

17 October 2014

The District Plan Manager
Governance, Policy & Strategy
Thames Coromandel District Council
Private Bag
THAMES 3540

BY EMAIL
lisa.madgwick@tcdc.govt.nz

Attention: Leigh Robcke

Dear Leigh

PROPOSED THAMES COROMANDEL DISTRICT PLAN 2013 – HEARING OF SUBMISSIONS 21ST – 23RD OCTOBER 2014

Further to our telephone conversation with Lisa Madgwick with respect to the above, on behalf of Progressive Enterprises Limited (PEL), having now read the Officers section 42A Hearing Reports on Sections 21, 46, 47 Industrial and Section 20 and 42 Commercial, I advise that PEL does not wish to appear at the hearings to speak to its submissions.

However, on behalf of PEL, we request that this letter be tabled at the hearing for consideration by the Hearings Panel.

We comment on the officer recommendations under a series of headings as follows:

(a) Industrial

It is noted that the Officer report recommends that the relief sought by PEL be rejected. However, the officer is of the view that *“Objective 4 and Policy 4a do not hinder a supermarket from locating in an Industrial Zone as a supermarket activity is generally not incompatible with industrial activities and some issues of reverse sensitivity can be addressed through the resource consent process.”*

PEL is encouraged by this view as its supermarket brands (Countdown, Fresh Choice and Super Value) are significantly under-represented in the Thames-Coromandel District. In particular it has spent some considerable time looking for a suitable site in the Thames township without success to date.

In the circumstances PEL still has concerns with the structure of the Industrial Zone provisions as currently drafted and wishes to point out that the claim that supermarkets in an Industrial Zone draw customers away from existing commercial centres is actually a trade competition effect that is expressly disallowed to be considered by the provisions of the Resource Management Act. It should be noted that the assessment criteria proposed by PEL in its original submission have been tested in the Environment Court and endorsed by it. Such criteria were included in the North Shore District Plan.

(b) Commercial

PEL's request to relax the supermarket location rules in the Commercial Zone is rejected by the officer. This recommendation is disappointing for similar reasons set out in (a) above. The Officer is correct in noting that *“the Districts Commercial Areas are small.”* However it needs to be recognised that the ability to accumulate sufficient land parcels between 8000 – 10,000m² in existing built-up townships in or adjacent to the existing commercial areas is virtually impossible because the land parcels are tightly held, quite fragmented and prohibitively expensive and hence uneconomic.

The claim that a supermarket out of centre would draw other commercial activities to it is a dubious claim if the Council's Planners administer the relevant plan provisions properly. It is not within PEL's power to grant resource consents to retail activities that may wish to locate in proximity to its stand-alone supermarket developments. In this respect the planning officer views are misguided and the Hearings Panel is requested to give careful consideration to the views put forward by PEL in its primary submission.

With respect to Rule 2, both PEL and the National Trading Company of NZ ask for "supermarket" to be provided for as a separate activity with a separate definition and rules because it is a high traffic generator, different from most other retail activity including large format retail activity. The Officer is of the view that supermarkets are similar to other retail e.g The Warehouse and Bunnings. PEL strongly refutes that claim; the Officer does not appear to understand the operational characteristics and requirements of supermarkets. Most second generation District Plans across New Zealand contain supermarket definitions and specific rules. The Proposed District Plan as currently drafted is out of step with the rest of New Zealand. Hence the Hearings Panel is requested to carefully consider the officer recommendation in the light of the above comments.

Should you have any queries or wish for further elaboration regarding the foregoing please do not hesitate to contact the undersigned.

Yours faithfully
Zomac Planning Solutions Ltd



M J Foster
DIRECTOR