

Submission on PDP

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Date: 21 October 2022

Re: Submission on Proposed Far North District Plan (**Proposed Plan**) – Bunnings Limited

Submission Information:

Bunnings Limited (**Bunnings**) could not gain an advantage in trade competition through this submission.

The specific provisions of the Plan Changes that Bunnings submission relates to are attached.

Bunnings seeks amendment to the specific provisions as listed in the attached document. The reasons are provided in the attached document.

The decisions that Bunnings wishes Far North District Council (**FNDC**) to make to ensure the issues raised by Bunnings are dealt with are also contained in the attached document.

Bunnings wishes to be heard in support of this submission.

If others make a similar submission, Bunnings will consider presenting a joint case with them at a Hearing.



Dean Williams, Bunnings Limited



Matt Norwell, Director Barker & Associates

Submission 371

1.0 Introduction

Bunnings Limited (**Bunnings**) welcomes the opportunity to submit on the Far North District Council (**FNDC**), proposed District Plan (**Proposed Plan**), as released on 27 July 2021.

Bunnings is one of the leading retailers of home improvement and outdoor living products in Australasia and services both consumer and commercial customers. Bunnings operates a number of warehouses, smaller format stores, and trade centres throughout New Zealand, along with a distribution centre and a head office. These sites are carefully designed to be fit for purpose and planned to a very high standard.

In Bunnings' experience, regional and district planning frameworks often do not properly recognise the need for business growth to occur, including alongside residential growth. Given Bunnings' significant past and planned further investment in New Zealand, the contents of District Plan provisions are integral to the continuing operation and development of Bunnings, the same applies in the Far North.

This submission covers matters addressed by the Proposed Plan which Bunnings have an interest in, particularly in regards to the new Bunnings Warehouse site located at 391 Waipapa Road (**Bunnings Waipapa**), Kerikeri which is approved by RC 2300626 and is currently under construction. The Bunnings Waipapa site has been zoned Light Industrial in the Proposed Plan and is not subject to any mapped overlays or additional controls.

Specific points of submission are detailed in **Attachment 1** whilst general feedback is detailed in **Section 2**.

2.0 General Feedback

Bunnings acknowledges and appreciates the work that FNDC have put into developing the Proposed Plan. **S371.001** However, Bunnings have general concern that the Strategic Direction chapter contains objectives for each topic, and not policies. In Bunnings view, the objectives need policies to demonstrate how they are going to be achieved in the Plan. It is also important at this strategic level of the Proposed Plan, that the policies provide clear direction for the consideration of resource consents where there is conflict between different areas of strategic direction.

Further Bunnings notes that the Strategic Direction Chapter does not include any form of direction by way of mapping or provisions to set a clear hierarchy of centres. Bunnings considers that the larger urban areas within the Far North, which would benefit from stronger policy direction with respect to economic growth and development. **S371.002**

Bunnings have not been able to confirm that the proposed Strategic Direction objectives are appropriate under section 32 (1)(a) of the RMA, because the section 32 report does not include an evaluation of the proposed objectives.

Bunnings support a clear and well drafted plan; the lack of definition nesting table and incomplete suite of definitions makes it difficult to understand what activities are permitted in what zones. Of particular concern to Bunnings in regards to definitions is that as currently drafted, a Bunnings Warehouse may not be captured as a 'trade supplier' which it is typically captured as in other plans throughout the country. Amendments to this definition to ensure that activities like Bunnings Warehouse are provided for is a critical component to Bunnings' submission. **S371.003**
S371.004

Bunnings supports the application of Light Industrial Zoning of the Bunnings Waipapa site subject to the **S371.005** changes identified in the **Attachment 1** (in particular, the amendment to the definition of trade supplier). The changes generally seek to ensure that this activity, and future additions and alterations are appropriately accommodated in the zone in recognition of the benefits the Bunnings Warehouse provide to the wider community.

The specific submission points in **Attachment 1** seek to improve the Proposed Plan and to efficiently and effectively achieve the proposed objectives of the plan change package, and the purpose of the RMA.

3.0 Conclusion

In conclusion, Bunnings seek the following relief:

- (a) Bunnings' general feedback in **Section 2.0** and specific feedback in **Attachment 1** is addressed and necessary changes incorporated into the Proposed Plan.
- (b) Any further necessary consequential amendments required to achieve (a) above.

Bunnings looks forward to working collaboratively with FNDC to address the above relief and is happy to meet with FNDC policy staff or consultants to work through these matters.

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Sub #	Topic	Support/Oppose/Seek Amendment	Comments / Reasons	Relief Sought
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Part 1 – Introduction and General Provisions – How the Plan Works

1	How the Plan Works	General	<p>Bunnings considers that a definitions nesting table and carefully considered definitions are critical to ensuring the efficient and effective implementation of the Plan in a consistent manner and considers the How the Plan works chapter to be an appropriate location for this. Nesting tables provide a clear and succinct way of organising different land use activities in a broader term which is critical given the plan typically defaults to discretionary activity where not otherwise specified.</p> <p>Bunnings notes that section 14 Definitions Standard of the National Planning Standards Councils must consider whether to include instructions on how definitions relate to one another (e.g. nesting diagrams). On review of the Overview s32 analysis it is not clear to Bunnings that Council has considered either option.</p>	Include definition nesting table. S371.003
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Part 1 – Introduction and General Provisions – Interpretation - Definitions

2	Definitions - General	Seek Amendment	The Proposed Plan includes activity-based rules which manage the establishment and operation of activities within zones and sites.	Bunnings seek that FNDC review all definitions (noting sub#3 and #4 in regards to S371.006
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			<p>However, the rules (particularly with respect to the LIZ rules of interest to Bunnings) include terms as activity rules that do not have definitions. Bunnings support a clear and well written plan to support ease of reading and implementation for plan users. The lack of definitions for activities coupled with the lack of nesting table (see sub#1) organising different land use activities under a broader term makes it very difficult to confirm with certainty what activities are provided for as permitted activities.</p> <p>This is a critical element of an activities based plan, particularly where the default for activities not otherwise specified is typically discretionary activity.</p>	<p>trade supplier and large format retail), and amend overlaps or create definitions for terms which are not currently defined and incorporate nesting tables.</p>
3	Trade Supplier	Seek amendment	<p>As currently drafted the definition of Trade Supplier may not capture the Bunnings Warehouse activity. Bunnings highlight that in their experience, throughout the country this is typically what a Bunnings Warehouse would be captured as.</p> <p>It is important to note that the retail component of a Bunnings Warehouse and customer behaviour is different to that associated with other retail type activities, including Large Format type retail.</p> <p>Accordingly, Bunnings seek amendments to the definition so that it better accommodates</p>	<p>means a business that involves the sale of wholesale goods to businesses, as well as limited retail sales to the general public, and sell supplies which fall into the following categories:</p> <ul style="list-style-type: none"> a. automotive and/or marine suppliesrs; b. building suppliesrs; c. catering equipment suppliesrs; d. farming and agricultural suppliesrs; e. garden and patio landscape suppliesrs; f. hire services (except hire or loan of books, videos, DVDs and other similar home entertainment items);

S371.004

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			a Bunnings Warehouse, and changes to make the definition clearer noting that a-g are not defined terms, accordingly, to avoid confusion it makes for a clearer definition if the supplies are listed.	g. industrial clothing and safety equipment suppliers; and h. office furniture, equipment and systems suppliers; and i. <u>home improvement supplies.</u>
4	Large Format Retail		Bunnings considers that the reliance on a performance standard (gross business area) for this definition is flawed. It is confusing in a predominantly activities based plan, results in difficult interaction with other activities based definitions, and results in unclear rules. Bunnings seeks that: <ul style="list-style-type: none"> the definition be reviewed to relate to the type of retail Council want to manage through this definition, and rely on performance standards to manage effects. That Trade Supplier be expressly excluded (noting sub# 3 above). 	Amend definition of Large Format Retail to removed reference to Gross Floor Area, and expressly exclude Trade Suppliers. S371.007
Part 2 – District Wide Matters – Strategic Direction – Economic and Social Wellbeing				
5	Strategic Direction	Seek amendment	The Strategic Direction chapters do not contain policy which give effect to proposed objectives. Bunnings consider that there is no clear policy direction to give effect to the proposed objective which could lead to an ineffective plan.	Amend the Strategic Direction Chapter to: S371.001 <ul style="list-style-type: none"> to provide clear direction for growth and development throughout the Far North District. Include appropriate policy to give effect to strategic direction objectives. Establish a centre hierarchy to set a clear policy direction for the larger urban areas within the District, and amend zoning as necessary to implement the hierarchy.

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				<ul style="list-style-type: none"> evaluated objectives in accordance with section 32AA to confirm that these are the <u>most appropriate</u> objectives.
Part 2 – District Wide Matters -Energy, Infrastructure and Transport – Transport				
6	Transport - TRAN-R2	Seek amendment	<p>Of particular relevance to Bunnings is the discretionary activity trigger for any alterations to an existing vehicle crossing onto State Highway. Bunnings Warehouse Waipapa has an approved access onto State Highway 10.</p> <p>This rule would mean that any upgrades to this vehicle crossing would require discretionary consent which is considered overly onerous particularly when considering that all works within the State Highway Corridor require the approval of Waka Kotahi as the requiring authority of the designation pursuant to s176/s178 of the RMA.</p> <p>This provides an adequate process to ensure that upgrades to existing approved (by Waka Kotahi) vehicle crossings and access do not result in any adverse effects on the Waka Kotahi transportation network.</p>	<p>Amend PER-3 as follows to enable upgrades to existing access from State Highways as a permitted activity: S371.008</p> <p>PER-3 <u>Where</u> The vehicle crossing is a new vehicle crossing it, is not off a State Highway, or off a road classified arterial or higher under the One Network Road Classification.</p>
7	Transport - TRAN-R5 TRAN- Table 11 inferred	Seek amendment	<p>The trip generation thresholds have changed from zone-specific daily traffic volumes to district-wide standards set by a combination</p>	<p>Amend TRAN-R5 to increase the threshold to appropriately provide for trade supplier particularly within zones where trade suppliers are a permitted activity, S371.009</p>

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			<p>of daily volumes, gross business area, and occupancy-based thresholds.</p> <p>For a trade supplier, the restricted discretionary threshold is 450m² GFA, any new development that cannot comply with this threshold would trigger a restricted discretionary activity status. As currently drafted, there is no specific direction for extensions, and it considered that where the extension results in a total GFA of or over 200m² restricted discretionary consent would be required.</p>	<p>amendments to the provisions to provide for extension of activities.</p>
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Part 2 – District Wide Matters - General District Wide Matters – Signs

8	Signage – General	Seek amendment	<p>It is unclear how this chapter interacts with Part 3 – Area Specific Matters. Note 1: indicates that this part of the plan applies but doesn’t provide direction in terms of what section takes precedence. This is critical given that signs are captured as structures, and the zones and the Signs chapter include performance standards for structure height.</p>	<p>Amend Note 1 to clarify which performance standards take precedent when there is overlap between those in the signs chapter and the zones Zone and</p>	S371.010
9	Signage –SIGN-R5 and SIGN-R6	Seek amendment	<p>Rules SIGN-R5 and SIGN-R6 refer to free standing, double sided and V-shaped signs. There are no definitions to clarify what these signs are. Bunnings consider that signs could potentially fall into multiple rules in the absence of clear definitions.</p>	<p>Amend SIGN-R5 and SIGN-R6 to manage signs, utilising standards to clearly articulate types of signs with specified limits.</p> <p><u>Or</u> alternatively insert definitions for free standing, double sided and V-shaped signs.</p>	S371.011 to S371.013
10	Signage – SIGN -R7	Seek amendment	<p>Bunnings considers that where signage is attached to a building, and the signage is directly related to the use of that</p>	<p>Amend SIGN – R7 as follows:</p>	S371.014

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			<p>building/comprises branding it should be exempt from the maximum area (SIGN-S) and maximum number (SIGN – S1) standards.</p> <p>Bunnings also notes that PER-1 and PER-3 SIGN – S2 are a double up and considers it unnecessary to specify ‘window’ or ‘wall’ which are parts of buildings.</p> <p>Accordingly Bunnings seeks the following amendments to SIGN-R7 and suggest that a separate rule be include to address signage on fences.</p>	<p>Signs on or attached to a building, window, fence or wall (excluding a scheduled heritage resource</p> <p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1 The sign does not protrude above the highest point of the building or structure.</p> <p>PER-2 The sign complies with standards:</p> <p>SIGN-S1 Maximum area; SIGN-S2 Maximum height; SIGN-S3 Maximum number; SIGN-S4 Traffic safety; and SIGN-S5 Sign design and content.</p> <p>PER-3</p> <p>The sign is not for third party advertising, <u>and is directly related to a permitted activity undertaken within the building or</u></p> <p>Include additional rule for fences R7</p>
11	Signage – SIGN – S2	Seek amendment	In regard to the Light Industrial Zone, the height limited for free standing signs is not	Amend SIGN – S2 as follows

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			appropriate. In general, free-standing signs, such as pylon signs are intended to be higher than the building to provide wayfinding assistance and be visible from a distance. Accordingly, Bunnings seek the following amendment to provide flexibility noting that in the Light Industrial Zone buildings and structures are permitted up to 12m in height.	1. Freestanding signs must not exceed the height of the building 12m in height ; 2. Signs attached to a building must not protrude above the highest point of the building	
Part 3 – Area Specific Matters – Zones – Light Industrial					
12	Light Industrial Zone – LIZ - Overview	Support	Bunnings acknowledges that the intent of the zone is to provide for light industrial activities and supports the provision for compatible commercial activities, such as trade suppliers (noting sub#3).	Retain as notified.	S371.016
13	Light Industrial Zone– LIZ – O5	Support,	Bunnings support this objective but seeks more directive language given that some activities (including trade suppliers) are permitted.	Amend LZ- O5 as follows: The Light Industrial zone accommodates provides for a limited range of commercial activities which either support light industrial activities or are not anticipated in the Mixed Use zone	S371.017
14	Light Industrial Zone – Rules General	Seek amendment	There is currently no permitted activity status for any light industrial activities that the overview indicates are provided for in this Zone. While this is not necessarily of interest to Bunnings, it is critical to the integrity of the Chapter particularly noting that ‘light industrial activity’ is not a defined term.	Review rule framework for light industrial activities to increase the threshold for.	S371.018
15	Light Industrial Zone - LIZ- R1	Seek amendment	Bunnings seek amendment to the building and structures provisions to ensure that Bunnings Warehouse (buildings and structures) can be established as a permitted	Amend LIZ -R1 as follows:	S371.019

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			<p>activity where an appropriate GBA is met (PER-1). It is considered that a GBA of less than 450m² for permitted activity with a default to discretionary activity where compliance is not achieved is particularly onerous approach.</p> <p>Flexibility is also required for extensions and alterations for existing legally established structures. As currently drafted, any alteration to an existing building or structure that is more than 450m² GBA would require discretionary resource consent, regardless as to whether this is internal/external or the degree of change to the approved footprint.</p> <p>In regards to PER-2 Bunnings note that no industrial activities have been provided for in the Light Industrial Zone as a permitted activity. Regardless, PER -2 should reference a 'permitted activity' instead.</p>	<ul style="list-style-type: none"> • Increase threshold for coverage for new buildings or structures • Permit alterations where they do not result in an increased building footprint • Permit extensions of an appropriate scale where they comply with LIZ-S1, LIZ-S2, LIZ-S3, LIZ-S4, LIZ-S8 to avoid unnecessary consenting requirements. • Default to a restricted discretionary activity for non-compliance with PER 1 or 2. • Amend PER-2 to refer to 'permitted activities' instead of 'industrial activities' 	
16	Light Industrial Zone - LIZ-R1	Support	Bunnings supports enabling trade suppliers in the Light Industrial Zone as a permitted activity noting the amendments sought to the definition of trade supplier (see sub#3)	Retain as notified	S371.020
17	Light Industrial Zone – LIZ S1	Support	Bunnings supports the 12m building height for buildings and structures.	Retain as notified	S371.021
18	Light Industrial Zone – LIZ S2	Support	Bunnings supports no height in relation to boundary standard for where the site adjoins other industrial zoned sites	Retain as notified	S371.022

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19	Light Industrial Zone – LIZ S3	Support	Bunnings support no setback requirements where the site adjoins other industrial zoned sites	Retain as notified	S371.023
20	Light Industrial Zone – LIZ – S5	Seek amendment	Bunnings seeks flexibility within the drafting of provisions so that LIZ-S5 is not triggered where an alteration of extension to a legally established building or structure that contains a permitted activity (see sub# 16).	Seek amendment to LIZ-S5 to provide flexibility for alterations and extensions.	S371.024
21	Light Industrial Zone – LIZ – S6	Seek amendment	Bunnings seeks flexibility within the drafting of provisions so that LIZ-S6 is not triggered where an alteration of extension to a legally established building or structure that contains a permitted activity (see sub# 16).	Seek amendment to LIZ-S6 to provide flexibility for alterations and extensions.	S371.025
22	Light Industrial Zone – LIZ – S7	Seek amendment	Bunnings seeks flexibility within the drafting of provisions so that LIZ-S7 is not triggered where an alteration or extension to a legally established building or structure that contains a permitted activity (see sub# 16).	Seek amendment to LIZ-S7 to provide flexibility for alterations and extensions.	S371.026
23	Light Industrial Zone - LIZ- S8	Seek amendment	<p>All stormwater collection systems must be designed in accordance with the Council’s Environmental Engineering Standards 2022.</p> <p>Bunnings are concerned that this is an inconsistent application of engineering standards. Furthermore, the referenced Environmental Engineering Standards do not ensure sustainable, safe and efficient management of stormwater.</p>	<p>Review and refine the relationship of the District Plan to the Environmental Engineering Standards to:</p> <ul style="list-style-type: none"> a. Ensure the District Plan requires the management of stormwater in a manner that achieves sustainable, safe and efficient provision of infrastructure. b. Ensure referencing of the Environmental Engineering Standards in the District Plan 	S371.027 & S371.028

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				<p>is appropriate and results in clear and measurable rules.</p> <p>c. Cross-referencing to Environmental Engineering Standards is consistent across all chapters.</p>
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