witness Statement (JWS) has been prepared specifically relating to the concerns of both Woolworths and Foodstuffs. This JWS saw the supermarket companies and myself agreeing that the PDP did not adequately provide for the likely future demand of the growing District.
- 2.9 As detailed in the JWS, there was agreement in terms of the provisions for supermarkets in TCZ, LCZ and LFRZ, however, my position on the inclusion of supermarkets of more than 450m² in the NCZ remains unchanged. I consider the proposed non-complying status remained appropriate as the intention of the NCZ is to provide for the local needs of the community, for example takeaway stores, hairdressers, dairies or health care facilities and if a larger Supermarket was to establish this would reduce the ability for the NCZ to provide for the community’s other needs.
- 2.10 I note it is important to maintain the integrity of the CMUZ framework for different types of commercial activities and if there is a need for additional supermarkets then this should be achieved through the rezoning of land to a CMUZ zone that provides for this scale of activity in an appropriate location, rather than undermining the zone framework.

[4] Active Frontage and the Location of Carparking

- 2.11 to the matters of Active Frontage and the location of Carparking were raised at the hearing. Ms Wolfer has provided the following comments after reading the evidence produced at the hearing relevant to these topics. Ms Wolfer considers town, local, neighbourhood centres as sensitive areas, where large volume of pedestrians are present and where the public has an expectation of moving safely in an area that is attractive and shows a high level of amenity.
- 2.12 In specific regard to Active Frontage, Ms. Wolfer does not think active frontage can be provided by ‘other means’. To reiterate the intent of the standard: active frontage happens along public space and allows for passive surveillance at the public private interface. Other benefits include having activated facades along pedestrian routes, creating safe and attractive routes encouraging people to walk, a desired outcome, in particular in centres. The inclusion of ‘other means’ was inserted into the provision as shown in Appendix 2 to this report, following discussions as part of the JWS. The plan definition of ‘Active Frontage’ refers to windows, door or other glazing which allows views into the premises, an other mean could include a patio area under a verandah, which may not include any glazing, but provides the amenity and passive surveillance being sought.
- 2.13 Ms Wolfer continues to say, the location of car parking is a fundamental part of site design. If the site layout does not respond to placing car parking to the side or rear active frontage cannot be achieved- so there is a strong interrelation between the two. Ms Wolfer considers Pedestrian safety should always have priority, especially in town centres. The comments relating to Active Frontage and the Location of Carparking, including examples, have been provided by Ms Wolfer and are located in

[5] Food and Beverage Activities in the LFRZ

- 2.14 The provisions in the ODP limit the scale of individual Food and Beverage tenancies in the LFRZ generally to 150m², with the exception that the 150m² tenancy limit not apply for up to a maximum of 1000m², the rule (22.10.1.3(e)) was intending to enable one or two larger 'Anchor' Food and Beverage tenancies to establish in the zone without triggering the need for a consent, there in not a cumulative 1000m² limit on food and beverage activities in the zone. As per the CMUZ s32 report, this approach was considered largely appropriate to continue in the PDP, with the exception made following economic advice to restrict the ability of a larger tenancy being able to establish without consent at one, which could be up to 1000m² in GFA, but, if someone came along and established a 151m² food and beverage this would fully exhaust the exemption.
- 2.15 RIDL and RIHL (DPR-0384.403 and DPR-0374.370)- lodged identical submissions on the PDP seeking that the wording of LFRZ-R4 be amended to read more similarly to the way the provision appears in the ODP, for the reasons outlined in paragraph 11.50 of my s42a report, I recommended the submission points be rejected. In their pre-circulated CMUZ hearing evidence the Mr Philips (the Planner representing RIDL and RIHL) quoted their economic expert in relation to the situation, their expert Mr Akehurst's proposed that 'Council should not be considered about the number of food and beverage outlets but rather the total footprint of the food and beverage outlets. Following the hearing, Mr Foy was asked to provide comment on this specific matter relating to the uncapped provision of 150m² Food and Beverage tenancies in the LFRZ. Mr Foy noted there are two key issues arising from the change supported by Mr Akehurst:
- The change would be more permissive, in terms of permitting any configuration of tenancy sizes, up to 1,000m² total space, beyond which additional space would be discretionary.
 - The change would also be less permissive, in terms of the total amount of food and beverage tenancies permitted in the LFRZ.
- 2.16 Mr Foy states that in his opinion the potential effects of food and beverage retailers in the LFRZ on the Town Centre Zone are more nuanced and that different sized food and beverage outlets provide for different types of experiences. Smaller outlets (for example those less than 150m²) are less likely to be large, dine-in restaurants or cafes which function as destinations, and much more likely to focus on the provision of takeaway food and beverages, (for example sushi shops, bakeries, and lunch bars) that offer convenient access to consumers already in the area. Larger outlets are therefore more likely to attract consumers to a location than are smaller outlets.
- 2.17 Mr Foy concludes that to be consistent with objective LFRZ-O1 and policy LFRZ-P3, while still permitting some presence of food and beverage activity in the LFRZ, in his opinion rule LFRZ-R4 should contain the following elements:
- A maximum tenancy size of 150m² for food and beverage tenancies, except for one larger tenancy being also permitted (potentially up to 1,000m²); and,
 - A 1,000m² maximum total floorspace for food and beverage tenancies.
 - Beyond these limits a non-complying, not a discretionary status, would apply.
- 2.18 In summary, following the hearing, I still consider is appropriate to reject the submission points related to LFRZ-R4 and now consider provisions be amended as shown the updated version of Appendix 2.

- 2.19 The matter of unlimited (150m²) Food and Beverage tenancies may also arise in the General Industrial Zones, given the rules are drafted similarly. Mr Foy was asked to comment on if there is a concern if there is a cause for concern relating to the GIZ. Mr Foy states he considers there is potentially an issue, however, because the GIZ lacks the same anchor-type activities as the LFRZ, it is unlikely that the GIZ will become a social destination, and he considers it much more likely that Food and Beverage outlets in the GIZ will be lunch bar type activities that provide for the needs of the local workforce. Mr Foy continues that it becomes very difficult to limit the number of Food and Beverage businesses in the GIZ, because it is such a large zone (at least in Rolleston). In practice there probably only needs to be one or two Food and Beverage establishments every 800m, but he concedes that will be difficult to make a rule about, and to enforce, and potentially not worth it, given his initial comments about the GIZ unlikely to become a social destination. Finally, from a business's point of view, Mr Foy states, that a GIZ location will (usually) be less attractive than a centre location because centres have a greater concentration of people walking around and passing by the front door, as well as being nicer places to visit and stop to eat. Natural market forces will tend to limit extent of Food and Beverage in the GIZ.

3. Clarification regarding matters raised in evidence

[1] CMUZ-MAT1

- 3.1 Mr Foy was asked to provide comment on whether clause (1) of CMUZ-MAT1 referring to the economic impacts on the TCZ generally is unnecessary and should be deleted. To which he responded that he would think it is unnecessary and could be deleted. The reason being, that the body of case law on the issue really points squarely at clause 2 as being the issue of concern, and while 2 is a subset of 1, Mr Foy indicated he thinks there are other types of economic impacts other than those in 2 that are relevant assessment matters. That being the case, he considered clause 1 to be unnecessary.

[2] Splitting CMUZ-P1 into two Policies

- 3.2 Ms Harte raised the possibility of splitting CMUZ-P1 into two policies. . Through the JWS process, this issue was also again discussed, however, the intention of the Policy is not to avoid activities, but to avoid their effects, I think the Policy in its form as notified can be more broadly used, in cases where an activity could be supported or may be more appropriately declined. I considered that separating CMUZ-P1 into two policies would end up with either policy 'cancelling' itself out. I retain the position stated in my s42a Report that CMUZ-P1 should be retained as notified.

4. Reporting Officer's Proposed Provision Amendments

- 4.1 On review of the submitter's evidence and the matters raised within the Hearing the following amendments to the proposed provisions are recommended. Note that the amendments as recommended in the s42a evidence are included but are not shown as underlined text or strikethrough. For a full summary of all the proposed amendments to provisions see **Appendix 2**. With the exception of the amendments to the Alpine Design revision, the following amendments are resulting from those amendments agreed upon in the JWS.

CMUZ-MATb – Fencing and Outdoor Storage

- 4.2 1. The extent to which the infringement results in adverse effects on amenity and visual streetscape values.
2. The extent to which the infringement results in adverse effects on the safety and efficiency of loading and parking areas.
3. The size and location of storage area relative to the activity it is related to and the way in which the storage area achieves the intent of this standard.
4. Measures to mitigate adverse effects associated with the above matters.

Submission scope:

- 4.3 Scope is provided for this proposed amendment through Woolworths submission point DPR-0396.011.

Reasoning:

- 4.4 In the PDP as notified, a breach of the associated rule requirement triggered a DIS activity status, however it is considered that an assessment of this infringement could be reasonably carried out using an additional matter for discretion, resulting in a breach of the requirement becoming a RDIS status. The additional CMUZ-MAT is required to support the amended activity status of 'Fencing and Outdoor Storage' in each of the CMUZs. No s32AA assessment is deemed necessary.

TCZ-REQ5, LCZ-REQ5, NCZ-REQ4 and LFRZ-REQ6 - Fencing and Outdoor Storage

- 4.2 7. Where compliance with any of TCZ-REQ5. is not achieved: ~~RDIS~~ ~~DIS~~

Matters for discretion:

8. The exercise of discretion in relation to TCZ-REQ5.7. is restricted to the following matters:

a. CMUZ-MATx Fencing and Outdoor Storage

5. When compliance with any of LCZ-REQ5.1., LCZ-REQ5.2., LCZ-REQ5.3., or LCZ-REQ5.4. ~~is~~ not achieved: ~~RDIS~~ ~~DIS~~

Matters for discretion:

6. The exercise of discretion in relation to LCZ-REQ5.5. is restricted to the following matters:

a. CMUZ-MATx Fencing and Outdoor Storage

3. When compliance with any of NCZ-REQ4.1., NCZ-REQ4.2., or NCZ-REQ4.3. is not achieved ~~DIS~~: ~~RDIS~~

Matters for discretion:

4. The exercise of discretion in relation to NCZ-REQ4.4. is restricted to the following matters:

a. CMUZ-MATx Fencing and Outdoor Storage

35. When compliance with any of LFRZ-REQ5.1. or LFRZ-REQ5.2. is not achieved: ~~RDIS~~ ~~DIS~~

Matters for discretion:

4. The exercise of discretion in relation to LFRZ-REQ5.3. is restricted to the following matters:

a. CMUZ-MATx Fencing and Outdoor Storage

Submission scope:

- 4.3 Scope is provided for this proposed amendment through the Woolworths submission points, DPR-0396.007, DPR-0396.014 and DPR-096.019, RIHL submission point DPR-0374.0395 and RIDL submission point DPR-0384.428.

Reasoning:

- 4.5 In the PDP as notified, a breach of the 'Fencing and Outdoor Storage' rule requirement triggered a DIS activity status, however it is considered that an assessment of this infringement could be reasonably carried out using an additional matter for discretion, resulting in a breach of the requirement becoming a RDIS status. No s32AA assessment is deemed necessary.

CMUZ-MATc – Active Frontage

- 4.6 1. The extent to which the infringement results in adverse effects on amenity, centre character and visual streetscape values.
2. The design and location of the building having regard to the operational and functional requirements of the activity to be accommodated.
3. The extent to which the design of the building achieves the intent of the standard by other means, to enable passive surveillance and promote pedestrian safety and amenity.
4. The extent to which Crime Prevention Through Environmental Design (CPTED) principles are incorporated.
5. Measures to mitigate adverse effects associated with the above matters.

Submission scope:

- 4.7 Scope is provided for this proposed amendment through the Woolworths submission point DPR-0396.011.

Reasoning:

- 4.8 In the PDP as notified, a breach of the associated rule requirement triggered a DIS activity status, however it is considered that an assessment of this infringement could be reasonably carried out using an additional matter for discretion, resulting in a breach of the requirement becoming a RDIS status. The additional CMUZ-MAT is required to support the amended activity status of 'Active Frontage' in each of the CMUZs. No s32AA assessment is deemed necessary.

TCZ-REQ8, NCZ-REQ6 and LCZ-REQ7 Active Frontage

- 4.9 3. Where compliance with any of TCZ-REQ8.1. or TCZ-REQ8.2. is not achieved: ~~RDIS~~ DIS

Matters for discretion:

4. The exercise of discretion in relation to TCZ-REQ8.5. is restricted to the following matters:
a. CMUZ-MATx Active Frontage

3. Where compliance with any of LCZ-REQ7.1. or LCZ-REQ7.2., or LCZ-REQ7.3. is not achieved: ~~RDIS~~ DIS

Matters for discretion:

4. The exercise of discretion in relation to LCZ-REQ7.3. is restricted to the following matters:
a. CMUZ-MATx Active Frontage

3. Where compliance with any of NCZ-REQ5.1. is not achieved: ~~RDIS~~ DIS

Matters for discretion:

4. The exercise of discretion in relation to NCZ-REQ5.2. is restricted to the following matters: 2.
a. CMUZ-MATx Active Frontage

Submission scope:

- 4.10 Scope is provided for this proposed amendment through the Woolworths submission points DPR-0396.009 and DPR-0396.016, JP Singh submission point DPR-0204.048 and Foodstuffs submission points DPR-0373.012 and DPR-0373.026.

Reasoning:

- 4.11 In the PDP as notified, a breach of the 'Active Frontage' rule requirement triggered a DIS activity

status, however it is considered that an assessment of this infringement could be reasonably carried out using an additional matter for discretion, resulting in a breach of the requirement becoming a RDIS status. No s32AA assessment is deemed necessary.

CMUZ-MATd – Location of carparking

- 4.12 *1. The extent to which the infringement results in adverse effects on amenity, centre character and visual streetscape values.*
- 2. The design and location of the car parking having regard to the operational and functional requirements of the activity to be accommodated.*
- 3. The extent to which the infringement results in adverse effects on the safety and efficiency of loading and parking areas.*
- 4. The extent to which the location of car parking achieves the intent of the standard by other means, to promote pedestrian safety and amenity.*
- 5. The extent to which Crime Prevention Through Environmental Design (CPTED) principles are incorporated.*
- 6. Measures to mitigate adverse effects associated with the above matters.*

Submission Scope:

- 4.13 Scope is provided for this proposed amendment through the Woolworths submission points DPR-0396.011.

Reasoning:

- 4.14 In the PDP as notified, a breach of the associated rule requirement triggered a DIS activity status, however it is considered that an assessment of this infringement could be reasonably carried out using an additional matter for discretion, resulting in a breach of the requirement becoming a RDIS status. The additional CMUZ-MAT is required to support the amended activity status of 'Location of Carparking' in each of the CMUZs. No s32AA assessment is deemed necessary.

TCZ-REQ9, LCZ-REQ10 and NCZ-REQ9 – Location of carparking

- 4.15 *2. When compliance with any of TCZ-REQ9.1 is not achieved: RDIS ~~DIS~~*
- Matters for discretion:***
- 3. The exercise of discretion in relation to TCZ-REQ9.2 is restricted to the following matters:*
- a. CMUZ-MATx Location of Car Parking*
- 2. When compliance with any of LCZ-REQ9.1 is not achieved: RDIS ~~DIS~~*
- Matters for discretion:***
- 3. The exercise of discretion in relation to LCZ-REQ9.2 is restricted to the following matters:*
- a. CMUZ-MATx Location of Car Parking*
- 2. When compliance with any of NCZ-REQ7.1 is not achieved: RDIS ~~DIS~~*
- Matters for discretion:***
- 3. The exercise of discretion in relation to NCZ-REQ7.2 is restricted to the following matters:*
- a. CMUZ-MATx Location of Car Parking*

Submission Scope:

- 4.16 Scope is provided for this proposed amendment through the Woolworths submission points DPR-0396.010 and DPR-0396.017, Rolleston Square submission point DPR-0386.007 and Foodstuffs submission point DPR0-0373.013.

Reasoning:

- 4.17 In the PDP as notified, a breach of the 'Location of Carparking' rule requirement triggered a DIS activity status, however it is considered that an assessment of this infringement could be reasonably carried out using an additional matter for discretion, resulting in a breach of the requirement becoming a RDIS status. No s32AA assessment is deemed necessary.

LCZ-R9 – Retail Activities

4.18

<p>Activity status: PER 1. Any retail activity, Where: a. the GFA of the retail activity is no more than 450m²; and b. the activity is not a supermarket.</p> <p>And the activity complies with the following rule requirements: LCZ-REQ1 Servicing LCZ-REQ5 Fencing and outdoor storage LCZ-REQ7 Active frontage</p> <hr/> <p>Activity status: RDIS 6. Any retail activity, Where: a. The GFA of the retail activity is more than 450m² but no more than 1000m²; <u>and</u> <u>b. the activity is not a supermarket</u>¹ And the activity complies with the following rule requirements: LCZ-REQ1 Servicing LCZ-REQ5 Fencing and outdoor storage LCZ-REQ7 Active frontage</p> <p>Matters for discretion: 7. The exercise of discretion in relation to LCZ-R9.6. is restricted to the following matters: 1. CMUZ-MAT1 Economic Impacts</p> <hr/> <p>Activity status: PER <u>11. Any retail activity,</u> Where: <u>a. the activity is a supermarket with a GFA up to 1,000m².</u></p>	<p>Activity status when compliance not achieved: 2. When compliance with any of LCZ-R9.1.a. is not achieved: Refer to LCZ-R9.6 3. When compliance with any of LCZ-R9.1.b. is not achieved: <u>Refer to LCZ-R9.11 RDIS</u> 4. When compliance with any rule requirement listed in this rule is not achieved: Refer to LCZ-Rule requirements.</p> <p>Matters for discretion: 5. <u>The exercise of discretion in relation to LCZ-R9.3. is restricted to the following matters:</u> <u>1. CMUZ-MAT1 Economic Impacts</u></p> <hr/> <p>Activity status when compliance not achieved: <u>83. When compliance with any of LCZ-R9.6.a. is not achieved: NC</u> <u>94. When compliance with LCZ-R9.6.b. is not achieved: Refer to LCZ-R9.11.</u> <u>10. When compliance with any rule requirement listed in this rule is not achieved: Refer to LCZ-Rule requirements.</u></p> <hr/> <p>Activity status when compliance not achieved: <u>12. When compliance with LCZ-R9.11.a is not achieved: RDIS</u></p> <p>Matters for discretion: <u>13. The exercise of discretion in relation to LCZ-R9.12. is restricted to the following matters:</u> <u>a. CMUZ-MAT1 Economic Impacts</u></p>
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¹ Woolworths DPR-and Foodstuffs DPR-0373.005

<p><u>And the activity complies with the following rule requirements:</u></p> <p><u>LCZ-REQ1 Servicing</u></p> <p><u>LCZ-REQ5 Fencing and outdoor storage</u></p> <p><u>LCZ-REQ6 Landscaping</u></p> <p><u>LCZ-REQ7 Active frontage</u></p> <p><u>LCZ-REQ9 Location of car parking</u></p>	<p><u>14. When compliance with any rule requirement listed in this rule is not achieved: Refer to LCZ-Rule requirements.</u></p>
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Submission Scope:

- 4.19 Scope is provided for this proposed amendment through the Woolworths submission point DPR-0396.013.

Reasoning:

- 4.20 Increasing the permitted activity size limit for a supermarket, up to 1000m² GFA in the LCZ will provide for smaller stores to establish as an activity under LCZ-R9, while still enabling an assessment of potential urban design effects and economic impacts for any larger sized stores proposed in a LCZ under LCZ-R1 which manages the establishment of new buildings. No s32AA assessment is deemed necessary.

LCZ-REQ8 Alpine Design

- 4.21 ~~1.c.iv. coloured corrugated metal sheeting;...~~

Submission Scope:

- 4.22 Scope is provided for this proposed amendment through the Castle Hill Community Associations submission point DPR-0442.012.

Reasoning:

- 4.23 The use of coloured corrugated metal sheeting is not a commonly used material in the village and to maintain the Alpine aesthetic, the restriction allowing no more than 20% of a development to use this material should be adopted, as was the approach taken in the Operative District Plan. No s32AA assessment is deemed necessary.