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26 February 2015

Thames Coromandel District Council
Private Bag 1001
515 Mackay Street
Thames
Via email

**Attention: Lisa Madgwick
District Plan Coordinator**

Dear Lisa

Re: Thames Coromandel District Council's Proposed District Plan: Hearing Session for Section 3 - Definitions (10-12 March 2015)

I write on behalf of our client, Bunnings Limited ("Bunnings"), in relation to their submissions on the Proposed District Plan, specifically as regards the proposed definitions in Section 3. Although I will not be attending the hearing session scheduled for 10th – 12th March on behalf of Bunnings, I would like to request that this letter be treated as evidence and tabled accordingly.

Having reviewed the section 42A report and section 32AA further evaluation report, the key points I wish to address are as follows:

1. Original Submission

In the original submission, Bunnings opposed the lack of a definition that would cover Bunnings' operations for the reason that it raised confusion over how such activities would be assessed and ultimately, from a conservative interpretation, might fall to be considered a discretionary or non-complying activity given Bunnings activities are not specifically provided for.

To address this matter, Bunnings sought the introduction of a new definition in section 3 for a "Building Improvement Centre", as follows:

"BUILDING IMPROVEMENT CENTRE: means any premises used for the storage, display and sale of goods and materials used in the construction, repair, alteration and renovation of buildings and includes builders supply and plumbing supply centres and home and building display centres, garden centres and outdoor nurseries."

2. Section 42A Report

The planning officer's report has rejected Bunnings submission for the inclusion of a new definition for 'building improvement centre'. The justification for this rejection is noted in Paragraph 37 of the section 42A report and summarised as follows:

- Regardless of whether building improvement centres are permitted or not in the Light Industrial zone, it is more streamlined to rely on the existing 'general commercial' definition; and
- "General commercial" activities in the Light Industrial Zone could hypothetically cover Bunnings' activities as building and garden supplies are included within the definition of "general commercial", being a permitted activity in this zone.

Therefore, the planner's report recommends that no specific definition is needed.

3. Response to section 42A report

Having reviewed the hearing report in light of Bunnings primary submission, the following points are made.

A typical Bunnings store will include a unique combination of operations including a hardware store, outdoor nursery, building improvement centre, café and bagged goods area. An appropriate definition specific to the activities involved in each Bunnings operation will allow the District Plan to sufficiently provide for the range of activities accommodated within a Bunnings. Without clarification, building improvement centre activities are not specifically provided for in any zone, which is surely not an intended outcome.

The interpretation of Bunnings-type activities as being 'general commercial' activities is unclear and confusing. "General commercial" is defined as "*an activity, not otherwise defined in the plan...*" but then specifically includes and excludes certain activities, none of which are associated with Bunnings operations. The potential for misinterpretation will result in a far less streamlined process than is sought through the PDP.

It is clear that the provision of a separate definition for 'building improvement centres' (or 'trade suppliers', or similar) is common place in other plans, as outlined in the table below. On this basis, the inclusion of a 'building improvement centre' definition is an acceptable and appropriate method for determining how and where Bunnings' operations can be provided for throughout the district.

| Local Authority | Definition |
|--|--|
| Hastings Proposed District Plan | Building Improvement Centre: means any premises used for the storage, display and sale of goods and materials used in the construction, repair, alteration and renovation of buildings and can include a plant nursery and garden centre. |
| Hamilton City Proposed District Plan (under appeal, but not this definition) | Building Improvement Centre: Means premises used for the storage, display and sale of goods and materials used in the construction, repair, alteration and renovation of buildings and includes nurseries and garden centres. |
| Proposed Auckland Unitary | Trade Suppliers: A business engaged in sales to businesses and institutional customers and may also include sales to the general public, and wholly |

| | |
|--|---|
| Plan (yet to be heard) | consists of suppliers of goods in one or more of the following categories: <ul style="list-style-type: none"> •automotive and marine suppliers •building suppliers •catering equipment suppliers •farming and agricultural suppliers •garden and patio suppliers •hire premises, except hire or loan of books, video, DVD, and other similar home entertainment items •industrial clothing and safety equipment suppliers •office furniture, equipment and systems suppliers. |
| Wellington City District Plan | Building Improvement Centre: means any premises used for the storage, display and sale of goods and materials used in the construction, repair, alteration and renovation of buildings and includes builders supply and plumbing supply centres, furniture and furnishings, and home and building display centres. |
| Waipa Proposed District Plan (Appeals Version) | Building Improvement Centre: means any premises used for the storage, display and sale of goods and materials used in the construction, repair, alteration and renovation of BUILDINGS and includes retail – nurseries and garden centres. |
| Rotorua Proposed District Plan (under appeal, but not this definition) | Trade retail: any building or part of a building where retail sale of motor vehicles, motor vehicle spare parts and accessories that are fitted on site, heavy industrial machinery, materials associated with the building trade, farm supplies and farm equipment, garden centres, bulky DIY items and household goods such as carpets and furniture is carried out. |

A separate definition for ‘building improvement centres’ is considered appropriate in order to separately define and clarify the unique Bunnings operations as distinct from the range of activities included under the definition for ‘general commercial’.

4. Relief sought

Bearing in mind the comments above, I maintain that the relief sought in the submission remains appropriate and should be adopted. Therefore, I recommend that a new definition for “building improvement centre” (as defined in Section 1 above) be included in Section 3 Definitions of the PDP.

I ask that you table this letter on 10th – 12th March in place of personal attendance on Bunnings’ behalf at the hearing. Please do not hesitate to contact me should you have any queries regarding the above matters.

Yours faithfully

Barker & Associates Ltd



Kay Panther Knight

Associate

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