

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, The National Trading Company of New Zealand Limited ("NTC"), 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 NTC, 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, further to NTC's original submission, the key points I wish to address are as follows:

1. Original Submission

In the original submission, NTC made the following relevant submission points:

- The definition of "general commercial" is too broad and creates uncertainty as to the status of a proposed supermarket activity in many of the zones.
- The PDP should instead include a separate definition and activity category for "supermarkets" as distinct from the more encompassing general commercial or retail categories listed.
- This definition could be worded as follows:

"a retail shop primarily selling a wide range of fresh produce and meat, plus frozen or packaged groceries, food and beverages, together with an ancillary range of non-food grocery items of a kind and to a relative extent that is normally found in supermarkets from time to time"

2. Section 42A Report

The planning officer's report has rejected NTC's submission for the inclusion of a new definition for 'supermarket'. The justification for this rejection is noted in Paragraph 123 of the section 42A report and summarised below:

- The commercial provisions of the Plan have been written with supermarkets (and other retail) in mind;
- Supermarkets have been viewed as similar to other retail, including department stores and hardware stores; and
- Streamlining and simplifying is important in this Plan such that the preference from Council is to retain the broader definition of "general commercial" to encompass a wide range of commercial activities, including supermarkets.

Therefore, the planner's report recommends that no new "supermarket" definition is required, and that the definitions should be retained as notified.

3. Response to section 42A report

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

I reiterate that supermarkets are distinct from general retail and should be provided for in a separate definition within the PDP. I disagree with the assertion from the reporting planner that supermarkets, department stores and hardware stores are similar and that they all fall within the ambit of general retail (paragraph 123).

This general classification does not recognise the unique and valuable contribution that supermarkets make to communities. Further, supermarkets are primarily convenience retail, with a corresponding difference in shopper necessity and demand, especially as compared to hardware and department stores. In addition, hardware stores need to manage bulk goods in a larger scale of operation, which has its own locational requirements, typically for larger lots of a more industrial nature.

Finally, department stores are better related to "high street" comparison style shopping and themselves raise economic issues of retail dispersal out of centre, a subject that does not relate to either hardware stores or supermarkets. For these reasons, and others, these are very clearly different activities that require a separate set of rules and assessment criteria to appropriately manage potential effects, and therefore are suited to separate definitions to aid in that assessment.

Notwithstanding, I acknowledge that the PDP intends to allow for supermarkets within the wider category of retail or "general commercial" activities such that they are permitted within the relevant commercial zones. NTC is supportive of the permitted activity status.

The key benefits of including a new definition for supermarkets are clarity and consistency. By specifically providing for supermarket activities, there is no potential for misinterpretation of the provisions when NTC makes an application, resulting in greater certainty and a streamlined process.

Further, currently, supermarkets can fall within the activity categories of both “general commercial” or “retail”, such that it becomes unclear as to which provisions apply.

It is clear that the provision of a separate definition for “supermarket” is common place in other plans, as outlined in the table below. On this basis, the inclusion of a “supermarket” definition is an acceptable and appropriate method for determining how and where NTC supermarket operations can be provided for throughout the district.

| Local Authority | Definition |
|---|--|
| Hastings Proposed District Plan | Supermarket: means a retail shop primarily selling a wide range of fresh produce, meat, packaged food and other foodstuffs and a wide range of packaged food and non-food grocery items and household consumables. |
| Hamilton City Proposed District Plan (under appeal) | Supermarket: This includes: An individual retail outlet that sells, primarily by way of self service, a comprehensive range of: a) domestic supplies such as fresh meat and produce; chilled, frozen, packaged, canned and bottled foodstuffs and beverages; and general housekeeping and personal goods, including (but not limited to) cooking, cleaning and washing products; kitchenwares; toilet paper, diapers and other paper tissue products; pharmaceutical, health and personal hygiene products and other toiletries; and cigarettes and related products; and b) non domestic supplies comprising not more than 20 per cent of all products offered for sale as measured by retail floor space, includes magazines and newspapers; greeting cards and stationery; barbecue and heating fuels; batteries, flashlights and light bulbs; films; DVDs and appliances; and c) has a store footprint over 1,000sqm GFA |
| Proposed Auckland Unitary Plan (yet to be heard) | Supermarkets: An individual retail outlet that sells, primarily by way of self service, a comprehensive range of: a. domestic supplies such as <ul style="list-style-type: none"> •fresh meat and produce •chilled, frozen, packaged, canned and bottled foodstuffs and beverages •general housekeeping and personal goods, includes cooking, cleaning and washing products, kitchenwares; toilet paper, diapers and other paper tissue products, pharmaceutical, health and personal hygiene products and other toiletries, and cigarettes and related products and b. non domestic supplies comprising not more than 20 per cent of all products offered for sale as measured by retail floor space, includes: <ul style="list-style-type: none"> •magazines and newspapers •greeting cards and stationery •barbecue and heating fuels •batteries •flashlights and light bulbs •films •appliances. |
| Wellington City District Plan | Supermarket: means a retail shop selling a wide range of foodstuffs, including fresh produce, meat, fish, dairy, alcoholic and other beverages, and packaged food for consumption off-site, as well as non-food grocery items and household goods. This definition includes discount stores, hypermarkets, department stores and warehouse club stores, where foodstuffs comprise more than 10% of the total gross floor area. |

| | |
|---|--|
| Rotorua District Plan (under appeal, but not this definition) | Supermarket: A retail shop primarily selling a wide range of bulk fresh produce, meat and other foodstuffs and a wide range of packaged food and non-food items as one enterprise in premises not smaller than 500m ² of trading floorspace. |
|---|--|

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 “supermarket” (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 NTC’s 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

DDI: 09 375 0902