



Proposed District Plan submission form

Clause 6 of the First Schedule, Resource Management Act 199.

Feel free to add more pages to your submission to provide a fuller response.

To: Central Hawke's Bay District Council			
1. Submitter details			
Full Name	Last	First	
Company/Organisation (if applicable)	Woolworths New Zealand Limited		
Contact Person (if different)	Katherine Marshall Portfolio Manager - Property		
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2. This is a submission on the Proposed District Plan for Central Hawke's Bay			
3. <input type="checkbox"/> I could <input checked="" type="checkbox"/> I could not – gain an advantage in trade competition through this submission (Please tick relevant box)			
If you could gain an advantage in trade competition through this submission please complete point 4 below:			
4. <input type="checkbox"/> I am <input type="checkbox"/> I am not – directly affected by an effect of the subject matter of the submission that:			
(a) adversely affects the environment; and (b) does not relate to trade competition or the effects of trade competition. (Please tick relevant box if applicable)			
Note: If you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6(4) of Part 1 of Schedule 1 of the Resource Management Act 1991.			
5. <input checked="" type="checkbox"/> I wish <input type="checkbox"/> I do not wish – to be heard in support of my submission in person (Please tick relevant box)			
6. <input checked="" type="checkbox"/> I will <input type="checkbox"/> I will not – consider presenting a joint case with other submitters, who make a similar submission, at a hearing. (Please tick relevant box)			
7. Do you wish to present your submission via Zoom? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			
8. Please complete section below (insert additional boxes per provision you are submitting on):			
Please note: All submissions will be treated as public documents and will be made available on Council's website. However, you may request that your contact details (but not your name) be withheld. If you want your contact details withheld, please let us know by ticking this box. <input type="checkbox"/>			

Submission point 1

The specific provision of the plan that my submission relates to:

Part 1: Introduction and General Provisions – Introduction

Do you: Support Oppose Amend *(Please tick relevant box)*

What decision are you seeking from Council? **None**

Reasons:

Thank you for the opportunity to submit on this plan. Woolworths New Zealand Limited (Woolworths NZ) supports the general direction of the Proposed District Plan to provide for sustainable growth in the Central Hawke's Bay District, provided the objectives, policies and rules are also developed to enable existing operations to continue and encourage growth in appropriate locations.

Woolworths NZ currently operates 184 Countdown stores, 2 e-stores, 1 dark store and 2 metros nationwide and employs over 21,400 people. Woolworths NZ is also the franchisor for the Fresh Choice and Super Value brands, with a further 70 stores nationwide.

There is currently one Countdown store in the Central Hawke's Bay District: Countdown Waipukurau at 16 to 18 Ruataniwha Street.

Woolworths NZ is proud to work with communities and councils to create and deliver successful supermarkets that support and foster community wellbeing.

Submission point 2

The specific provision of the plan that my submission relates to:

Part 1: Introduction and General Provisions – Interpretation – Definitions: *Commercial Activity*

“means any activity trading in goods, equipment or services. It includes any ancillary activity to the commercial activity (for example administrative or head offices).”

Do you: Support Oppose Amend *(Please tick relevant box)*

What decision are you seeking from Council? Amendments sought

Woolworths NZ request that the definition be amended to specify that it includes retail activities. Suggested wording of the definition of Commercial Activity is (with amendments underlined):

“means any activity trading in goods, equipment or services, including retail sales/retail/retailing. It includes any ancillary activity to the commercial activity (for example administrative or head offices).”

Reasons:

Retail activities, including supermarkets, are not specifically included in the definition of a Commercial Activity. This is despite there being a separate definition of *retail sales/retail/retailing* in the Proposed District Plan. To avoid any confusion over whether retail activities are included in the definition of Commercial Activity, and therefore permitted in the Commercial Zone, it is requested that the definition of Commercial Activity be amended to include *retail sales/retail/retailing*.

Submission point 3

The specific provision of the plan that my submission relates to:

Part 2: District-Wide Matters – Hazards and Risks – NH – Natural Hazards

NH-R2 Any new building or alteration to an existing building within a Natural Hazard area

and

NH-P7 To adopt and promote an avoidance approach to new development located within areas of significant natural hazard risk, rather than mitigation or remedial measures.

Do you: Support Oppose Amend (Please tick relevant box)

What decision are you seeking from Council? Amendments sought

Woolworths NZ request that the matters of discretion under Rule NH-R2 be amended to provide more certainty for commercial activities, particularly those in low-rise buildings, being acceptable in the Fault Avoidance Area. This would also require an amendment to Policy NH-P7 to state (with amendments underlined):

To adopt and promote an avoidance approach to ~~new~~ hazard sensitive development located within areas of significant natural hazard risk, rather than mitigation or remedial measures.

Reasons:

Woolworths NZ notes that its Countdown Waipukurau store is located entirely within the Fault Hazard (Fault Avoidance) Overlay under the Proposed District Plan, with the south-western corner of the site also bisected by the Fault Hazard (Faultlines) Overlay.

Three Faultlines and associated Fault Avoidance Areas extend in a north-south direction through Waipukurau, two of which extend through the Commercial Zone that comprises of the Waipukurau Town Centre.

Under the Proposed District Plan, any new building or alteration to an existing building within a Natural Hazard area, including a Fault Avoidance Area, requires resource consent as a Restricted Discretionary Activity under Rule NH-R2. The activity status is determined by where the proposed use of the building falls within *NH-APP1 – Table of Building Importance Categories (BIC)*. Countdown stores are understood to fall within *BIC 2b – Normal structures and structures not in other categories*, with the relevant example given being example (c) which states:

Multi-occupancy residential, commercial (including offices and retail) and industrial activity buildings designed to accommodate less than 5000 people and a gross floor area of 10,000m² or less.

Woolworths NZ understand and support the need to manage the risk associated with hazard sensitive activities, such as residential uses, through having a higher activity status, noting that this is consistent with approaches taken in other parts of the country. However, Woolworths NZ do not agree that commercial activities, such as a supermarket, be treated the same as, for example, a multi-storey apartment building.

While the activities in *BIC 2b* are provided for as Restricted Discretionary Activity, the matters of discretion are wide and provide little certainty in regard to the type of information that Council would expect to see accompany a resource consent application, and that a building could be designed to successfully obtain resource consent under Rule NH-R2. Further, the objectives and policies of the Natural Hazards chapter include Policy NH-P7 which states:

To adopt and promote an avoidance approach to new development located within areas of significant natural hazard risk, rather than mitigation or remedial measures.

Assuming that the Fault Avoidance Area would be considered as an area of significant natural hazard risk, it would appear that any development within these areas would be inconsistent with this policy, despite the Restricted Discretionary Activity status. Woolworths NZ considers it necessary for more clarification to be provided in the objectives, policies and rules in the Natural Hazard chapter of the types of activities that could be appropriate within an area of significant hazard risk. This is particularly important where an area of significant natural hazard risk falls within the relatively permissive Commercial Zone, as it will have a major bearing on any future investment in sites within parts of the Waipukurau Town Centre.