8 October 2025

Foodstuffs – Hearing 15D Presentation

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What I will cover

- Overall comments
- TCZ provisions
- Other Changes
- Summary & key takeaways

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Overall Comments

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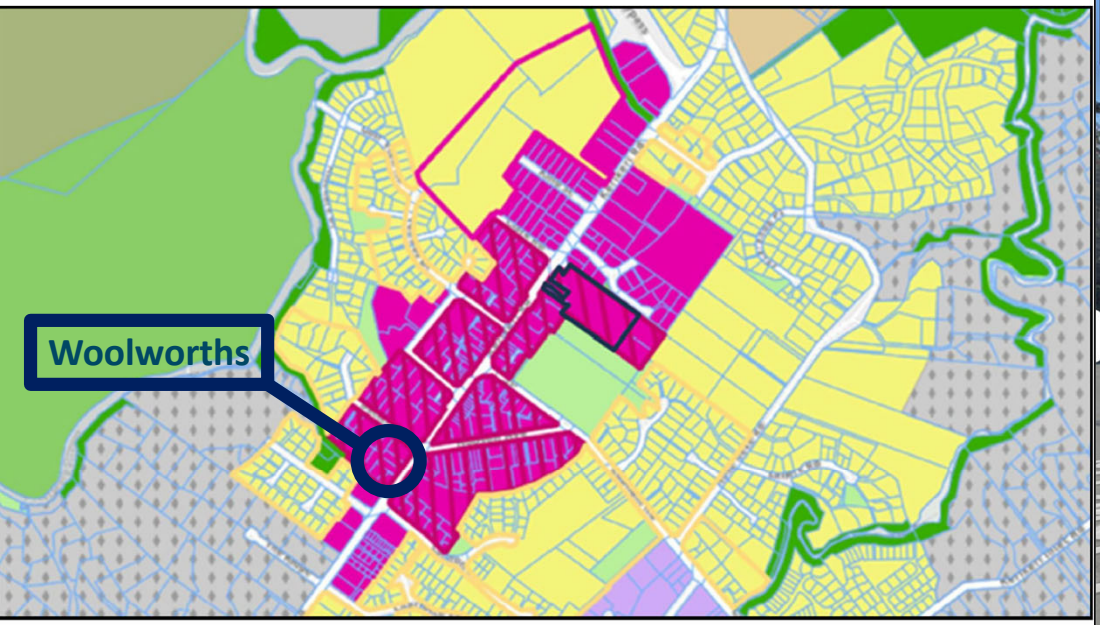

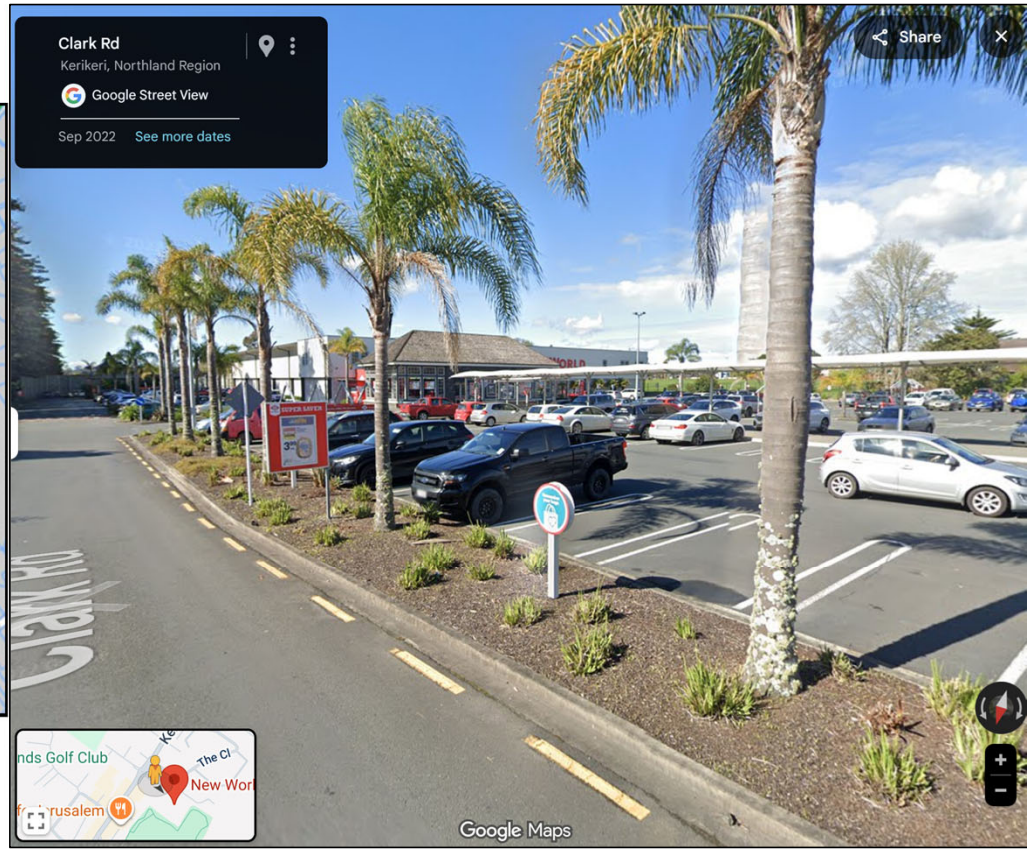

Figure 1: Foodstuffs Kerikeri Site (blue outline) in the context of the recommended TCZ.

Overall Comments

- My position regarding the need for a **centres hierarchy** remains unchanged from previous hearings – the inclusion of the TCZ does not go far enough.
- I generally **support the spatial extent** of the TCZ in Kerikeri.
- The approach to the development of the TCZ has caused **frustration**. In particular:
  - Utilisation of **Kāinga Ora provisions** should have been signalled sooner and an increased timeframe to respond provided; and
  - In my opinion, the provisions have **not been properly scrutinised**, with a number of clear errors and inconsistencies as I have addressed in my evidence and within this presentation.

Town Centre Zone (TCZ) - Provisions

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General Comments

- Council have adopted Kāinga Ora's provisions as the basis for their recommended TCZ with **no targeted section 32AA** evaluation of the provisions.
- The lack of targeted assessment represents a **significant gap** in Council's assessment and makes understanding rationale of the provisions difficult.
- Lack of **nesting tables** for key activities remains an issue and makes understanding how activities are captured difficult ➔ Council continue to reject this relief in recently released Hearing 17 s42A.
- The objectives and policies for the TCZ **clearly anticipate and provide for commercial activities**, recommend amendment to TCZ-P4 to include reference to 'supermarkets' ➔ consistent with Council recommendation for MUZ.

TCZ-P4

TCZ-P4

~~**Growth of Town Centre Zone**~~

Provide for growth in commercial activities **(including supermarkets)** ~~**primarily through the intensification of Kerikeri town centre**~~ by enabling a wide range of compatible activities and increased building heights and building scale.

Improve access to a range of facilities, goods and services in a convenient and efficient manner.

Supports a safe and efficient multi-modal transport network which his integrated with the centre.

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TCZ-R1 New Buildings or Structures

Issues:

- PER 1 **unnecessarily restricts alterations** that do not alter building footprints and should be consistent with the equivalent rule in MUZ (MUZ 1).
- PER-2 **requires non-complying consent** for extensions or alterations to an existing building or structure which accommodates a non-complying activity (under another provision) is unnecessary and redundant.

Recommendations:

- **Amend** TCZ-R1 PER-1 to be consistent with the equivalent MUZ provisions.
- **Delete** TCZ-R1 PER-2.

TCZ-R1 Recommended Amendments

TCZ-R1 – New buildings or structures, relocated buildings or extensions or alterations to existing buildings or structures

"Activity status: Permitted

PER-1

The new building, or structure, **relocated buildings** or extension or alteration to an existing building or structure **that increases the existing building footprint** complies with standards:

TCZ-S1 Maximum height;

TCZ-S2 Height in relation to boundary;

TCZ-S3 Setback (excluding from MHWS or wetland, lake and river margins);

TCZ-S4 Pedestrian frontages;

PER-X

Extension or alteration to an existing building or structure that does not increase the building footprint, complies with standards:

TCZ-S1 Maximum height; and

TCZ-S2 Height in relation to boundary."

~~**PER-2**~~

~~**Any extension or alteration to an existing building or structure where the activity is Noncomplying**~~

Activity status where compliance not achieved with PER-1 and PER-2: Restricted Discretionary

Matters of discretion are restricted to:

a. the matters of discretion of any infringed standard.

~~**Activity status where compliance not achieved with PER-2: Non- Complying**~~

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TCZ-R2 – Commercial Activities

Issue:

- There is **no definition** of 'trade and yard-based retail'
- PER 1 – alterations or extensions to existing buildings and structures are **already captured** by TCZ-R1, this wording is not required.
- The **GFA limits are unjustified** with no reasoning provided as to why this should apply to 'commercial activities' but not other activities such as 'healthcare activity' or 'community facility'.
- Matters of discretion read like **assessment criteria** rather than targeted matters of discretion.

Recommendation:

- Replace 'trade and yard-based retail' with '**trade supplier**' a defined term in the PDP.
- **Exclude 'supermarkets'** from the title of TCZ-R2, include a permitted activity rule for 'supermarkets' ➔ similar to recommendation from Council in the MUZ.
- **Amend the leader sentence** of PER-1 to state 'The new activity, or extension to an existing activity, is…'
- **Redraft the matters of discretion** to focus on relevant matters using clear and simple language.

TCZ-R2 and TCZ-RXX Recommended Amendments

TCZ-R2 – Commercial activity (excluding trade suppliers and supermarkets ~~yard-based retail~~)

Activity status: Permitted

Where: PER-1

~~Any new non-residential activities or extensions or alterations to an existing building or structure is~~ **The new activity, or extension to an existing activity, is:**

a. Less than 450m2 GFA where a pedestrian frontage applies as identified on the Planning Maps.

b. Less than 1,000m2 GFA where a pedestrian frontage does not have apply as identified on the Planning Maps.

Activity status where compliance not achieved with PER-1: Restricted Discretionary

a) Effects on streetscape character and amenity.
b) Building bulk and design.
c) Privacy and amenity effects on ajoining sites outside of the Town Centre Zone.
d) Crime prevention through environmental design principles.
e) Functional and operational requirements of the proposed activities.

TCZ-RXX – Supermarkets

Activity status: Permitted

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TCZ-R15 – Large Format Retail

Issue:

- Non-complying activity status for 'large format retail' **contradicts TCZ-R2** which permits 'commercial activities'.
- A **lack of clarity and overlap in definitions** and rules means the New World Kerikeri would be captured as 'large format retail' due to the GFA being greater then 450m^2.
- Supermarkets are a **key community asset** providing essential goods and services that are typically expected to be located within town centres, urban centres or other commercial zones.
- There is no directive to 'avoid' large format retail specifically; rather the **objectives and policies clearly provide for commercial activities**.

Recommendation:

- TCZ-R15 should be **amended to exclude supermarkets**, or either deleted entirely or the activity status downgraded to restricted discretionary ➔ consistent with MUZ recommendations.

TCZ-R15 – Large format retail (excluding supermarkets)

TCZ Standards

Recommendations

- Amend TCZ-S6 to **exclude Town Centre Zone** from landscaping requirement - consistent with MUZ-S9 which exempts landscaping for boundaries between sites zoned MUZ.
- **Delete TCZ-S10 clause 2** as the TCZ spatial extent is within Council's reticulated network.
- **Delete the note in TCZ-S10** regarding engineering assessment – an engineering assessment is not required to demonstrate compliance.
- **Simplify the matters of discretion** relating to TCS-S10.
- Support 'no minimum allotment size' stated in SUB-S1 to be consistent with the rest of the PDP this **should be in the Subdivision Chapter**.

TCZ-S6, TCZ-S10 and TCZ-S1 Amendments

TCZ-S6 – Landscaping for sites that adjoin any sites other than mixed use, town centre or industrial

Site boundaries that adjoin any zone other than Mixed Use, Town Centre, Light Industrial or Heavy Industrial must:

1. Be fenced with a solid fence or wall with a minimum height of 1.8m; or
2. Be landscaped with plants or trees with a minimum height of 1m at installation and shall achieve a continuous screen of 1.8m in height and 1.5m in width within five years; or
3. Be screened with a combination of (1) and (2) above.

~~**SUB-S1 – Minimum allotment sizes**~~

~~Zone~~	~~Controlled Activity~~	~~Discretionary activity~~
~~Town Centre zone~~	~~No minimum lot size~~	~~No minimum lot size~~

TCZ-S7~~10~~ General Landscaping ~~Coverage~~

1. At least 10% of the site shall be planted in grass, vegetation or landscaped with permeable material~~.; and~~

~~**2. Where a connection to Council's reticulated stormwater system is not available the stormwater must be disposed of within the site**~~

~~**An engineering/ site suitability report is required to determine compliance with these standards**~~

Where the standard is not met, matters of discretion are restricted to:

a. **Stormwater management.**

b. **Streetscape character and amenity.**

c. **The appropriateness of the nature, type and size of the planting proposed.**

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Other Changes

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Other Changes

- There are **inconsistencies and errors** throughout the TCZ provisions that require amending, these include:
  - Numbering errors;
  - Rule duplication; and
  - Inconsistent referencing of terms.
- These are easily identifiable within the provisions, and I consider they indicate a **lack of careful scrutiny** of the TCZ provisions.
- Consequential changes – should be **clearly shown as track changes** so there is clarity for submitters as to what precisely is to be changed.

Examples

TCZ-R4	Emergency Service facility	
Town Centre zone	Activity status: Permitted	Activity status where compliance not achieved with PER-1: Discretionary
TCZ-R6	Healthcare activity	
Town Centre zone	Activity status: Permitted	Activity status where compliance not achieved: Not applicable
TCZ-R7	Community facility	
Town Centre zone	Activity status: Permitted	Activity status where compliance not achieved: Not applicable
TCZ-R10	Conservation activity	
Town Centre zone	Activity status: Permitted	Activity status where compliance not achieved: Not applicable
TCZ-R11	Healthcare activity	
Town Centre zone	Activity status: Permitted	Activity status where compliance not achieved: Not applicable

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Summary & Key Takeaways

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Summary & Key Takeaways

- Generally support the application of TCZ as applied to Kerikeri.
- The lack of targeted s32AA assessment makes understanding rationale of rules problematic and undermines their integrity.
- I am particularly concerned with the GFA limits in TCZ-R2 for ‘commercial activities’ and consider that ‘supermarkets’ should be excluded and a new rule permitting ‘supermarkets’ included.
- ‘Supermarkets’ should be excluded from TCZ-R15.
- Targeted amendments are required to TCZ rules to improve clarity, remove duplication and redundant rules.

He Patai? | Any Questions

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