

**Before a Hearings Panel appointed
by the Selwyn District Council**

Under

the Resource Management Act
1991

And

In the Matter

a hearing on the submissions to the
proposed Selwyn District Plan

Hearing 23: Commercial & Mixed
Use Zones

Joint Witness Statement (Planning)

Dated: 25 March 2022

INTRODUCTION

1. In their minute dated 10 March 2022 following the adjournment of Hearing 23: Commercial and Mixed Use Zone (**CMUZ**) the Hearings Panel considered it would be of assistance if the following planning witnesses conferred and produced a Joint Witness Statement (**JWS**) in relation to the CMUZ (together, **The Witnesses**):
 - (a) Mark Allan on behalf of Foodstuffs South Island Limited and Foodstuffs (South Island) Properties Limited (**Foodstuffs**).
 - (b) Kay Panther Knight on behalf of Woolworths New Zealand Limited (**Woolworths**).
 - (c) Jessica Tuilaepa on behalf of Selwyn District Council (**Council**).
2. The Witnesses confirm that the session has been conducted in accordance with the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2014 and this JWS has been prepared in accordance with Appendix 3 to that document.
3. The planning conferencing took place on 15 March and 21 March 2022 by Microsoft Teams.

Issues Discussed

4. The focus of the Planning conferencing was the better enablement of supermarkets in the Proposed Selwyn District Plan (**PDP**).

THE ISSUES

Matters Agreed

5. All Planners agreed that the PDP as notified did not appropriately enable supermarket development within the CMUZ.
6. All Planners agreed that the PDP needed amendment to better enable supermarkets in CMUZ.
7. Mark and Kay highlighted Foodstuffs' and Woolworths' general submission points that as notified, the PDP represented an under supply of land suitably zoned for supermarket development and expansion, noting this was

supported by economic evidence presented on behalf of Foodstuffs and the Council to the CMUZ hearing.

8. Kay and Mark agree that the suggestion in the section 42A hearing report that the private plan change process be used to rezone areas LFRZ to enable new supermarkets was an inefficient method to provide for what is a recognised demand for new supermarkets.

Matters Disagreed

9. Mark and Kay are in agreement regarding the planning framework for supermarkets in the CMUZ as elaborated upon below and with reference to the agreed relief sought in **Appendix 1**.
10. The remaining area of disagreement with Jessica relates to activity status for supermarkets exceeding 450m² GFA in the NCZ. This results in a related disagreement regarding the wording and applicability of Policy CMUZ-P1, discussed below.

POLICY DISCUSSION

11. The Planners agree that the policy framework set out within the Strategic Directions chapter is appropriate and the following JWS addresses the way in which the Planners consider the CMUZ provisions should implement that higher order policy framework.
12. The Planners discussed Kay's proposed amendments to Policy CMUZ-P1 seeking to "flip" this policy from an "avoid incompatible activities" approach to an "encourage compatible activities" approach. Jessica identified that the purpose and intent of Policy CMUZ-P1 was to avoid establishment of truly incompatible activities in the CMUZ – citing prisons, landfills and heavy industry as examples and therefore Jessica's preference was to retain Policy CMUZ-P1 as notified.
13. Jessica agrees that, as notified in the PDP, larger supermarkets in smaller centres as non-complying activities are caught by this policy but, specifically in relation to NCZ, Jessica considers this is appropriate as she does not wish to enable larger supermarkets in this zone and its intent goes hand in hand with the intended non-complying activity status.

14. Jessica did suggest consideration of an alternative to introduce an additional policy that encourages larger commercial activities as suggested in Kay's relief regarding changes sought to CMUZ-P1. Notwithstanding, Jessica suggested the policies in each of the zones within CMUZ are more enabling and give enough policy direction to address the potential conflict.
15. Jessica also agreed that the wording of Policy CMUZ-P1 could benefit from re-wording to ensure it was seeking to avoid adverse effects of incompatible activities, rather than avoiding the activities themselves.
16. So long as the activity status for supermarkets in the CMUZ is as per the relief sought in Appendix 1 to this JWS, Mark and Kay agree that CMUZ-P1 plays less of a role than previously.
17. Should non-complying activity status as sought by Jessica in the NCZ be implemented, then Mark and Kay consider the amendments sought to this policy as per Kay's primary evidence needs to be implemented (and repeated below for ease of reference).

~~Encourage~~ ~~Avoid~~ activities locating within any 'Commercial and Mixed Use Zone' that are ~~in~~compatible with the character and function of that zone; and where located in a Local Centre, Large Format Retail, or Neighbourhood Centre Zone are of a scale or nature that ~~recognises and reflects~~ ~~would adversely affect~~ the viability and function of the Town Centre Zone, including ~~having regard to mitigating~~ individual and cumulative adverse ~~retail~~ distributional ~~and urban form~~ effects.

18. The Planners agree the objectives for each centre and supporting policies TCZ-P1, LCZ-P1, NCZ-P1 and LFRZ-P1 provide suitable policy guidance alongside the revised activity status for supermarkets in the CMUZ.
19. The Planners agree no other amendments (beyond those identified in Council's section 42A hearing report) are required to the policy framework, even considering consistency with the proposed rule amendments that follow. This includes at the Strategic Directions level.

RULE FRAMEWORK

20. All Planners agree with following proposed activity status for supermarkets in the CMUZ relative to the following:
 - (a) LFRZ – permitted
 - (b) TCZ – permitted

- (c) LCZ – permitted up to 1,000m² GFA, restricted discretionary thereafter.
21. Mark and Kay consider the following activity status is appropriate for supermarkets in the NCZ. Jessica disagrees and seeks to retain non-complying activity status over the 450m² GFA threshold for supermarkets in the NCZ:
- (a) NCZ – permitted up to 450m² GFA, restricted discretionary thereafter.
22. All Planners agree that restricted discretionary activity status for Rule Requirement infringements in the CMUZ is appropriate, specifically including the standards addressed below.
- (a) Height
 - (b) Height in relation to boundary
 - (c) Setbacks
 - (d) Fencing and outdoor storage
 - (e) Outdoor storage (in LFRZ)
 - (f) Verandahs (in TCZ)
 - (g) Landscaping
 - (h) Active frontage
 - (i) Location of car parking.
23. Turning to matters of discretion, all Planners agree that the relevant matter of discretion for supermarkets in LCZ that require restricted discretionary activity consent is MAT1 Economic Impacts. Mark and Kay consider the same matter of discretion applies for supermarkets in the NCZ. Jessica wishes to retain non-complying activity status.
24. All Planners accept that new buildings and structures separate from the activity status for supermarkets require restricted discretionary activity consent and the relevant matter of discretion in that instance is MAT3 Urban Design.
25. All Planners agree that the above matters of discretion (MAT1, MAT3) are suitably worded to provide a targeted yet robust assessment, acknowledging

the operational and functional requirements of activities, and specifically supermarkets.

26. Regarding the matters of discretion for Fencing and Outdoor Storage, Active Frontages and Location of Car Parking, all Planners are comfortable with the wording proposed by Kay (repeated in **Appendix 1** for ease of reference).
27. The Planners discussed non-notification clauses relative to Rule Requirement infringements. The Planners agree scope for this consideration is valid relative to Rolleston West Residential Limited DPR-0358.384 and Rolleston Industrial Developments Limited DPR-0384.392 discussed in Section 8 of the s42A Report. Mark and Kay consider Rule Requirement infringements in the CMUZ ought to be processed without public notice but that such infringements may require limited notification or the provision of written approval by affected parties. This is because it is agreed that the effects of Rule Requirement infringements are well-known and can be limited in scope of assessment, as restricted discretionary activities, such that public notification is not considered an efficient outcome that would benefit the decision-makers beyond the already-restricted discretion. As regards limited notification, Mark and Kay accept that Rule Requirement infringements may give rise to adverse effects on specific (usually neighbouring) properties such that provision for the ability to limited notify should be retained.
28. Jessica agrees with Mark and Kay on this matter, however, reserves her position with respect to potential public notification of infringements to Height and Height in relation to Boundary Rule Requirements as a result of the pending variation to introduce the NPSUD.

MATTERS NOT CONFERENCED

29. We have not conferenced site-specific matters or re-zoning, except to identify that economic evidence confirms there is a lack of suitably zoned commercial land which is exacerbated by the growing demand for new supermarkets in the District.



Mark Allan



Kay Panther Knight



Jessica Tuilaepa

Appendix 1: Agreed Redline Text, Commercial and Mixed Use Zones

Part 3 Area Specific Matters

CMUZ Chapter

CMUZ-Objectives and Policies

CMUZ-Policies

Character and Function of Commercial Zones

Edit Note: Jessica does not agree with the edits to Policy CMUZ-P1 below, preferring to retain Policy CMUZ-P1 as notified. Kay and Mark consider the following edits are necessary only in the circumstance where supermarkets remain a non-complying activity status in the NCZ. Should restricted discretionary activity consent status be applied, then Mark and Kay consider no edits to Policy CMUZ-P1 are necessary.

CMUZ-P1 ~~Encourage~~ ~~Avoid~~ activities locating within any 'Commercial and Mixed Use Zone' that are incompatible with the character and function of that zone; and where located in a Local Centre, Large Format Retail, or Neighbourhood Centre Zone are of a scale or nature that ~~recognises and reflects~~ ~~would adversely affect~~ the viability and function of the Town Centre Zone, including ~~having regard to mitigating~~ individual and cumulative adverse ~~retail~~ distributional ~~and urban form~~ effects.

CMUZ-Matters for Control or Discretion

CMUZ-MATx	Fencing and Outdoor Storage
	<ol style="list-style-type: none"><u>The extent to which the infringement results in adverse effects on amenity and visual streetscape values.</u><u>The extent to which the infringement results in adverse effects on the safety and efficiency of loading and parking areas.</u><u>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.</u><u>Measures to mitigate adverse effects associated with the above matters.</u>

CMUZ-MATx	Landscaping
	<ol style="list-style-type: none"><u>The extent to which reduced landscaping results in adverse effects on amenity and visual streetscape values.</u><u>The extent to which reduced landscaping results in adverse effects on the amenity values and outlook of any residential or open space and recreation zones opposite the site.</u><u>The extent to which the visual effects of reduced landscaping are mitigated through the location of ancillary offices, showrooms, the display of trade supplier or yard-based goods for sale, along the site frontage.</u><u>Measures to mitigate adverse effects associated with the above matters.</u>

CMUZ-MATx	Active Frontage
	<ol style="list-style-type: none"><u>The extent to which the infringement results in adverse effects on amenity, centre character and visual streetscape values.</u><u>The design and location of the building having regard to the operational and functional requirements of the activity to be accommodated.</u><u>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.</u><u>The extent to which Crime Prevention Through Environmental Design (CPTED) principles are incorporated.</u><u>Measures to mitigate adverse effects associated with the above matters.</u>

CMUZ-MATx	Location of Car Parking
	<ol style="list-style-type: none"><u>The extent to which the infringement results in adverse effects on amenity, centre character and visual streetscape values.</u><u>The design and location of the car parking having regard to the operational and functional requirements of the activity to be accommodated.</u><u>The extent to which the infringement results in adverse effects on the safety and efficiency of loading and parking areas.</u><u>The extent to which the location of car parking achieves the intent of the standard by other means, to promote pedestrian safety and amenity.</u><u>The extent to which Crime Prevention Through Environmental Design (CPTED) principles</u>

Appendix 1: Agreed Redline Text, Commercial and Mixed Use Zones

	are incorporated. 6. Measures to mitigate adverse effects associated with the above matters.
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Neighbourhood Centre Zone

NCZ-Rules

NCZ-Rule List

Edit Note: Jessica does not agree with the edits to Rule NCZ-R5 in the following table insofar as they relate to Restricted Discretionary activity Status for supermarkets over 450m² in GFA within the NCZ. The yellow highlighted edits are therefore agreed only between Kay and Mark.

NCZ-R5	Commercial Activities that are not otherwise listed in NCZ-Rule List	
	<p>Activity status: PER</p> <p>1. Any commercial activity that is not otherwise listed in NCZ-Rules List,</p> <p>Where:</p> <p>a. the gross floor area of the commercial activity is no more than 450m²</p> <p>And the activity complies with the following rule requirements: NCZ-REQ1 Servicing NCZ-REQ2 Height NCZ-REQ3 Height in relation to boundary NCZ-REQ4 Fencing and outdoor storage NCZ-REQ6 Active frontage</p> <hr/> <p>Activity status: RDIS 5. Any commercial activity that is not otherwise listed in NCZ-Rules List,</p> <p>Where:</p> <p>a. the activity is a supermarket with a GFA more than 450m².</p> <p>And the activity complies with the following rule requirements: NCZ-REQ1 Servicing NCZ-REQ2 Height NCZ-REQ3 Height in relation to boundary NCZ-REQ4 Fencing and outdoor storage NCZ-REQ6 Active frontage</p> <p>Matters for discretion: 6. The exercise of discretion in relation to NCZ-R5.a. is restricted to the following matters: a. CMUZ-MAT1 Economic Impacts</p>	<p>Activity status when compliance not achieved:</p> <p>2. When compliance with any of NCZ-R5.1.a. is not achieved and NCZ-3 does not apply: NC</p> <p>3. When compliance with NCZ-R5.1.a. is not achieved and the activity is a supermarket: Refer to NCZ-R5.5.</p> <p>4. When compliance with any rule requirement listed in this rule is not achieved: Refer to NCZ-Rule requirements.</p> <hr/> <p>Activity status when compliance not achieved:</p> <p>7. When compliance with any rule requirement listed in this rule is not achieved: Refer to NCZ-Rule requirements.</p>

NCZ-Rule Requirements

NCZ-REQ4	<p>Fencing and Outdoor Storage</p> <p>1. No new fences...</p>	<p>Activity status when compliance not achieved:</p> <p>4. When compliance with any of NCZ-REQ4.1., NCZ-REQ4.2., or NCZ-REQ4.3. is not achieved: RDIS DIS</p>
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Appendix 1: Agreed Redline Text, Commercial and Mixed Use Zones

		<p><u>Matters for discretion:</u></p> <p>5. <u>The exercise of discretion in relation to NCZ-REQ4.4. is restricted to the following matters:</u></p> <p>a. <u>CMUZ-MATx Fencing and Outdoor Storage</u></p>
NCZ-REQ5	<p>Landscaping</p> <p>1. Where a site adjoins...</p>	<p>Activity status when compliance not achieved:</p> <p>2. When compliance with any of NCZ-REQ5.1. is not achieved: RDIS DIS</p> <p><u>Matters for discretion:</u></p> <p>3. <u>The exercise of discretion in relation to NCZ-REQ5.2. is restricted to the following matters:</u></p> <p>a. <u>CMUZ-MATx Landscaping</u></p>
NCZ-REQ6	<p>Active frontage</p> <p>1. In relation to new developments:</p> <p>a. the primary frontage must incorporate active frontage which results in at least 50% of the development's façade ground floor level being transparent glazing.</p> <p>b. If the development includes a secondary frontage, active frontage resulting in at least 60% of the combined primary frontage and secondary frontage, with a minimum of 10% of the secondary frontage at ground floor level, must be transparent glazing.</p> <p>2. In relation to existing developments:</p> <p>Where a façade overlooks on-site public space, or a road, or other area where the public have legal right of access, 80% of existing transparent glazing must be retained as active frontage.</p> <p><u>1. Any new commercial building:</u></p> <p><u>For any new commercial building the primary frontage must contain at least 50% active frontage at ground floor level. The secondary frontage must contain at least 10% active frontage at ground floor level.</u></p> <p><u>2. Any existing commercial building:</u></p> <p><u>For any addition or structural modification to the exterior of an existing commercial building the primary frontage must contain either at least 50% active frontage at ground floor level or retain the existing active frontage, whichever the greater.</u></p> <p>-----</p> <p><u>53. Any existing residential development to be converted for commercial use:</u></p> <p><u>Any façade that overlooks public space or</u></p>	<p>Activity status when compliance not achieved:</p> <p>32. Where compliance with any of NCZ-REQ6.1. <u>or</u> NCZ-REQ6.2., or NCZ-REQ6.3. is not achieved: RDIS DIS</p> <p><u>Matters for discretion:</u></p> <p><u>4. The exercise of discretion in relation to NCZ-REQ6.3. is restricted to the following matters:</u></p> <p>a. <u>CMUZ-MATx Active Frontage</u></p> <p>-----</p> <p><u>Activity status when compliance not achieved:</u></p> <p><u>7. When compliance with any of NCZ-REQ5.5.</u></p>

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	<p><u>'on-site' public space must retain at least 80% of existing glazing at Ground Floor level.</u></p> <p><u>6.</u> Transparent glazing may not be obscured by being boarded up, painted, or covered by signage or obscured by other means.</p>	<p><u>or NCZ-REQ5.6. is not achieved: DIS</u></p>
NCZ-REQ7	<p>Location of car parking</p> <p>1. No car parking...</p>	<p>Activity status when compliance not achieved:</p> <p>2. When compliance with any of NCZ-REQ7.1 is not achieved: <u>RDIS</u> DIS</p> <p>Matters for discretion:</p> <p><u>3. The exercise of discretion in relation to NCZ-REQ7.2 is restricted to the following matters:</u></p> <p><u>a. CMUZ-MATx Location of Car Parking</u></p>

Local Centre Zone

LCZ-Rules

LCZ-Rule List

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

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	<p>R9.6. is restricted to the following matters:</p> <p>1. CMUZ-MAT1 Economic Impacts</p> <hr/> <p>Activity status: <u>PER</u></p> <p><u>11. Any retail activity,</u></p> <p>Where:</p> <p>a. <u>the activity is a supermarket with a GFA up to 1,000m².</u></p> <p>And the activity complies with the following rule requirements:</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>Activity status when compliance not achieved:</p> <p><u>12. When compliance with LCZ-R9.11.a is not achieved: <u>RDIS</u></u></p> <p>Matters for discretion:</p> <p><u>13. The exercise of discretion in relation to LCZ-R9.12. is restricted to the following matters:</u></p> <p>a. <u>CMUZ-MAT1 Economic Impacts</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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LCZ-Rule Requirements

LCZ-REQ5	<p>Fencing and Outdoor Storage</p> <p>1. No new wall or fence...</p>	<p>Activity status when compliance not achieved:</p> <p>5. When compliance with any of LCZ-REQ5.1., LCZ-REQ5.2., LCZ-REQ5.3., or LCZ-REQ5.4. <u>is</u> not achieved: <u>RDIS</u> DIS</p> <p>Matters for discretion:</p> <p>6. <u>The exercise of discretion in relation to LCZ-REQ5.5. is restricted to the following matters:</u></p> <p>a. <u>CMUZ-MATx Fencing and Outdoor Storage</u></p>
LCZ-REQ6	<p>Landscaping</p> <p>1. Where a site adjoins...</p>	<p>Activity status when compliance not achieved:</p> <p>2. When compliance with any of LCZ-REQ6.1. is not achieved: <u>RDIS</u> DIS</p> <p>Matters for discretion:</p> <p>3. <u>The exercise of discretion in relation to LCZ-REQ6.2. is restricted to the following matters:</u></p> <p>a. <u>CMUZ-MATx Landscaping</u></p>
LCZ-REQ7	<p>Active Frontage</p> <p>1. In relation to new developments:</p> <p>a. the primary frontage must incorporate active frontage which results in at least 50% of the development's façade ground floor level being transparent glazing.</p> <p>b. If the development includes a secondary frontage, active frontage resulting in at least 60% of the combined primary frontage and secondary frontage, with a minimum of 10% of the secondary</p>	<p>Activity status when compliance not achieved:</p> <p>34. Where compliance with any of LCZ-REQ7.1. <u>or</u> LCZ-REQ7.2., or LCZ-REQ7.3. is not achieved: <u>RDIS</u> DIS</p> <p>Matters for discretion:</p> <p>4. <u>The exercise of discretion in relation to LCZ-REQ7.3. is restricted to the following matters:</u></p> <p>a. <u>CMUZ-MATx Active Frontage</u></p>

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	<p>frontage at ground floor level, must be transparent glazing.</p> <p>2. In relation to existing developments:</p> <p>Where a façade overlooks on-site public space, or a road, or other area where the public have legal right of access, 80% of existing transparent glazing must be retained as active frontage.</p> <p>1. Any new commercial building: For any new commercial building the primary frontage must contain at least 50% active frontage at ground floor level. The secondary frontage must contain at least 10% active frontage at ground floor level.</p> <p>2. Any existing commercial building: For any addition or structural modification to the exterior of an existing commercial building the primary frontage must contain either at least 50% active frontage at ground floor level or retain the existing active frontage, whichever the greater.</p> <hr/> <p>53. Any existing residential development to be converted for commercial use: Any façade that overlooks public space or 'on-site public space must retain at least 80% of existing glazing at Ground Floor level.</p> <p>6. Transparent glazing may not be obscured by being boarded up, painted, or covered by signage or obscured by other means.</p>	
		<p>Activity status when compliance not achieved:</p> <p>7. When compliance with any of LCZ-REQ7.5. or LCZ-REQ7.6. is not achieved: DIS</p>
LCZ-REQ9	<p>Location of Car parking</p> <p>1. No car parking...</p>	<p>Activity status when compliance not achieved:</p> <p>2. When compliance with any of LCZ-REQ9.1 is not achieved: RDIS DIS</p> <p>Matters for discretion:</p> <p>3. The exercise of discretion in relation to LCZ-REQ9.2 is restricted to the following matters: a. CMUZ-MATx Location of Car Parking</p>

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Large Format Retail Zone

LFRZ-Rules

LFRZ-Rule List

LFRZ-R6	Retail Activities	
	<p>Activity status: PER</p> <p>1. Any retail activity that is not otherwise listed in LFRZ-Rule List,</p> <p>Where:</p> <ul style="list-style-type: none"> a. the retail activity is not a supermarket or department store; and b. the GFA of any individual retail tenancy is no less than 450m². <p>And the activity complies with the following rule requirements:</p> <p>LFRZ-REQ1 Servicing</p> <p>LFRZ-REQ5 Outdoor storage</p>	<p>Activity status when compliance not achieved:</p> <p>2. When compliance with any of LFRZ-R6.1.a, or LFRZ-R6.1.b. is not achieved: NC</p> <p>3. When compliance with any rule requirement listed in this rule is not achieved: Refer to LFRZ-Rule Requirements</p>

LFRZ-Rule Requirements

LFRZ-REQ5	<p>Outdoor Storage</p> <p>1. Any outdoor storage...</p>	<p>Activity status when compliance not achieved:</p> <p>35. When compliance with any of LFRZ-REQ5.1. or LFRZ-REQ5.2. is not achieved: <u>RDIS</u> DIS</p> <p>Matters for discretion:</p> <p>4. <u>The exercise of discretion in relation to LFRZ-REQ5.3. is restricted to the following matters:</u></p> <ul style="list-style-type: none"> a. <u>CMUZ-MATx Fencing and Outdoor Storage</u>
LFRZ-REQ6	<p>Landscaping</p> <p>1. Prior to the erection of...</p>	<p>Activity status when compliance not achieved:</p> <p>8. When compliance with any of LFRZ-REQ6 is not achieved: <u>RDIS</u> DIS</p> <p>Matters for discretion:</p> <p>9. <u>The exercise of discretion in relation to LFRZ-REQ6.8. is restricted to the following matters:</u></p> <ul style="list-style-type: none"> a. <u>CMUZ-MATx Landscaping</u>

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Town Centre Zone

TCZ-Rule Requirements

TCZ-REQ5	Fencing and Outdoor Storage Areas 1. No road boundary fence...	Activity status when compliance not achieved: 7. Where compliance with any of TCZ-REQ5. is not achieved: RDIS DIS Matters for discretion: 8. <u>The exercise of discretion in relation to TCZ-REQ5.7. is restricted to the following matters:</u> a. <u>CMUZ-MATx Fencing and Outdoor Storage</u>
TCZ-REQ7	Landscaping 1. Except where the site is located in...	Activity status when compliance not achieved: 2. Where compliance with any of TCZ-REQ7.1. is not achieved: RDIS DIS Matters for discretion: 3. <u>The exercise of discretion in relation to TCZ-REQ7.2. is restricted to the following matters:</u> a. <u>CMUZ-MATx Landscaping</u>
TCZ-REQ8	Active Frontage 1. In relation to new developments: a. the primary frontage must incorporate active frontage which results in at least 50% of the development's façade ground floor level being transparent glazing. b. If the development includes a secondary frontage, active frontage resulting in at least 60% of the combined primary frontage and secondary frontage, with a minimum of 10% of the secondary frontage at ground floor level, must be transparent glazing. 2. In relation to existing developments: Where a façade overlooks on site public space, or a road, or other area where the public have legal right of access, 80% of existing transparent glazing must be retained as active frontage. 1. Any new commercial building: For any new commercial building the primary frontage must contain at least 50% active frontage at ground floor level. The secondary frontage must contain at least 10% active frontage at ground floor level. 2. Any existing commercial building: For any addition or structural modification to the exterior of an existing commercial building the	Activity status when compliance not achieved: 3 4. 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. <u>CMUZ-MATx Active Frontage</u>

Appendix 1: Agreed Redline Text, Commercial and Mixed Use Zones

	<p><u>primary frontage must contain either at least 50% active frontage at ground floor level or retain the existing active frontage, whichever the greater.</u></p> <p>-----</p> <p><u>53. Any existing residential development to be converted for commercial use:</u> <u>Any façade that overlooks public space or 'on-site public space must retain at least 80% of existing glazing at Ground Floor level.</u></p> <p><u>63.</u> Transparent glazing may not be obscured by being boarded up, painted, or covered by signage or obscured by other means.</p>	<p>-----</p> <p><u>Activity status when compliance not achieved:</u> <u>7. When compliance with any of TCZ-REQ8.5. or TCZ-REQ8.6. is not achieved: DIS</u></p>
TCZ-REQ9	<p>Location of Car parking</p> <p>1. No car parking or...</p>	<p>Activity status when compliance not achieved: 2. When compliance with any of TCZ-REQ9.1 is not achieved: <u>RDIS DIS</u></p> <p><u>Matters for discretion:</u> <u>3. The exercise of discretion in relation to TCZ-REQ9.2 is restricted to the following matters:</u> a. <u>CMUZ-MATx Location of Car Parking</u></p>