

Our Reference: J17111

26 February 2025

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Dear Scott

Subject: RMA/2024/3209 – 484 Madras Street – Request for Further Information (RFI)

Thank you for your RFI request received on the 6th January 2025. Our response on behalf of the applicant is set out below.

Matters raised in the RFI

Matter 1 – DSI: A Detailed Site Investigation (DSI) and associated SMP/ RAP has been prepared by Engeo and was forwarded to yourself via e-mail from Matt Bonis dated 13 January. For completeness a copy of the DSI and RAP/SMP is appended as **Attachment 1**.

Matters 2-7- Transport: A detailed response to these matters, and the ‘other matters – transport’ relating to site accessibility, cycle lane widths, and queue space, has been prepared by Stantec and is appended as **Attachment 2**.

Matters 8-9 Landscape: Cross-sections and detailing of the landscaping and water storage tanks to the east and south of the supermarket have been prepared by Boffa Miskell and are appended as **Attachment 3**. This attachment also includes a response to the ‘other matters – landscape’ regarding species choice, planting bed widths, and confirmation that locked gates will be provided to the rear water tank areas to the east and south of the supermarket.

Matter 10 – CPTED: A CPTED report has been prepared by Boffa Miskell and is appended as **Attachment 4**.

Matter 11 – Overhead power lines: No changes to the existing overhead lines on Madras Street are proposed as part of the application.

Matter 12 – Signage: An urban design response has been prepared by Boffa Miskell and is appended as **Attachment 5**. This response includes further commentary on the visual effects of the proposed signage. Visualisations are not considered necessary to inform assessment as the proposed pylon signs are simple rectangular structures with elevations provided as part of the application, are common features as part of supermarkets across the City, and are anticipated elements in commercial zones. The Urban Design report also addresses the ‘other matters – Urban Design’, with further commentary on these matters also addressed below.

Matter 13 – Noise: A response prepared by AES addressing the noise generated by truck movements and tonal reversing alarms is appended as **Attachment 6**.

‘Other matter – Economic’: An economic response prepared by Savvy Consulting addressing economic methodology and economic effects including on the centres hierarchy is appended as **Attachment 7**.

‘Other matter – waste water capacity’ and ‘other matter – pipeline’: An engineering response prepared by Eliot Sinclair addressing anticipated waste water generation and the proposed treatment of an existing stormwater pipe easement through the site is appended as **Attachment 8**.

Economic effects and relevant policy framework when assessing centre expansion and brownfield regeneration

The RFI makes the following comment that the “*economic effects are unlikely to be resolved without a significant reduction in floor area for the supermarket to meet or be around the GFA identified for this Neighbourhood Centre – a centre I note is lowest in the hierarchy and has been confirmed as being appropriately so by the recent IHP and Council PC14 Urban Development NPS decisions*”.

The sentiment behind this comment also appears to colour the matters raised by Council’s urban design and economic peer reviewers.

The economic assessment is that the proposed centre’s catchment is primarily local in nature, and that the centre will not result in any significant adverse effects on the amenity or vitality of nearby centres such as Edgeware, which is the correct threshold for determining retail distribution effects under the RMA and associated case law.

A detailed assessment against the District Plan’s policy framework is set out in Section 9.0 of the application. It is appreciated that this assessment was extensive, and therefore the below summary has been provided to help inform an assessment of how the application fits within the Plan outcomes associated with both the centre hierarchy and brownfield regeneration:

- **What does the Plan contemplate as the role of Neighbourhood centres?** The role of Neighbourhood Centres is primarily described in Policy 15.2.2.1 and associated Table 15.1. Neighbourhood centres can include a small group of primarily convenience shops (which are proposed to the north of the supermarket and adjacent to a new pocket park); and critically can also include supermarkets that serve a *local* catchment. The economic report confirms that the catchment for the proposed supermarket is primarily local i.e. it does not provide a ‘destination’ shopping experience that draws customers from a wide catchment.
- **Is the St Albans centre currently fulfilling its intended role?** Clearly not – the site has sat vacant and fenced off for some two decades and as such is delivering nil economic benefit or social amenity to its surrounding community. That is, the existing brownfield site is not currently delivering any access to services, convenience shops, or groceries with the attendant disenabling of social and economic benefits inherent in the lack of a centre where one is intended to support a medium density residential neighbourhood.
- **Can neighbourhood centres include supermarkets?** Explicitly yes. Supermarkets are included as an integral component of the zone purpose. Of significance, the policy guide limit of up to 3,000m² excludes stand-alone supermarket-based centres. PC14 explicitly removed the previously existing caveat that limited this size exemption to a discrete set of named centres.

The role of Neighbourhood Centres including supermarkets is reflected in the rule framework. Supermarkets up to 1,000m² GLFA are permitted, and stores over this size have a restricted discretionary status¹, are to be processed on a non-notified basis, with matters of discretion limited to a discrete list of matters. Whilst larger supermarkets are not permitted, the non-notified RD activity status in the Plan architecture anticipates that larger supermarkets are contemplated as being appropriate in terms of the zone role, subject to a case-by-case assessment.

- **What does the Plan contemplate for the St Albans Neighbourhood Centre in particular?** The Plan provides a set of bespoke rules for the St Albans centre, which differentiate it from the regulatory framework applying to Neighbourhood Centres in general. Of significance, the centre is permitted to have up to 3,500m² GLFA, with one tenancy up to 800m² GLFA. Proposals that exceed either of these rules are again to be processed on a non-notified basis, have a restricted discretionary activity status², and with Council’s discretion limited to a discrete list of matters.

¹ 15.6.1.3 (RD2)

² 15.6.3.1.3(RD2)

- **What were the PC14 Panel's findings in regard to the St Albans centre?** For ease of reference the IHP's recommendations on the St Albans centre are appended as **Attachment 9**. The Panel did not turn its mind to whether a shift 'up the hierarchy' was appropriate in response to growth in the catchment or effects on other centres. The Panel instead simply noted that the centre outcomes in this case were controlled via a set of centre-specific rules, and that as no changes to these rules were sought in submissions, the categorisation of the centre in the hierarchy was moot i.e. it is the bespoke rule framework that provides the direction for how this specific centre might develop, rather than the centre label. The application carefully assessed the economic impacts of the proposal on the viability of other centres, in accordance with the matters of discretion set out in the bespoke rules for the St Albans centre.
- **Does the Plan contemplate that centres can grow and change?** Clearly yes – expansion beyond existing zone boundaries is explicitly anticipated through Policy 15.2.2.4, combined in this case with the RD/ non-notified rule framework governing GLFA in excess of 3,500m². Policy 15.2.2.4 sets out three economic-related tests, namely:
 - i. Does the centre remain commensurate with its role while not having *significant* adverse effects on the function of other centres;
 - ii. Is the centre growth responsive to the anticipated increase in population and does it support continuing intensification targets?
 - iii. Is it consistent with revitalising the City Centre?

The economic assessment appended as **Attachment 7** considered these three key policy tests, including the degree to which the center was currently fulfilling its role as a derelict brownfield site (the existing environment for assessment purposes). It concludes that the policy tests for centre expansion are met.

- **Is the site 'Brownfield'?** Clearly yes - the site has a long history as a works depot that has left a legacy of soil contamination, combined with a large roading designation that is no longer required. It therefore readily meets the definition of brownfield as *"abandoned or underutilised commercial or industrial land, or land no longer required by a requiring authority for a designated purpose"*.
- **What does the Plan seek in terms of brownfield regeneration of residentially zoned land?** Objective 14.2.6 addresses non-residential activities in residential zones and includes an explicit note that the objective and associated policies do not apply to brownfield sites. For brownfield sites, the anticipated outcomes are instead set out in Objective 14.2.7 and associated Policy 14.2.7.1. The brownfield provisions seek that mixed use and commercial activities be supported and incentivised. Such regeneration must inherently result in either the creation of a new centre or in this case an expanded centre. The 'tests' for commercial development associated with brownfield development include that commercial development would not *'impact on the vitality and strategic role of commercial centres'* which the economic assessment confirms as being the case.
- **Does such growth have to be via a plan change?** No – there is a clear consenting pathway available for effects to be assessed and determined, with a non-notified RD activity status in terms of increased GLFA within the St Albans NCZ, and discretionary status for commercial activity in the adjacent RMD zone. This is not a framework with a non-complying activity status and an 'avoid' policy. The availability of clear consenting pathways reflects the reality that centres will adapt and change over time in response to changes in retail demand (as also inherent in the Plan architecture), and that provided the effects are able to be effectively managed, the resource consent route provides an effective regulatory pathway for assessing such proposals on a case-by-case basis.
- **What are the policy tests for assessing resource consent applications for centre growth and brownfield regeneration?** These tests are set out in the relevant policy framework, with the matters of discretion relating to larger supermarkets and the bespoke St Albans rules also providing helpful direction as the key matters to assess. In summary, the key outcomes sought are whether or not the proposal:
 - i) Supports and incentivises brownfield regeneration;

- ii) Is commensurate with centre role, which for Neighbourhood Centres is the provision of primarily convenience shops and a supermarket servicing local needs;
- iii) Does not result in any significant adverse effects on the function of other centres;
- iv) Is consistent with revitalising the City Centre;
- v) Is responsive to an anticipated increase in population in the surrounding catchment while supporting intensification targets in and around centres;
- vi) Results in an acceptable interface and level of amenity for neighbours;
- vii) Delivers high quality urban design and on-site amenity outcomes;
- viii) Does not exacerbate natural hazards;
- ix) Is able to be efficiently serviced;
- x) Remediates contaminated land;
- xi) Results in acceptable effects on the safe and efficient functioning of the adjacent transport network.

As set out in the AEE conclusion, the proposal is considered to be consistent with the outcomes sought in the Plan.

Urban Design ‘Other matters’

The RFI seeks additional feedback on the lack of through-block connections to Packe and Purchas Street and suggests that the ODP is not obsolete. The background to how the block has developed over the years (including the development of the ODP) is set out in detail in Section 1.2 of the application. In summary, following the closure of the MED depot, the majority of the block was in single ownership. The developer at the time designed a comprehensive residential and retail development, and initiated a private plan change (and ODP) to enable this specific design to be implemented. Following the earthquakes this project was never pursued, and the wider block has since been sold off and developed by various parties. Ownership therefore became fragmented and subsequent development has proceeded in a piecemeal manner. For ease of reference, a copy of the original ‘Wakefield Park’ plans for the site which underpinned the ODP are appended as **Attachment 10**. Of note, the plans were predicated on four story apartment blocks with extensive underground parking, with such a design shown to be unviable following land damage incurred in the earthquakes.

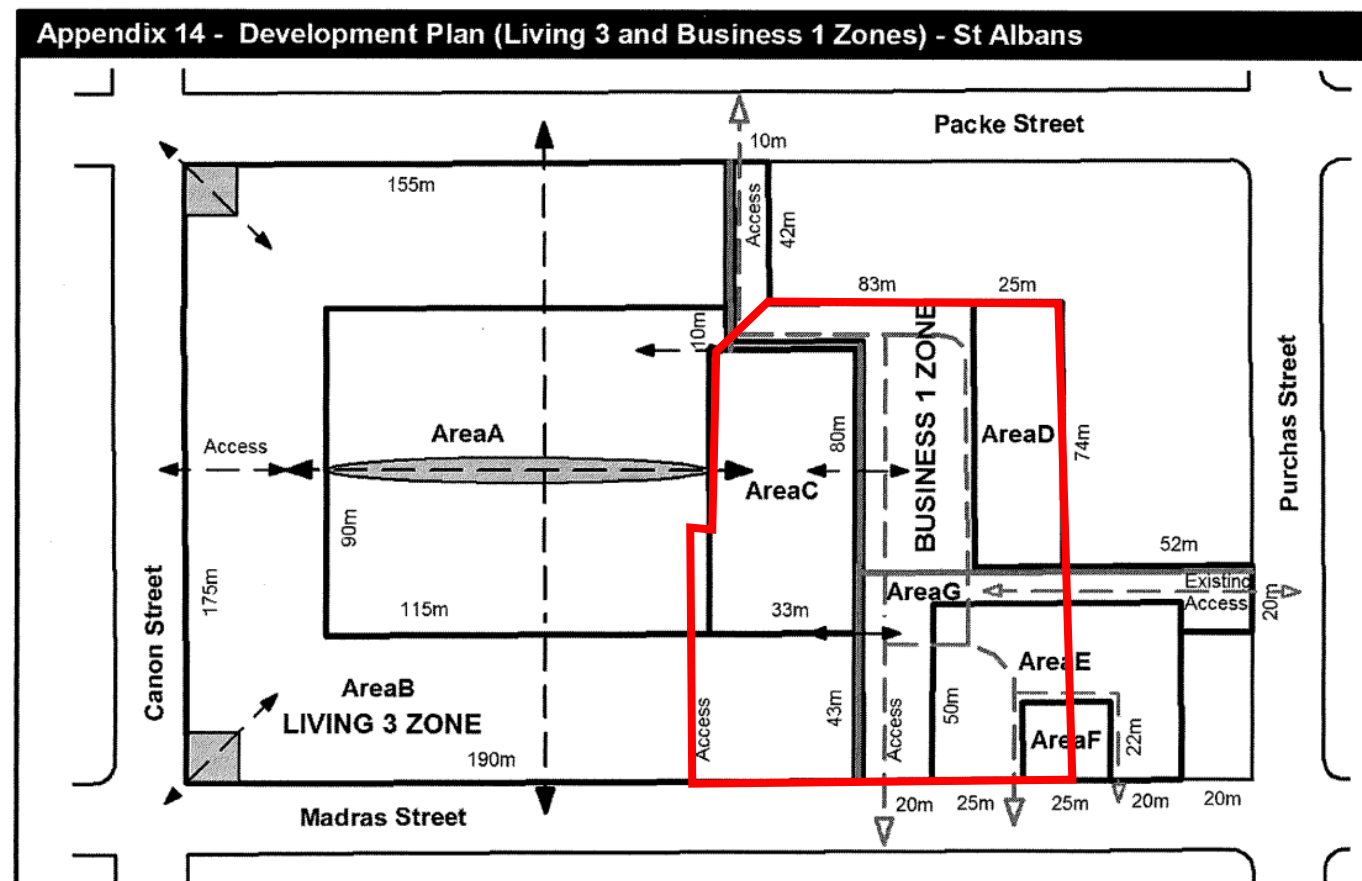
As noted in the application (Section 1.1) and with reference to the approved subdivision plan (**Attachment 11**), the Applicant is contractually required to divest Lot 3 and Lot 4 to a third party and therefore has no control over the provision of through-site links to Purchas and Packe streets. Notwithstanding this, potential linkages to Purchas Street are not foreclosed through the careful design of the carpark, pedestrian pathway and the avoidance of any permanent structures at the terminus of the pathway. The grid pattern of the wider street network means that St Albans provides multiple routes for pedestrians and motorists to traverse through the suburb. None of the other adjacent north-south blocks between Cannon and Purchas Street include mid-block laneways, and the block in question has never provided any publicly accessible through-block linkages, yet residents remain able to conveniently travel through the suburb due to the grid layout.

The original ODP is shown in **Figure 1** below, with the portion of the block that is under the control of WWNZ shown in red. The fragmented ownership combined with the underlying rationale for the ODP being based on a specific (and ultimately unviable) design rather than any more ‘principle-based’ logic, means that development of the wider block in the manner originally envisaged is clearly no longer possible. There is therefore no longer any compelling design rationale for rigid alignment with the small portion of the original ODP that is under WWNZ control and as such the ODP is considered to indeed be obsolete. The District Plan anticipates that design and layout changes may occur over time, and as such provides a clear consenting pathway as a restricted discretionary activity³ for assessing such proposals. This assessment has occurred in the urban design report that accompanied the application.

³ Rule 15.6.3.1.3(RD1)

The remaining matters raised in the 'other matters – urban design' section are addressed in the urban design response appended as **Attachment 5**.

Figure 1. Original ODP for the block reflecting the specific development plans for 'Wakefield Park'⁴.



Notification under s95 RMA

Whilst the effects of the proposal are considered to be no more than minor on the wider area compared with the existing environment, in order to expedite processing of the application the applicant nonetheless requests that the application be publicly notified in accordance with s95A(1) and the criteria set out in s95A(3)(a). Can you please confirm the notification date as soon as possible.

Please feel free to contact me on 022 170 0204 if you would like to discuss any of the above in more detail

Kind Regards

PLANZ CONSULTANTS LTD

Jonathan Clease

Director

⁴ Appendix 6 of the AEE included e-mail correspondence with CCC's policy team that confirms that the deletion of the northern part of the ODP was in error and would be corrected via clause 20A RMA. This correction has yet to occur, but it does indicate that the rule drafting and referencing in the ODP contains errors, reflecting that the context of the block has changed materially since the ODP was originally prepared.