

Private Plan Change 84 Kapiti Airport –  
Council's Response to Matters Arising  
Robert Schofield: Planning

## 1 Introduction

- 1.1 In their third minute on PPC84, the Hearing Panel set out a number of questions for Council's reporting officers to respond to on the last day of the Hearing on 20<sup>th</sup> March 2017. In this statement, I have provided a written response to specific questions that were directed at me, followed by a response to a number of general questions raised during the course of the hearing proceedings on 13<sup>th</sup> and 15<sup>th</sup> February 2017.
- 1.2 The Council's traffic and retail economic advisers have prepared separate written responses to questions specifically directed at them, as well as responding to a number of additional matters that arose during the Hearing.

## 2 'Reconciliation' between S42A Report and Technical Evidence

- 2.1 In its third Minute, the Panel raised the following concern:

*7 A principal issue for the Panel is an apparent 'disconnect' between some of the factual findings and Officer conclusions and recommendations, an issue raised in the opening legal submissions (refer paragraph 21) presented on behalf of Coastlands Shoppingtown and Others" (hereafter "Coastlands' Submissions"). For the record, the Coastlands' Submissions suggested there was a disconnect on two levels as follows:*

*(a) that the conclusions of the retail, economic and traffic assessments by the Council reporting officers (Mr Heath, Mr Osborne and Mr Wignall respectively) are not reflected in their recommendations on how the Plan Change should be altered; and*

*(b) that the s42A overview planning report by Mr Schofield does not rationalise the above mentioned disconnects and his recommendation on the Plan Change does not reflect the assessments of the three technical experts.*

- 2.2 A related matter was raised in paragraph 21 of the Minute which highlighted that "a key matter for the Panel will be Mr Schofield's 'reconciliation' of his recommendations with the technical evidence produced on behalf of the Council by Mr Heath, Mr Osborne and Mr Wignall."
- 2.3 In terms of my general recommendation to approve the plan change, I do not consider there is a 'disconnect' between the conclusions of Council's advisers on traffic and retail economics and the recommendations made in my s42A report. As outlined in the s42A report, I fully took into account the concerns expressed by

Messrs Wignall, Heath and Osborne in respect of the potential adverse effects of further enabling retail activities at Kapiti Coast Airport. Indeed, I have been aware of their concerns since the plan change request was originally lodged.

- 2.4 In the assessment of the plan change under section 5 of the section 42A report, I summarised the key findings of the technical assessments (paragraphs 5.3 to 5.18), and then undertook a planning assessment (paragraphs 5.19 to 5.59), from which I made a number of recommendations in paragraph 5.60. The focus of my assessment was on the management of retailing activities (paragraphs 5.38 to 5.58). In paragraph 5.47, I summarised the concerns of the technical advisers as follows:

*As outlined above, I acknowledge that the advice supplied to Council by its economic and traffic experts urge a high level of caution in regard to considering the enablement of further development of retail activities within the Airport Zone (i.e., beyond the existing provisions), given the significant adverse effects that further development of these activities in this location would have on the Paraparaumu Sub-Regional Centre and on the transport network/infrastructure. In particular, I acknowledge that Kapiti Road is likely to be under considerable further strain once the interchange onto the Mackays to Peka Peka Expressway is open. Both sets of experts advise that Council take a firm stance on the request to expand the potential for significant amounts of further retail development via the amendment of the prohibited activity rules.*

- 2.5 I then addressed the main concerns of Mr Heath, Mr Osborne and Mr Wignall, concluding in paragraph 5.53 that:

*Considering the changes sought in the round, while I acknowledge that a prohibited status is difficult to fully justify for some retail activities in the Airport Zone, I consider that, given the economic and traffic advice provided by Council's experts on this matter, the further enablement of retail activities in the Airport Zone as sought under PPC84 could have significant and unacceptable adverse effects in terms of the objectives and policies of the ODP and PDP. I therefore consider it appropriate for the ODP to retain a higher level of control over such activities to impose a high level of rigour in assessing the effects of proposals.*

- 2.6 It needs to be emphasised that the expert assessments were based on the modelling of cumulative effects that incorporated the presumption that resource consents are granted to the subject activities, in combination with a range of other activities established at the Airport. In my opinion, to retain the current prohibited status, there would have to be demonstrable certainty about the outcomes to be assured that there would be few, if any, circumstances in which granting consent would be acceptable. Given the dynamic nature of the retailing sector, and the many variables concerned, I consider there are insufficient grounds to retain the current prohibited activity status for the subject activities; instead, I am of the view that a robust resource consent process is required to enable the Council to determine on a case-by-case basis the merits of any proposal.

- 2.7 In my opinion, the non-complying activity gateway tests under s104D provide a sufficiently robust process to enable future decision-makers to assess the effects, to

make a judgement about consistency with objectives and policies, and to decline or grant consent as appropriate. Such a process would be executed on a staged basis, as development at the Airport proceeds, such that the cumulative effects can be revisited in the event that any new activities are proposed.

- 2.8 Although not definitive, non-complying activity status also indicates that the particular land use is not generally anticipated to be appropriate in the Zone, a position supported by the advice from the Council's technical advisers.
- 2.9 In the s42A report, I acknowledged that the use of prohibited activity status to manage the effects of retail activities is relatively unusual: I am not aware of any District Plan elsewhere in New Zealand that prohibits retail activities. I also note that, upon questioning, Mr Hansen could not provide an example of prohibited use status being applied elsewhere in New Zealand for the purpose he is supporting here.
- 2.10 While I acknowledge that a s32 evaluation does not extend to include consistency with other plans, the non-existent use of prohibited activity status to manage 'out-of-centre' retailing activities elsewhere in New Zealand indicates that generally Councils do not consider that such a classification is the most appropriate way to achieve their Plans' objectives or the purpose of the Act. For example, I am familiar with the Palmerston North City context, where the Council has rigorously sought to maintain the vitality and vibrancy of its City Centre through its District Plan policies, and yet has not resorted to the use of prohibited activity status for "out-of-centre" retailing proposals.
- 2.11 In that regard, I do not consider there is sufficient evidence to conclude that Kapiti Coast's town centres, particularly the Paraparaumu Town Centre, are in such a perilous position in comparison to other town centres around New Zealand, or that their vitality and vibrancy at such risk, to warrant protection by prohibiting retailing activities at the Airport Zone.
- 2.12 In summary, I would reiterate that there is no disconnect between the advice of the Councils' technical advisers and the recommendations contained in the s42A report, and the strongly worded advice of Council's traffic or economic advisers was fundamental to informing my position on these matters. As the reporting planner advising the Council, I have taken into account their advice as it might best apply to the planning framework and recommend what I consider to be the most appropriate classifications, drawing on my planning experience and expertise.

### 3 Response to Evidence at Hearing

*9 An 'over-arching' question for Mr Schofield will be whether (or not) the evidence and submissions presented on behalf of KCAHL and the Submitters led him to make any changes to the recommendations to the Panel contained in the s42A Report.*

- 3.1 I can confirm that there has been no additional evidence presented to the hearing that has altered my conclusions or recommendation to the Panel that PPC84 be approved subject to amendment in terms of the specific activity classifications.

However, I have taken into account some of the evidence presented in relation to the management of supermarkets and noise sensitive activities, and in regard to the policy support for the amendments sought by PPC84, and have made some additional recommendations in respect of those aspects, which I address later in this response.

3.2 I summarise my amended recommendations at the end of this response, and attach as Appendix 1 a revised tracked changes version of the recommended amendments to the ODP.

3.3 I now turn to addressing a number of questions that arose during the course of the Hearing to date.

## 4 Questions of Scope

4.1 Three scope matters were raised at the hearing on the first day of the Hearing:

- a) *Whether there is scope to amend or add to the policies as part of PC84?* As to whether the Panel can consider the request by the NZTA to amend or add policies to PC84, in order to do so the request in the submission must be able to be seen as reasonably within the ambit of plan change and there must be no real risk that persons directly affected by the changes have been denied an opportunity to be heard on those changes.<sup>1</sup> In my view, the submission is within the ambit of the plan change, it would not change the management regime of the ODP and there is not any real risk of denying directly affected persons and opportunity to be heard on the additional changes. I address this aspect in section 9 in this response.
- b) *Whether there is scope to alter the activity status for noise sensitive activities outside the Air Noise Boundary (ANB), with noise sensitive activities between the ANB and Outer Control Boundary being non-complying activities and between the Outer Control Boundary and the Airport Noise Effects Advisory Overlay (ANEAO<sup>2</sup>) boundary being discretionary activities.* The original request from KCAHL sought to amend Rule D.9.1.6(i) to provide for noise sensitive activities outside the Air Noise Boundary not specifically provided for as permitted activities to be classified as discretionary activities. I agree with KCAHL that there is scope to amend the rule in the manner it seeks, as the amendment only affects the Airport Zone and only the area originally affected by the request. I address this aspect later in this response (section 13).
- c) *Whether there is scope to amend the ODP definition of 'supermarket'.* I disagree with KCAHL insofar as I consider there is scope to amend the definition as it relates to the Airport Zone in response to issues raised by submitters – i.e., to lower the minimum GFA threshold from 1500m<sup>2</sup> to 1000m<sup>2</sup> for supermarkets within the Airport Zone only and not more broadly across the District. This amendment was recommended in response to a

<sup>1</sup> Refer to the legal tests outlined in *Palmerston North City Council v Motor Machinists* [2013] NZHC 1290.

<sup>2</sup> This is referred to as the Airport Noise Notification Area (NNA) under the PDP, the term also used in the Marshall Day memo to KCAHL, appended to Mr Israelson's evidence

concern identified by Coastlands and is within the ambit of the plan change and will not cause a risk of prejudice to potentially directly affected persons. While the existing New World is not technically a supermarket under the District Plan, for practical purposes it acts and operates as a supermarket, and to enable another supermarket within the Zone as a discretionary activity would be inconsistent with the purpose of the plan change to make provision for one supermarket as a discretionary activity. To that end, I would recommend amending the definition insofar as it relates to the Airport Zone to ensure no additional supermarkets can establish within this area in future as a discretionary activity, with more than one supermarket being a non-complying activity. This amendment is considered consistent with the retail economics advice provided to Council.

## 5 Section 32 Requirements for Plan Changes

22 *Mr Schofield will also need to explain how any amendments to the current operative District Plan rules are considered to be the most appropriate method for delivering the Plan/Plan Change objectives for the Airport Zone - firstly, if those objectives remain unchanged and secondly if the related policies are amended along the lines recommended by Ms Penfold on behalf of the NZTA. In short, the question posed by the combination of s32(1)(a) and s32(6) RMA is:*

*Are the proposed amendments sought through Plan Change 84, which are amendments currently (subject to the matter of scope discussed below) limited to Plan rules, more appropriate than the operative provisions in achieving both:*

- (a) the purpose of the Plan Change; and*
- (b) the settled objectives of the Plan.*

5.1 Before I fully respond to this question, I will first respond to the question regarding how s32 applies to plan changes.

5.2 The requirements for evaluating plan changes were made somewhat more complicated under the replacement s32 provisions introduced by the Resource Management Amendment Act 2013. As part of the amendments introduced there is now a specific requirement relating to plan changes under s32(3), which now form part of a group of RMA regulatory instruments called “amending proposals”, that specifically applies to any proposed change to an existing RMA regulatory instrument:

*(3) If the proposal (an **amending proposal**) will amend a standard, statement, regulation, plan, or change that is already proposed or that already exists (an **existing proposal**), the examination under subsection (1)(b) must relate to—*

- (a) the provisions and objectives of the amending proposal; and*
- (b) the objectives of the existing proposal to the extent that those objectives—*

- (i) are relevant to the objectives of the amending proposal; and
- (ii) would remain if the amending proposal were to take effect.

5.3 The terms 'objectives', 'proposal' and 'provisions' are now defined under s32(6):

(6) In this section,—

**objectives** means,—

- (a) for a proposal that contains or states objectives, those objectives:
- (b) for all other proposals, the purpose of the proposal

**proposal** means a proposed standard, statement, regulation, plan, or change for which an evaluation report must be prepared under this Act

**provisions** means,—

- (a) for a proposed plan or change, the policies, rules, or other methods that implement, or give effect to, the objectives of the proposed plan or change:
- (b) for all other proposals, the policies or provisions of the proposal that implement, or give effect to, the objectives of the proposal.

5.4 Therefore, if a proposed plan change (i.e., the amending proposal) does not propose any new objectives or changes to the existing objectives of the operative District Plan (i.e., the existing proposal), then, in considering the plan change, the purpose of the plan change is to be considered an “objective” under s32(6)(b). Thus, given that PPC84 neither seeks to change any objectives of the ODP nor introduce new objectives, under s32(1)(a), the evaluation must examine the extent to which the purpose of the plan change is the most appropriate way to achieve the purpose of the Act.

5.5 Consequently, the s32 evaluation (and the further evaluation required under s32AA) must, under s32(1) –

- (a) examine the extent to which the objectives of the proposal [i.e., the purpose of the plan change] being evaluated are the most appropriate way to achieve the purpose of this Act; and
- (b) examine whether the provisions in the proposal [i.e., plan change] are the most appropriate way to achieve the objectives [i.e., the purpose of the plan change and the relevant remaining objectives of the operative plan] by—
  - (i) identifying other reasonably practicable options for achieving the objectives; and
  - (ii) assessing the efficiency and effectiveness of the provisions in achieving the objectives; and
  - (iii) summarising the reasons for deciding on the provisions;

5.6 Under s32(3), the evaluation must also examine how well the provisions of the plan change give effect to the existing objectives of the ODP to the extent that these are relevant to the objectives of the plan change.

- 5.7 In summary, therefore, the section 32 evaluation should –
- a) examine the extent to which the purpose of the plan change is the most appropriate way to achieve the purpose of the RMA; and
  - b) the extent to which the provisions of the plan change proposal are the most appropriate way to achieve –
    - the purpose of the plan change, and
    - the relevant objectives of the ODP.
- 5.8 On this point, in reference to paragraph 125 of the legal submissions made on behalf of Coastlands et al, I would highlight that section 32 does not require an examination of the appropriateness of the proposed rules in giving effect to the operative objectives and policies of the plan, but rather whether these provisions (including policies) are the most appropriate means to give effect to the objectives of the plan.
- 5.9 Section 6 of the plan change request sets out a section 32 evaluation of the proposed plan change. That evaluation went beyond simply assessing the plan change from the perspective of how it fulfils the purpose of the plan change (a rather self-fulfilling process given how the purpose of the plan change is expressed) to also examine how the plan change relates to the objectives of the ODP and to the purpose of the Act.
- 5.10 To assist the Panel, and to in part respond to the questions arising during the hearing, I will address each of the section 32 evaluation matters in turn.

## 6 Purpose of the Plan Change

- 6.1 In paragraph 2.6 of the Plan Change Request, the purpose of the plan change was outlined as follows:

*The purpose of this plan change request is to remove prohibited activity status from certain activities so as to enable KCAHL to undertake master planning of the land currently owned in the Airport Zone, and so that resource consents can ultimately be sought in the future.*

- 6.2 The appropriateness of the plan change was considered in paragraphs 2.9 to 2.14 of the plan change request, by reference to the tests under the Coromandel Watchdog Court of Appeal decision, which addresses the circumstances in which it is proper for a local authority to classify an activity as a “prohibited activity” when formulating its plan in accordance with the RMA.<sup>3</sup> Each of these circumstances will now be addressed in relation to PPC84.

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3 Coromandel Watchdog v Ministry of Economic Development [2007] NZCA 473

## Appropriateness of Prohibited Activity

### *Insufficient information?*

- 6.3 In my opinion, there is sufficient information to avoid the need to take a precautionary approach by retaining prohibited activity status. The Council has undertaken modelling and assessments of both the District's retailing sector and its roading network, and the assessment of any future resource consent application would draw on these analyses to identify the potential adverse effects of a specific proposal, having regard to the particular circumstances at that time. The Council is therefore in a position where it would have access to sufficient information to make a determination whether to grant or decline resource consent.

### *Purposively staged approach?*

- 6.4 The Council's town centre strategy did see the expansion of retail activity into the area known as the Wharemauku Precinct, the development of which has recently received resource consent. I understand the remaining stages of the development of the wider Paraparaumu town centre area do not envisage significant new retailing components.
- 6.5 Regardless, any potential incompatibility with the fulfilment of the Council's broader strategy for its town centres and, in particular, the development of the Paraparaumu Town Centre can be assessed at the time any future resource consent application is received. As I stated above, the resource consent process would enable a staged approach to be applied to assessing the cumulative effects of any additional retailing proposal at the Airport.

### *Expression of social or cultural outcomes or expectations?*

- 6.6 The possibility of additional retail activity at the Airport would not, I contend, be contrary to any general sense of social or cultural repugnancy or expectations.

### *Allocation of resources?*

- 6.7 The prohibition of the subject activities is not required for the purpose of allocating natural resources, such as the allocation of marine areas for aquaculture.
- 6.8 In summary, it is my opinion that the purpose of the plan change is appropriate insofar as the circumstances do not warrant application of prohibited activity status to the subject activities.

## Appropriateness in meeting the purpose of the RMA

- 6.9 The purpose of the plan change is to enable the possibility of additional retail activities being established in the Airport Zone through the resource consent process. At the broadest level, this enablement would promote the sustainable management purpose of the Act (s5).
- 6.10 The prohibition of the subject activities is not, in my opinion, required to recognise and provide for any of the matters of national importance under s6 RMA.



- 6.11 Further, based on the evidence, I would not consider that the continued prohibition of these activities necessarily provides for any of the ‘other matters’ under s7, whereas their enablement through the resource consent process would allow the Council to determine, on a case-by-case basis, whether a particular proposal would be consistent with the relevant matters outlined in section 7. This would have to be determined by reference to the objectives and policies of the District Plan, which have been developed to give effect to the purpose and principles of the Act<sup>4</sup>. I will address the policy framework shortly, but at this point I can confirm my view that the current policy framework within the ODP is sufficiently robust to facilitate such an assessment. However, in my opinion, the scope of the submissions provides the ability to introduce amendments to the policies as required to respond to the concerns raised by submitters.

## 7 Provisions of the Plan Change

- 7.1 In relation to plan changes, the definition of 'provisions' in section 32(6) includes policies, rules or other methods which implement, or give effect to the objectives (i.e., purpose) of the proposed plan change. The evaluation under section 32(1)(b) also requires an examination of whether those provisions are the most appropriate way to achieve the operative objectives of the ODP as required under section 32(3)(b).
- 7.2 As notified, the provisions of PPC84 comprise amendments to the rules of the ODP along with an amendment to the explanation associated with Policy 2 of Objective 2 Airport Zone. However, the plan change request also sought “any consequential amendments to the District Plan that may be necessary to achieve the purpose of this private plan change request”. In my view, there is scope to make consequential amendments to the provisions of the Airport Zone, including policies, to make them more effective provided such changes are truly consequential. In my view, it is useful to consider whether the changes meet the same legal tests for determining whether submissions are ‘on’ the plan change, namely whether the changes can reasonably be said to be within the ambit of the plan change and that there is no risk that potentially directly affected persons have been denied an opportunity of being heard on the changes. If the changes are truly consequential, then they should easily meet these tests.
- 7.3 Section 32(1)(b) also requires an examination of the extent to which the provisions (policies and rules) will be the most appropriate way to achieve both the purpose of the plan change, and any relevant objectives of the District Plan.

### Achieving the purpose of the plan change

- 7.4 At the simplest level, changing the activity status of the subject land uses achieves the purpose of the plan change by removing their current prohibited activity status, enabling resource consent to be sought. However, the scope of any examination should, in my view, also extend to include whether the particular resource consent

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<sup>4</sup> RJ Davidson Family Trust v Marlborough District Council [2017] NZHC 52

process established by the activity reclassification is the most appropriate way to achieve that purpose.

7.5 An assessment of the appropriateness of the different activity classifications was provided in paragraph 6.41 of the plan change request. The planning assessment contained within the s42A report reviewed the current and proposed classification of retailing activities and supported the proposed reclassification under PPC84, with the following exceptions:

- More than one store of between 151m<sup>2</sup> and 1500m<sup>2</sup> GFA that retails groceries or non-specified food lines be treated as a non-complying activity; and
- Noise sensitive activities that are not otherwise permitted be treated as non-complying activities.

7.6 The reasoning behind these amendments is provided in Section 5 of the s42A assessment and drew on the advice provided by the Council's technical advisers.

7.7 Having considered the evidence presented to the Hearing I consider that the effectiveness of the plan provisions in giving effect to the purpose of the plan change could be improved by:

- a) Amending the definition of "supermarket" as it applies to the Airport Zone to ensure that only one supermarket can locate within this zone; and
- b) Introducing a new policy under Objective 2.0 of the Airport Zone to strengthen the robustness of the policy framework and assist decision-makers in considering future resource consent applications.

7.8 I set out the reasons for these recommendations later in this response.

### Assessment Against Relevant Objectives

7.9 I would disagree with the assertion made by Mr Hansen in response to questions that an assessment should only apply to the objectives of the Airport Zone. There is no direction in the Act to take such a siloed approach: s32(3) refers to any objectives that are relevant to the amending proposal. Therefore, if other District Plan objectives are relevant to a particular resource management issue, then holistically they should be considered together.

7.10 Given the absence of District-wide objectives in the current District Plan, reference to other zone objectives may be required to ascertain the broader strategic approach of the ODP to managing land uses and development. Therefore, I would contend that the management of retailing in the Zone should also consider the broader District-wide management strategy for retailing as espoused in the ODP, particularly given the reference to avoiding the role and function of the Paraparaumu Town Centre being undermined (Policy 2, Objective 2.0 of the Airport Zone), an area which is separately managed through provisions in the Commercial/Retail Zone.

7.11 Under that Zone, Objective 1.0 is –

*To maintain and enhance the amenity values in centres of commercial and retail activity, that promote shopping and commercial environments as convenient and pleasant places in which to shop, work and live.*

7.12 This objective and its associated policies are specifically directed towards management of the effects of activities within the Commercial/Retail zones. Objective 2.0 and its related policies, however, apply a broader, more strategic directive –

*Retain and enhance the vitality and viability of the district's main centres at Paraparaumu, Waikanae and Otaki as part of an economically and socially strong community.*

7.13 In particular, Policy 1, entitled Consolidation, seeks to ensure that retail activities (other than small scale convenience shopping for day-to-day needs) are located within the District's main centres, and that the development of retail activities enhances the District as a place that is accessible, healthy and safe for pedestrians and cyclists. When read together, this Objective and Policy are, in my opinion, relevant to consideration of PPC84.

7.14 It could be contended that this objective and policy support the prohibition of non-convenience types of retailing outside the Paraparaumu, Waikanae and Otaki town centres. However, aside from the fact that there are many non-convenience retailing activities outside those three town centres (for example, in Raumati and Paraparaumu Beach), I would disagree that these provisions would drive an evaluation towards a prohibition of some retailing activities (i.e., 'policy drivers' as Commissioner McMahon referred it). Many Plan objectives and policies are expressed using similarly strong terminology, but are implemented through regulatory approaches that use the resource consent process to manage out-of-zone activities. What the objective and policy does is signal a need to ensure that the regulatory framework rigorously manages non-convenience retailing outside the town centres.

7.15 The strength of the wording of these provisions provides, from a consenting perspective, a clear direction to policy-makers to reject proposals that would significantly undermine the vibrancy and vitality of the town centres.

7.16 In respect of locating more than one department store in the Airport Zone, the technical evidence is that the prohibition should remain, as the evidence indicates that such an outcome would definitively result in adverse outcomes for maintaining the vitality and vibrancy of the town centres. This is not disputed by KCAHL.

## 8 Policy Drivers

8.1 In response to questions posed by Commissioner McMahon, I have considered the nature of the policy drivers behind the activity status of the rules. In particular, I have considered whether there are policy drivers that would either inform or direct the classification of the subject activities as prohibited activities. I have already addressed this in part above (paragraph 7.14) in relation to the objectives and policies for the Commercial/Retail Zone.

8.2 I would note that rules are a method to implement the policies of the ODP, and therefore should not drive the nature of the policies but emanate from them. However, ideally there should be an evident relationship between the rules and the policies which they are intended to implement, with the rules clearly being driven by

their related policies. Regardless, many district plans (particularly first generation ones) have 'policy voids', whereby a specific policy driver for some rules may be absent. Additionally, many District Plans have policies that are generally worded, compared with the specificity of the rules.

8.3 The wording of many of the policies relating to the Airport Zone are generally expressed and largely non-specific: for example, there are no explicit policies referring to supermarkets, department stores, and noise sensitive activities. Nevertheless, these activities are managed under the rules as a means to implement the objectives and policies of the ODP.

8.4 In addressing the two policies identified by Commissioner McMahon, Policy 2 under Objective 2.0 of the Airport Zone is as follows (emphasis added):

*POLICY 2: COMMERCIAL ACTIVITY*

*It is desirable that specifically identified retail and commercial activities are permitted, subject to specified threshold standards, so that the nature and scale of such activities does not undermine the role and function of the Paraparaumu Town Centre and is linked to development within the Airport Mixed Use Precinct.*

8.5 This policy directly relates to Rule D.9.1.1(ii), which specifies as a permitted activity in the Airport Mixed Use Precinct:

*Commercial activity, (including logistics or distribution uses) provided that retail activity shall be limited to:*

- *Retail activity ancillary to Industrial or Warehousing activities within the Precinct*
- *Large Format Retail activity*
- *Home Improvement Retail activity*
- *Automotive and Marine Equipment Retail activity*
- *Small Scale Convenience Retail activity*
- *Small Scale Commercial Services activity*
- *Retail activity permitted by the definition of "Service Station"*

8.6 The thresholds limits are provided through the total development thresholds under Rule D.9.1.2(i), controlled activities, Rule D.9.1.3(ii), restricted discretionary activities, and D.9.1.5(vi), non-complying activities, for the control of grocery or non-specified food retailing, and in the definitions of small scale commercial services and convenience retail activities.

8.7 Thus there is a clear 'policy driver' that has informed these rules. However, there is no explicit 'driver' that has driven the classification of either those retailing activities currently prohibited, or all those other types of retailing that are currently provided as non-complying activities under D.9.1.5. Interestingly, while Policy 2 only refers to permitting only specifically identified retail and commercial activities, the current explanation to this policy clearly anticipates a wider scope of implementation:

*.... Non-aviation business and commercial activity and development is permitted to support the sustainability of the Airport Core Precinct activities. Certain specified activities are non-complying (i.e. residential activity, offensive trades, certain retail/commercial activities etc), discretionary (i.e. work associated with heritage buildings) or controlled activities (i.e. the external design, appearance and siting of buildings and associated development) to enable to the Council to manage potential adverse effects. Supermarkets, Department Stores and more than one small scale retail grocery outlet are prohibited activities.*

- 8.8 It therefore appears that this policy is intended to address the management of other retail activities to avoid undermining the role and function of the Paraparaumu Town Centre. However, the actual policy itself is not explicit about tightly controlling other retail activities, and it could be contended that there is no clear policy driver for managing those retail activities beyond those captured within the permitted activity classifications. While it is not unusual for the specifics of associated rules to be fully reflected in policies (it would make many policies verbally obese), the wording of the policy itself could, in my opinion, better express the intent of the policy as described by the explanation. In short, I do not consider that this policy leads towards a conclusion that certain retail activities should be prohibited.
- 8.9 In terms of relevant policies for traffic issues in the Airport Zone, under Objective 2.0 is the following policy:
- POLICY 5: TRAFFIC EFFECTS*
- Development within the Airport Zone shall ensure that any traffic effects are avoided, remedied and mitigated through restrictions on the timing of development.*
- 8.10 This policy is implemented through the total GFA threshold controls imposed through Rule D.9.1.3(ii) and D.9.1.5(vi), and the various threshold standards for permitted, controlled and restricted discretionary activities under D.9.2. The explanation to this policy refers to the use of floorspace thresholds “to ensure that development within the Zone does not outstrip the capacity of the road network”. It also refers to the use of traffic assessments of the effects of development on the local road network and broader State Highway network within the District.
- 8.11 To a degree, this Policy is out-of-date because of the replacement of the Western Link Road with the Expressway. Furthermore, the advice of Council’s traffic adviser is that the current thresholds would be set too high if the retailing activities enabled by PPC84 were developed in the near future, in that the additional retailing activities for which resource consent could be sought would generate higher level of traffic than the current thresholds have been based on.
- 8.12 However, the wording of Policy 5 (regarding “restrictions on the timing of development), when read together with its explanation, clearly signal the need to consider the timing of any proposed retail development for which resource consent is sought, particularly if it is a high traffic generator, as well as the impacts on the local roading network.
- 8.13 For a resource consent application, therefore, this policy would be a relevant consideration in assessing the traffic effects of a proposed development, particularly

in terms of the timing of the development relative to improvements or changes to the road network, or to the nature and extent of development within the Airport Zone.

- 8.14 I would also note that the consent processes for development proposals that would trigger the threshold limits require only minor consents (i.e., as a controlled or restricted discretionary activity). It is only when total proposed development in the Airport Zone exceeds 339,400m<sup>2</sup> GFA that consent as a non-complying activity is required. As outlined in the s42A report, the current total GFA at the airport is well below the lowest threshold limit in the Zone (Mr Hansen calculated a total of 26,209m<sup>2</sup> GFA of consented development<sup>5</sup> compared with the threshold of up to 102,900m<sup>2</sup> as a controlled activity). Under PPC84, the activity classification of non-complying places the consent bar at high level, and I would anticipate the Council would require full assessment of these matters given the known issues, particularly with Kapiti Road.

## 9 Robustness of the Policy Framework

- 9.1 In relation to the question of whether the current policy framework is sufficiently clear to direct decision-makers to decline any future resource consent applications under PPC84, consideration of the objectives and policies of both the ODP and PDP will be given. When read together, I still consider the objectives and policies of the ODP articulate a cogent framework to manage the District's town centres, against which any additional retailing activity seeking consent under PPC84 would be assessed.
- 9.2 In addition, the PDP has a much stronger strategic policy framework around the centres hierarchy for the District, which would also be considered by future decision-makers on any resource consent application under PPC84.
- 9.3 Regardless, given the findings of my assessment of the policy drivers above, I consider there is scope to strengthen the policy framework as consequential amendments in response to concerns raised by submitters to assist with future resource consent applications under PPC84. Such changes would be consequential to give better effect to the purpose of the plan change and ensuring the provisions are the most appropriate, having regard to their effectiveness and efficiency.
- 9.4 As I noted in my opening comments to the Hearing, I would accept the suggested Policy changes recommended by Ms Penfold, the planner who gave evidence on behalf of the NZTA. Critically, her wording is 'on the change' in terms of being specific to the particular activities that are the subject of PPC84 and I do not consider any potentially directly affected persons would be prejudiced by the amendment. Ms Penfold did not recommend any amendments to the current explanations to Policies 2 and 5, which would be required to accommodate the amended policies. I do not consider there to be any potentially directed affected persons who would be prejudiced by such amendments

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<sup>5</sup> Page 13, evidence of C A Hansen, for Coastlands et al

- 9.5 Alternatively, Policy 2 and its explanation could be amended to better reflect its intent as outlined by the explanation. A suggested amendment is as follows:

### **C.19 AIRPORT ZONE**

#### **OBJECTIVE 2.0**

#### **POLICY 2: USES**

**A complementary range of activities in the "Airport Mixed Use Precinct" will be permitted to support aviation activities and provide for non-aviation, commercial and other employment opportunities with residential, retail and commercial activities that have the potential to undermine the sustainability of the Paraparaumu Town Centre or to generate adverse effects requiring a resource consent.**

Explanation: The "Airport Mixed Use Precinct" permits aviation activity to grow beyond the "Airport Core Precinct". Non-aviation business and commercial activity and development is permitted to support the sustainability of the Airport Core Precinct activities. Certain specified activities are classified as non-complying (i.e. residential activity, offensive trades, certain retail/commercial activities etc), discretionary (i.e. work associated with heritage buildings) or controlled activities (i.e. the external design, appearance and siting of buildings and associated development) to enable to the Council to manage avoid, remedy or mitigate potential adverse effects as appropriate, particularly those that would degrade the vitality and vibrancy of the Paraparaumu Town Centre or the functioning and levels of service on the local roading network. ~~Supermarkets, Department Stores and more than one small scale retail grocery outlet are prohibited activities. More than one Supermarket in the zone is a non-complying activity, and more than one department Store is a prohibited activity.~~

This amendment does not change the management regime of the ODP, better reflects the intent of the policy as expressed both in the explanation and the resource management issues part of the Airport Zone. I note I suggest deleting the reference to supermarket in the last sentence as this is covered in a previous sentence.

## 10 Extent of Rule Changes

- 10.1 In response to a question from the Hearing Panel Chair, the proposed rule amendments apply to all of the Airport Zone, and are not confined solely to the Airport Mixed Use Precinct (AMUP). Potentially therefore, if approved, resource consent could be sought for the retail activities elsewhere in the Airport Zone outside the AMUP.

- 10.2 On this point, paragraph 6.42 of the plan change request noted:

*KCAHL did not consider it was necessary to provide different activity statuses or provisions for the different Precincts within the Airport Zone (ie "Airport Mixed Use", "Airport Buffer" and "Airport Core"). This is because it is proposed that the activities will be discretionary and non-complying, rather than (say) controlled and restricted discretionary. While conceivably some of the activities may be more or less appropriate in different precincts of the Zone, that is something that can be considered by the consent authority in the*

*exercise of its discretion to grant consent and impose conditions and will necessarily be informed by the objectives and policies that refer to these Precincts and their function.*

- 10.3 Given the nature of the subject activities and the structure of the Airport development plan, the focus of retail activity is likely to continue to be on the Kapiti Landing area, with its high profile to Kapiti Road, proximity to the Expressway and the advantages of agglomeration. Furthermore, as non-complying activities, the possible siting of retail activities outside the Airport Mixed Use Precinct would be subject to significant scrutiny in terms of the policies for the Airport Zone (for example, Policy 2 refers to the Airport Mixed Use Precinct), as well as on the potential for adverse effects on the adjacent neighbourhoods.
- 10.4 I would note that all of the retail and commercial activities listed as a permitted activity under Rule D.9.1.1, as well as any not listed as a prohibited activity, could seek resource consent anywhere in the Airport Zone by virtue of the 'catch-all' non-complying activity Rule D.9.1.5(iii):
- (iii) *Retail and commercial service activities, not being a prohibited activity, that are not listed as permitted activities in rule D.9.1.1 or do not comply with the permitted activity retail/commercial activity floorspace threshold standards in D.9.2.1.*

## 11 Non-specified Retailing Activities

- 11.1 In response to a question from the Panel, I can confirm that retailing and commercial activities that are not specifically listed as permitted, controlled, discretionary or prohibited are captured by the default catch-all rules under D.9.1.5:
- (iii) *Retail and commercial service activities, not being a prohibited activity, that are not listed as permitted activities in rule D.9.1.1 or do not comply with the permitted activity retail/commercial activity floorspace threshold standards in D.9.2.1. ...*
  - (v) *Any other activity not being a permitted, controlled, discretionary (restricted), discretionary or prohibited activity.*
- 11.2 Thus there is already opportunity for a range of retailing activities other than those specifically identified under other rules to seek consent as a non-complying activity. Collectively, and cumulatively, the establishment of such activities has the potential to introduce a more 'fine-grained' composition to the retailing nature of the Airport Zone.

## 12 Grocery and non-specified food stores between 151m<sup>2</sup> and 1500m<sup>2</sup>

- 12.1 There was some discussion at the hearing about what specific types of retailing activities that this category includes, noting there is no definition of the term in the ODP. In discussion with Mr Heath, I can elaborate that this category would include shops that primarily retail a variety of food items, not a specified food type, such as



would be sold at a bakery or butchery. Non-specified food retailing would include for example:

- Small grocery stores (i.e., those below the minimum 1500m<sup>2</sup> threshold that defines a supermarket in the ODP)
- Variety food stores such as a small Moore Wilson, or Nosh or Faro
- Organic or similar specialist food stores, such as Bin Inn
- Ethnic or cultural food stores, such as Asian foods or Mediterranean food shops.

12.2 While there is an element of convenience shopping among the potential types of grocery and non-specified food stores that potentially could seek to locate in the Airport Zone, the speciality or niche nature of many of these activities would, if established at the Airport, contribute to the creation of a more fine-grained retailing centre, thus increasing its broad attractiveness and competitive advantage relative to the PTC. In my opinion, this confirms the need to rigorously control the potential for such activities to occur, and hence to require that they be managed as a non-complying activity, rather than as a discretionary activity as sought by KCAHL.

## 13 Noise Sensitive Activities

13.1 In the opening legal submissions presented on behalf of KCAHL, a case was made in paragraphs 4.8 to 4.11 for making noise sensitive activities outside the Air Noise Boundary (ANB) and inside the Outer Noise Boundary as non-complying activities, but outside the ONB but within the Airport Noise Effects Advisory Overlay (ANEAO) as discretionary activities. It was contended this approach would be consistent with the management of noise sensitive activities in the residential areas around the Airport. The s42A report recommended that noise sensitive activities in the Airport Zone outside the ANB be made non-complying activities, including those parts of the Zone outside the ONB. I have been advised by the Council's noise expert, Mr Hunt, that the change sought by KCAHL is an appropriate amendment.

13.2 I note that no submissions were made in respect of noise sensitive activities in the Airport Zone.

## 14 National Policy Statement on Urban Development Capacity

14.1 The National Policy Statement on Urban Development Capacity came into effect on 1 December 2016, subsequent to the completion of the s42A report. All of the objectives and most of the key policies must be given effect immediately, and thus must be considered in the determination of PPC84.

14.2 I agree with Mr Israelson that PPC84 is consistent with the NPS-UDC, in particular:

*OA2: Urban environments that have sufficient opportunities for the development of housing and business land to meet demand, and which provide choices that will meet the needs of people and communities and*

*future generations for a range of dwelling types and locations, working environments and places to locate businesses.*

- 14.3 However, I note that giving effect to the NPS-UDC must be undertaken in conjunction with the Council fulfilling its other responsibilities and duties under the RMA, including the management of its town centres. In this regard enabling further business growth is not an open ended requirement of the NPS and needs to be weighed against the other functions of the Council under the Act. I also observe that there is no evidence that there is a lack of capacity or opportunities for additional retailing to occur within the District: the assessments undertaken for the Council clearly demonstrate sufficient capacity for additional retailing activities to occur within other zones.

## 15 Consultation with Tangata whenua

- 15.1 The Te Ohu Taiao group was set up in 2015 with the agreement of Te Whakaminenga O Kāpiti to ensure tangata whenua input into the next phase of the PDP process (see attached report and minutes that established the Group). The Council decided to include a briefing on PPC84 as part of that dialogue, given the likely iwi interest in the request and the overlap with issues raised in relation to the Airport Zone in the PDP.
- 15.2 The presentation made to the Group by Sherilyn Hinton on 10 November 2015 has already been circulated and the record of the meeting, including comments/questions raised by the Group (in italics). The issues raised by PPC84 were also already well traversed through the PDP process, on which there was consultation. Nonetheless, the Group comprising representatives from the recognised iwi authorities, including Te Āti Awa ki Whakarongotai Charitable Trust, were informed about the plan change request well before it was notified on 24 February 2016.
- 15.3 I would also note that, as part of the notification process, all three iwi authorities were directly notified of the plan change, with the Ngāhina Trust taking up the opportunity to lodge a submission and further submission.
- 15.4 In reviewing the submission from Ngāhina Trust, while it asserts generic failures, the submission itself is unclear as to the specific failures of the plan change in respect of s6(e), s7(a) and s8 matters, other than consultation. In particular, the submission fails to identify how the change to the activity status for a number of land uses within the Airport Zone is contrary to those matters, and to the associated objectives and policies in the RPS, ODP and PDP.
- 15.5 I note that the introductory explanation for the Airport Zone includes the following statement:
- *To recognise the ancestral connection of tangata whenua with the land, including requiring accidental discovery protocols and other necessary Historic Places Act approvals for earthworks, and enabling kaitiakitanga in respect of the buffer land and waterways within the Airport Zone.*
- 15.6 Policy 5 under Objective 2 of the Airport Zone is as follows:

## *POLICY 5: ANCESTRAL CONNECTION OF TANGATA WHENUA*

*Provide for the ancestral connection of tangata whenua with the Airport land, specifically by providing opportunities for tangata whenua to exercise kaitiakitanga over the Buffer Land, and to recognise that earthworks activities need to be subject to accidental discovery and other protocols and Historic Places Act approvals. In particular, two specific areas have been identified which should be the subject of further investigation prior to any earthworks commencing in those areas.*

- 15.7 PPC84 is not seeking to amend this Policy and the extent of the recognised Buffer Land.
- 15.8 In response to a question from Commissioner Pomare, I can clarify that, to date, there are two statutory acknowledgements in the Kapiti Coast District: one for Whareroa Farm and another applying to Queen Elizabeth Park.

## 16 Ihakara Street Extension: Wharemauku Bridge

- 16.1 During the Panel's questions of Mr Georgeson, the traffic expert for Coastlands, there was some doubt raised as to whether the option to extend Ihakara Street under the Mackays to Peka Peka Expressway using the bridge over the Wharemauku Stream was now possible. Being involved in the discussions held during the design process for the Expressway, I can confirm that it was always the intention to ensure the Wharemauku bridge was wide enough to accommodate not only the stream and its flood management requirements, as well as the popular shared pathway/cycleway, but also to provide for the future possibility of extending Ihakara Street underneath the Expressway on the northern side.
- 16.2 I can confirm the bridge has been built to enable this possibility to occur: I attach plans taken from the certified Site Specific Management Plan<sup>6</sup> for this section of the Expressway, showing the Bridge and the indicative alignment of the Ihakara Street extension.

## 17 Recommendations

- 17.1 Arising from my assessment of PPC84 as notified and the submissions received on it, and drawing on the evidence presented to the Hearing and the advice provided by Mr Heath and Mr Osborne in terms of retail economic effects, Mr Wignall in terms of traffic effects, and Mr Hunt in terms of noise management effects, I recommend the following amendments to the Airport Zone rules in the ODP to provide for:
- Only one supermarket as a discretionary activity, with additional supermarkets treated as non-complying activities;

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<sup>6</sup> A Site Specific Management Plan is required for every sector of the Expressway as part of the conditions for the designation and resource consents for the M2PP project, showing the final design of structures, ecological mitigation, landscape treatment, and construction management.

- One department store as a non-complying activity, with any additional department store remaining as prohibited;
- More than one store of between 151m<sup>2</sup> and 1500m<sup>2</sup> GFA that retails groceries or non-specified food lines as a non-complying activity; and
- Noise sensitive activities that are not otherwise permitted as non-complying activities if located outside the ANB but within the ONB, and discretionary activities if located outside the ONB but inside the Airport Noise Effects Advisory Overlay.

17.2 I also recommend altering the definition of 'supermarket' in Part Q of the the District Plan to ensure that only one supermarket is located in the Airport Zone by reducing the minimum GFA from 1500m<sup>2</sup> to 1000m<sup>2</sup> as follows:

*Supermarket means an activity of more than 1,500m<sup>2</sup> gross floor area within a single building mainly engaged in retailing groceries or non-specific food lines, whether or not the selling is organised on a self-service basis, except that in the Airport Zone the minimum gross floor area shall be 1000m<sup>2</sup>.*

17.3 This amendment is line with the recommendations of Mr Heath in respect of the comparable definition in the PDP, and is within scope of the plan change to provide for one supermarket in the Zone.

17.4 In terms of the policies for the Airport Zone, as set out above, I would recommend making an amendment to Policy 2 under Objective 2.0 of the Airport Zone, as follows:

## C.19 AIRPORT ZONE

### OBJECTIVE 2.0

#### POLICY 2: USES

**A complementary range of activities in the "Airport Mixed Use Precinct" will be permitted to support aviation activities and provide for non-aviation, commercial and other employment opportunities with residential, retail and commercial activities that have the potential to undermine the sustainability of the Paraparaumu Town Centre or to generate adverse effects requiring a resource consent.**

Explanation: The "Airport Mixed Use Precinct" permits aviation activity to grow beyond the "Airport Core Precinct". Non-aviation business and commercial activity and development is permitted to support the sustainability of the Airport Core Precinct activities. Certain specified activities are classified as non-complying (i.e. residential activity, offensive trades, certain retail/commercial activities etc), discretionary (i.e. work associated with heritage buildings) or controlled activities (i.e. the external design, appearance and siting of buildings and associated development) to enable to the Council to manage avoid, remedy or mitigate potential adverse effects as appropriate, particularly those that would degrade the vitality and vibrancy of the Paraparaumu Town Centre or the functioning and levels of service on the local roading network. ~~Supermarkets, Department Stores and more than one small scale retail grocery outlet are prohibited activities.~~ More than one Supermarket in the zone is a non-complying activity, and more than one department Store is a prohibited activity.



# Recommended Changes to ODP (Tracked Changes)

The text shown in black ~~strike-through~~ and underlined are the amendments outlined in notified Private Plan Change 84.

The text shown in ~~red strike-through~~ and underlined are the further amendments recommended in the s42A report.

The text shown in ~~green strike-through~~ and underlined are the further amendments recommended in the s42A report.

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## PART C – OBJECTIVES AND POLICIES

### OBJECTIVE 2.0

#### POLICY 2: USES

A complementary range of activities in the "Airport Mixed Use Precinct" will be permitted to support aviation activities and provide for non-aviation, commercial and other employment opportunities with residential, retail and commercial activities that have the potential to undermine the sustainability of the Paraparaumu Town Centre or to generate adverse effects requiring a resource consent.

Explanation: The "Airport Mixed Use Precinct" permits aviation activity to grow beyond the "Airport Core Precinct". Non-aviation business and commercial activity and development is permitted to support the sustainability of the Airport Core Precinct activities. Certain specified activities are classified as non-complying (i.e. residential activity, offensive trades, certain retail/commercial activities etc), discretionary (i.e. work associated with heritage buildings) or controlled activities (i.e. the external design, appearance and siting of buildings and associated development) to enable to the Council to manage avoid, remedy or mitigate potential adverse effects as appropriate, particularly those that would degrade the vitality and vibrancy of the Paraparaumu Town Centre or the functioning and levels of service on the local roading network. ~~Supermarkets, Department Stores and more than one small scale retail grocery outlet are prohibited activities.~~ More than one Supermarket in the zone is a non-complying activity, and more than one department Store is a prohibited activity.

...

## PART D – RULES AND STANDARDS

### D.9.1 Airport Zone Rules

...

#### D.9.1.4 Discretionary Activities

The following are discretionary activities:

- (i) The alteration or modification, which is not a minor work as defined in Part Q of this Plan, and the demolition or removal of any heritage feature or building recorded in the Heritage Register. In relation to historic buildings, "modification" includes any subdivision of land containing the historic building and its curtilage.
- (ii) Activities within the "Aviation Heritage Precinct" not provided for as permitted activities and not defined as non-complying or prohibited.
- (iii) The alteration or modification which is not a minor work as defined in Part Q of this Plan and the demolition or removal of the control tower, as a historic building. In relation to historic buildings, "modification" includes any subdivision of land containing the historic building and its curtilage (except where specified in this Plan to be a non-complying activity or prohibited activity).
- (iv) Activities which do not comply with any restricted discretionary activity standards are discretionary activities.
- ~~(v) Noise sensitive activities outside the Air Noise Boundary not specifically provided for as a permitted activity.~~
- ~~(vi) One only supermarket within the zone.~~
- ~~(vii) More than one store of between 151m<sup>2</sup> and 1,500m<sup>2</sup> GFA that retails groceries or non-specified food lines.~~
- (v) Noise sensitive activities between the Outer Noise Boundary and the Airport Noise Effects Advisory Overlay not specifically provided for as a permitted activity.

#### **D.9.1.5 Non-Complying Activities**

The following are non-complying activities:

- (i) Offensive trades.
- (ii) The keeping of free flight birds.
- (iii) Retail and commercial service activities, not being a prohibited activity, that are not listed as permitted activities in rule D.9.1.1 or do not comply with the permitted activity retail/commercial activity floorspace threshold standards in D.9.2.1.
- (iv) Aircraft operations occurring between 10.30pm and 6am that are not exempt by the "Noise from Aircraft Operations" permitted activity noise standard.
- (v) Any other activity not being a permitted, controlled, discretionary (restricted), discretionary or prohibited activity.
- (vi) Any development in the Airport Zone, not being a prohibited activity, which results in the development in the Airport Zone exceeding 339,400m<sup>2</sup> GFA.

- (vii) Any above ground development, within the area defined on the Precinct Plan as Runway 12/30, which is inconsistent with the use of that area for imperative landings and other limited uses.
- ~~(viii) One only Department Store within the zone.~~
- ~~(ix) Supermarkets other than as provided for in rule D.9.1.4.~~
- ~~(x) More than one store of between 151m<sup>2</sup> and 1,500m<sup>2</sup> GFA that retails groceries or non-specified food lines.~~
- ~~(xi) Noise sensitive activities outside the Air Noise Boundary but inside the Outer Noise Boundary not specifically provided for as a permitted activity.~~

#### D.9.1.6 Prohibited Activities

The following are prohibited activities:

- (i) Noise sensitive activities ~~within the Airport Noise Boundary not specifically provided for as a permitted activity.~~
- (ii) Department Stores ~~other than as provided for in rule D.9.1.5.~~
- ~~(iii) Supermarkets.~~
- ~~(iv) More than one store of between 151m<sup>2</sup> and 1,500m<sup>2</sup> gross floor area that retails groceries or non-specified food lines.~~

#### PART Q: DEFINITIONS

**Supermarket** means an activity of more than 1,500m<sup>2</sup> gross floor area within a single building mainly engaged in retailing groceries or non-specific food lines, whether or not the selling is organised on a self-service basis, except that in the Airport Zone the minimum gross floor area shall be 1000m<sup>2</sup>.