

8 May 2023

Waimakariri District Council

Via email: [audrey.benbrook@wmk.govt.nz](mailto:audrey.benbrook@wmk.govt.nz)

**Attention: Audrey Benbrook, Hearings Administrator**

Dear Audrey

**WAIMAKARIRI PROPOSED DISTRICT PLAN: HEARING STREAMS 1 & 2 – STRATEGIC DIRECTIONS, URBAN FORM AND DEVELOPMENT: STATEMENT TABLED ON BEHALF OF WOOLWORTHS NEW ZEALAND LIMITED (SUBMISSION 282)**

Thank you for the opportunity to review the section 42A hearing reports regarding Hearing Streams 1 & 2 in relation to the Waimakariri Proposed District Plan (**PDP**).

We write on behalf of Woolworths New Zealand Limited (submission 282) (**Woolworths** or **the submitter**) in respect of its primary submission and in lieu of both provision of evidence and attendance at this hearing.

Specifically, Woolworths is concerned to present a formal response to the section 42A hearing report (**hearing report**) produced in respect of the Strategic Directions chapter. We consider that the hearing report misrepresents the submission made by Woolworths and we request that the Panel consider the following.

The hearing report addresses Woolworths' submission at section 3.3. It summarises the submission as follows:

70. Woolworths New Zealand Limited [submitter 282] made seven submissions on the Introduction section of the Strategic Directions Chapter on a number of procedural matters, including the following:
- Centres approach for town centres,
  - Projected development capacity,
  - Self-sufficiency for business growth,
  - Enabling more supermarkets within residential zones,
  - Large format retail supporting Centre Zones,
  - Aspirational zoning provisions for growth, and
  - Strategic Directions objectives do not enable supermarkets.
71. The overall theme of the submissions is enabling the unrestricted establishment of supermarkets within the residential zones. The submitter submitted 152 submission points across a range of zones, Strategic Directions and Urban Form and Development, and some district wide matters. There were 10 further submissions in opposition to the Woolworth submission, none of which relate to strategic directions or urban form and development.

Woolworths categorically objects to the summary above and in particular the phrasing in paragraph 71 which states "*the overall theme of the submissions is enabling the unrestricted establishment of supermarkets within the residential zones*". This is entirely inaccurate.

Rather, Woolworths agrees with and does not dispute the significant role centres play as a primary focus for business activity. However, as set out in the submission, a "centres plus" approach (see below) that incorporates a more flexible regime for out-of-centre development in appropriate circumstances should be adopted. This approach has been accepted in District Plans throughout the country (including Auckland's Unitary Plan and Dunedin's "2GP") as essential to enabling activities in the right locations and to create and support well-functioning urban environments.

Woolworths' submission seeks the following headline relief:

- The PDP's "centres" approach to commercial activity and its support of growing (and well-functioning) urban environments needs to be adaptive and responsive to evolving retailing.<sup>1</sup> Woolworths supports a "centres plus" approach that adopts a more flexible planning regime for supermarkets, namely that supermarkets as essential services and catalysts for well-functioning urban environments should be permitted in all Commercial and Mixed Use zones (CMUZ); except restricted discretionary in the Large Format Retail zone.<sup>2</sup>
- Woolworths proposes a discretionary activity status for supermarkets in industrial zones<sup>3</sup> and accepts the PDP's proposed status of non-complying for supermarkets in residential zones<sup>4</sup>.

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<sup>1</sup> Submission point 282.82.

<sup>2</sup> Submission point 282.83.

<sup>3</sup> Submission point 282.78.

<sup>4</sup> Submission point 282.136.

As stated in the submission, the above relief acknowledges the operational and functional need for supermarkets to co-locate with the catchments they serve, which itself is a sustainable urban form outcome. Currently, the PDP as notified does not enable supermarkets in any zone without resource consent (be it for the activity itself or the building in terms of urban design and built form). This is wholly at odds with both the higher order enabling framework set out in the PDP and the National Policy Statement on Urban Development 2020 (**NPSUD**) as elaborated upon in Woolworths' submission. These matters need to be considered at both the higher order provision level as addressed in these hearings and also at the zone hearings yet to come.

Specific to the Strategic Directions chapter of the PDP, Woolworths' submission supported Objective SD-O2 as notified in that it promotes and supports a hierarchy of centres as the primary focus for retail, office and other commercial activity. Woolworths supports this centres first approach to urban development generally, and commercial activities more specifically.

Woolworths' submission then goes on to assess why the CMUZ provisions need to be amended in order to deliver on the above objective, specifically in respect of supermarkets.

The hearing report has further misrepresented Woolworths' position in subsequent paragraphs outlined and responded to below:

Paragraph 72 suggests Woolworths wants to "*enable business activity across other zones*". This is incorrect for the reasons stated above and as set out in full in the submission.

Paragraph 73 states "*locating a supermarket within a residential environment would potentially have an adverse effect on the anticipated residential urban form, and local infrastructure*". This is possible, hence Woolworths' acceptance that the resource consent process would be most appropriate to address this, accepting that changes to various objectives and policies may be required to ensure a non-complying activity status and subsequent section 104D analysis does not close the door on such a proposal at the plan-making stage.

Paragraph 78 states that the submission "*requests that provision is made enabling supermarkets within residential zones*". Again, this is incorrect. The hearing report cites submission point 282.95 to support this statement. In fact, submission point 282.95 covers paragraph 27 of the submission, as follows:

*As stated, the CMUZ provide a broad framework of interrelated commercially focused areas that can each contribute to the growth of the District's business activity, in defined and complementary ways. As it stands, the PDP does not effectively utilise this broad toolkit, whereas it should enable each of the zones to deliver on different aspects of business development.*

This submission point is therefore wholly directed at the CMUZ planning framework within the PDP and not at all the residential zones as the hearing report suggests.

Paragraph 81 recognises Woolworths' overarching "*aspirational zoning provisions for growth to respond and adapt to developing market drivers*". It goes on to state in response that Council "*has provided for supermarkets to develop in two areas*" – being the large format retail zones in Rangiora and Kaiapoi (where discretionary activity consent is proposed to be required for supermarkets in the PDP). We consider this misses the intent of the submission and its relief but acknowledge that activity status in the CMUZ and industrial zones can be addressed at the later hearing topics of relevance. We do not agree with the hearing report when it states (paragraph 81) that "*supermarket development is not considered a significant issue for the district*", nor the suggestion that Woolworths is seeking to enable "*unrestricted supermarket development*". This is evident in Woolworths' submission.

Thank you for the opportunity to provide the enclosed. Please confirm receipt and that this statement will be tabled for the Hearings Panel's consideration. Please do not hesitate to contact the undersigned if you have any questions regarding this letter.

Yours Sincerely,

A handwritten signature in black ink, appearing to be 'Kay Panther Knight', with a stylized, cursive script.

**Kay Panther Knight**

Director

029 502 4550

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