

17 July 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: HEARING STREAM 5 – GENERAL DISTRICT WIDE MATTERS:  
STATEMENT TABLED ON BEHALF OF WOOLWORTHS NEW ZEALAND LIMITED (SUBMISSION 359)**

Thank you for the opportunity to review the section 42A hearing report regarding Hearing Stream 5 – General District Wide Matters 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 Noise chapter, the Earthworks chapter and the Three Waters chapter in the PDP. We have reviewed the Council's response to Woolworths' submission on these provisions and the proposed changes to those provisions.

Woolworths is satisfied that the changes or most recently proposed provisions on noise and earthworks are acceptable. However, Woolworths wishes to address the following points in relation to the Three Waters chapter.

Firstly, Woolworths submitted that requiring restricted discretionary activity consent (proposed rule THW-R4) for any non-residential development on the grounds of three waters (specifically incorporation of water sensitive design methods) was unnecessarily onerous. Instead, Woolworths suggested that permitted activity standards regarding stormwater management could be incorporated into the plan, and any infringement of those standards could be addressed as a restricted discretionary activity.

At paragraph 277 of the Three Waters section 42A hearing report, the Council identifies that water sensitive urban design allows for better stormwater management and ensures consistency with provisions at national and regional policy levels regarding freshwater management. Paragraph 279 states that the most appropriate activity status is restricted discretionary (rather than permitted or

controlled) as it enables Council to decline a consent where needed and to reflect the scale of adverse effect that could occur from development on three waters infrastructure and the environment.

However, as worded, the rule requires restricted discretionary activity for non-residential development to incorporate water sensitive design. Proposed rule THW-R2 allows for the connection of non-residential buildings to existing three waters infrastructure as a permitted activity. Therefore, in order to undertake water sensitive design (presumably either in addition to connection to existing infrastructure or instead of), an applicant would need to seek restricted discretionary activity consent. This would appear to discourage the outcome that Council would be seeking, rather than encourage.

In a circumstance where a new non-residential development cannot comply with THW-R2 as there are existing capacity constraints on the network, this proposed framework would result in a restricted discretionary activity consent being required under THW-R2 for non-compliance. But if an applicant sought to address this in respect of stormwater management through on-site attenuation and controlled release of a reduced amount of stormwater run-off (i.e. addressing the capacity constraint on-site), it would still require restricted discretionary activity consent under both THW-R2 and THW-R4. Again, this does not appear to be an efficient or effective approach to encouraging and achieving water sensitive design.

I support Woolworths' submission that a permitted activity standard could be introduced to encourage and enable water sensitive design in lieu of connecting to networks under pressure. Achieving hydraulic neutrality relative to a pre-developed state would be one requirement of such a permitted activity standard and would appear to achieve the relevant objectives and policies of this chapter – namely THW-O3 and THW-P1.

Turning to the second point in Woolworths' submission regarding Three Waters, it identified that seeking hydraulic neutrality to an undeveloped state was overly onerous relative to a pre-developed state. The latter appropriately takes into account the effects covered by the permitted baseline or lawfully established impervious area.

At paragraph 307 of the Three Waters section 42A hearing report, the Council rejects Woolworths' submission noting that modelling the current state of a site would not achieve any improvements in stormwater management. However, the report goes on to state that the intent is to manage onsite stormwater in order to mitigate effects that stormwater runoff can have on the stormwater network and wider receiving environment. I agree with that intent. I disagree that mitigating the increase of impervious area does not achieve improvements in stormwater management. Council has not provided evidence of this and this approach is routinely adopted elsewhere, with good results. Further, I agree with Woolworths that not acknowledging lawfully established impervious area ignores the permitted baseline of effects relative to runoff.

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

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