

1 September 2023

Wellington City Council

Via email: [Jaskirat.Kaur@wcc.govt.nz](mailto:Jaskirat.Kaur@wcc.govt.nz)

Attention: Jaskirat Kaur

Dear Jaskirat

WELLINGTON PROPOSED DISTRICT PLAN: WRAP-UP (ISPP PROVISIONS) HEARING STREAM –  
DESIGN GUIDES: STATEMENT TABLED ON BEHALF OF WOOLWORTHS NEW ZEALAND LIMITED  
(SUBMISSION 359)

Thank you for the opportunity to review the section 42A hearing report regarding the Wrap-up  
Hearing Stream in relation to the Wellington Proposed District Plan (PDP).

We write on behalf of Woolworths New Zealand Limited (submission 359) (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 submitted on the Design Guides and their application in combination with  
the PDP. We have reviewed the Council's response to Woolworths' submission and the proposed  
changes to those provisions.

Woolworths wishes to address the following points in relation to the amendments made to the Design  
Guides and their role in the consenting assessment relative to new or altered buildings in the business  
zones of the PDP.

Firstly, the Panel may recall Woolworths' relief in relation to assessing the design of new buildings,  
specifically seeking that the operational and functional requirements for supermarkets (and other  
commercial activities) are recognised and balanced alongside urban design aspirations. The same  
relief is sought where new or altered supermarket buildings seek to infringe specific urban design  
standards, such as active frontages, minimum building heights, minimum building depths and  
carparking as they relate to most Centre zones in the PDP<sup>1</sup>.

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<sup>1</sup> Evidence of Kay Panther Knight, Commercial and Mixed Use and General Industrial zones, 12 June 2023.

Absent certainty that the relief in relation to that consideration has been or will be adopted in the PDP, Woolworths remain concerned to ensure that the application of Design Guides in consenting assessments have regard to operational and functional requirements, for the reasons noted in the evidence presented to Hearing Stream 4.

Woolworths make the further following points, which I support, in relation to the Council's response to Woolworths' (and others') submissions on the Design Guides.

Woolworths previously opposed inclusion of the Design Guides into the PDP by reference in assessment criteria. This position remains germane given the Council's response in the section 42A hearing report (hearing report) for this Hearing stream, which cites the Guides "do not need to recognise or provide for functional and operational requirements of specific activities".<sup>2</sup> The hearing report goes on to state that this is because the commercial and mixed use zones (CMUZ) rules of the PDP set out whether activities are appropriate or not. However, in my view, the hearing report then conflates the matter with considering if Design Guides were removed altogether then that would "tip the balance towards functional and operational uses". I consider that this appears to misunderstand the submission point. Namely, should the Guides be applied, then the framework within which new and altered buildings are assessed must also consider the operational and functional requirements that the buildings are designed to accommodate. The binary approach suggested by the hearing report continues to pit design aspirations and operational and functional requirements against each other rather than creating a comprehensive assessment framework that considers them together and in an appropriate context.

In consideration of the proposed edits to wording within the CMUZ in the PDP text, I note that the changes are largely limited to changes to policies where the wording shifts from the PDP as notified which sought that requirements of the Design Guides were met, to now "fulfilling the intent..." of the Design Guides. The policies that make this reference, in each CMUZ, are then referenced in the assessment criteria where a restricted discretionary activity consent is required for new or altered buildings. The Design Guides state that in order to achieve that criterion a Design Statement is required to be produced.

Boffa Miskell's review on the Design Guides suggests that text has been inserted that apparently "addresses matters raised in submissions in relation to clarifying how the Guides will be used in resource consent processes, and enabling sufficient flexibility to ensure that the guides can be applied in a manner that recognises specific contexts and the functional or operational needs of specific

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<sup>2</sup> Section 42A hearing report, para 111.

activities".<sup>3</sup> In my view, there is no such text in the revised Guides. I would support such inclusion for the reasons stated above.

Therefore, I agree with Woolworths and consider that the application of Design Guides in the assessment of new or altered buildings in the CMUZ needs to be balanced with consideration of operational and functional requirements. Further, the retention of the Design Guides without reference, as suggested by Boffa Miskell, to those requirements renders Woolworths' relief regarding consideration of operational and functional requirements within the CMUZ assessment criteria or matters of discretion even more important.

Further, having regard to the stated requirement to produce a Design Statement to satisfy the criterion in relation to the Guides and the policies that reference fulfilling their intent, I consider that there should be threshold or scale of activity or development below which a Design Statement is unnecessary. For example, oftentimes Woolworths undertakes nominal alterations to existing supermarket buildings that require resource consent under the CMUZ rules, such as a 30m<sup>2</sup> extension to accommodate an extended online storage area, with associated minor changes to signage and corporate colours on the exterior. In this circumstance, and many others like it, a formal Design Statement would be an onerous requirement when a simple assessment of the change in an AEE would suffice.

Finally, I agree with the findings by Boffa Miskell that the guidance point rating system in the Design Guides should be removed given its unnecessary complexity.

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.

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<sup>3</sup> Boffa Miskell Design Guides review, para 105.

Yours Sincerely,

A handwritten signature in black ink, consisting of a large, stylized 'K' followed by a horizontal stroke that loops back to the left.

Kay Panther Knight

Director

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