

Before the Hearing Commissioner
Appointed by the Westland District Council, Grey
District Council and West Coast Regional Council

Under the Resource Management Act 1991

In the matter of a hearing on submissions on the proposed Te Tai o Poutini
Plan

Hearing Topic: Rural and Settlement Zones

Foodstuffs (South Island) Properties Limited (S464)

**Memorandum of Counsel on behalf of Foodstuffs (South Island) Properties
Limited**

12 July 2024

Submitter's solicitors:

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May it please the Commissioners:

- 1 This memorandum is filed on behalf of Foodstuffs (South Island) Properties Limited (**Foodstuffs**), in relation to the hearing on the Rural and Settlement Zones, on the proposed Te Tai o Poutini Plan (**TTPP**).
- 2 The purpose of this memorandum is to provide the Hearing Panel with Foodstuffs' response on the Officer's recommendations in the section 42A report for the Settlement Zones (**the Officer's Report**), to be tabled at the hearing.

Foodstuff's position

- 3 Foodstuffs supports the Officer's recommendation to accept its submission point¹ seeking to retain the description of SETZ-PREC2 as a developing area, with a changing character and a need for growth. Enabling the expansion of supermarkets is important in the SETZ-PREC2 areas, where future growth is expected.
- 4 For all other submission points, Foodstuffs maintains its position for the reasons set out in its original Submission. In particular, the Submitter continues to seek the submission outcomes summarised in Appendix 1 (**attached**).
- 5 Foodstuffs makes the below points in response to the Officer's Report.

Settlement Zone

- 6 In response to the Officer's comment that she is not aware of any supermarkets in the Settlement Zone, Foodstuffs confirms there are two existing supermarkets – Karamea Four Square and the Franz Josef Four Square.² This demonstrates that supermarkets have a role in the SETZ matrix.
- 7 It is not clear whether the Officer is looking to distinguish Four Square from other, larger supermarkets. Foodstuffs wishes to clarify that a Four Square meets the definition of "supermarket", accepted in the Commercial Zone Officer's Report,³ being "a retail activity that uses land and/or buildings for displaying or offering a comprehensive range food, beverage and other disposable goods such as fresh meat and produce; chilled, frozen, packaged, canned and bottled foodstuffs and beverages; and housekeeping and other personal items for sale to the public."

¹ Submission point 464.035.

² Officer's Report: Settlement Zone at [77].

³ Submission point 464.006; Officer's Report: Commercial/Industrial at [55].

- 8 The Officer comments that the settlements are "unlikely locations for supermarket development – as the communities would not provide sufficient “catchment area”.⁴ The evidential basis from an economic perspective is unclear (particularly given the two existing supermarkets in the zone) and Foodstuffs does not agree with the Officer's statement.
- 9 The statement that a Four Square or similar could "easily establish" in the Settlement Zone as a permitted activity is not correct.⁵ Foodstuffs advises that no supermarket is likely to be able to operate and remain viable with a floor space of 250m².
- 10 The Settlement Zone is a rural zone that provides for a mix of residential and commercial activities. Foodstuffs continues to seek that specific provisions be developed for supermarkets in the Settlement Zone.⁶

Dated 12 July 2024



Sarah Schulte/Alex Booker
Counsel for Foodstuffs (South Island) Properties Limited

⁴ Officer's Report: Settlement Zone at [47].

⁵ Officer's Report: Settlement Zone at [47].

⁶ S464.004.

Appendix 1 –Settlement Zone – Officer's Recommendations opposed by Foodstuffs

Plan Section	Provision	Decision Sought	Officer recommendations (OR)	Foodstuffs' position
Settlement Zone				
S464.004	Settlement Zone	Amend to provide for specific provisions for supermarkets in the zone	Reject	<p>Original submission point sought.</p> <p>The SETZ, while a rural zone, provides for a mix of activities that can be found in townships outside the West Coast's four main centres.</p> <p>Express provisions are needed for supermarkets. These should recognise their functional and operational needs and allow for design mitigation, rather than operation minimisation.</p>
S464.036	Settlement Zone Rules SETZ-R2	<p>Amend:</p> <p>Where:</p> <ol style="list-style-type: none"> 1. The maximum height above ground level for buildings is: <ol style="list-style-type: none"> i. 10m for residential buildings and Emergency Service Facilities and 7m for accessory buildings; except ii. No building, structure or tree shall protrude into the 	Reject	<p>Original submission point sought.</p> <p>Supermarkets have a functional and operational need for different, more flexible, urban design elements to achieve quality design outcomes.</p>

Plan Section	Provision	Decision Sought	Officer recommendations (OR)	Foodstuffs' position
		<p>Airport Approach Path of any airport or aerodrome identified on the planning maps and as described in Appendix Nine;</p> <ul style="list-style-type: none"> iii. 7m for buildings in the SETZ - PREC3 - Coastal Settlement Precinct; and iv. 12m for buildings in the SETZ - PREC2 - Settlement Centre Precinct <u>and existing supermarkets;</u> <p>2. The maximum site coverage is:</p> <ul style="list-style-type: none"> i. 40%; except ii. Maximum site coverage is 60% in the SETZ - PREC2 - Settlement Centre Precinct <p>3. The maximum gross ground floor area of any one building</p> <ul style="list-style-type: none"> i. Is 350m²; except ii. In the SETZ - PREC3 - Coastal Settlement Precinct the gross ground floor area is a maximum of 200m² total for all buildings on the site <p>4. Buildings are setback from boundaries as follows:</p> <ul style="list-style-type: none"> i. 5m from the road and any GRUZ - General Rural or INZ Industrial Zone boundary and 1m from internal boundaries; except 		

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		<ul style="list-style-type: none"> ii. In the SETZ - PREC4 - Rural Residential Precinct all buildings are setback 10m from road boundaries, residential buildings are setback 10m from the internal boundaries and non-residential buildings are setback 5m from internal boundaries; iii. In the SETZ - PREC2 - Settlement Centre Precinct no setback from the road boundary is required where there is a verandah provided over an adjacent footpath. <p>5. In the Kumara Junction Developments area: ...</p> <p><u>Existing supermarkets in Settlement Zones are not subject to condition 2, 3, and 4 of this rule.</u></p>		
S464.037 (incorrectly recorded as 464.038)	Settlement Zone Rules SETZ-R13	<p>Amend</p> <p>Activity status where compliance not achieved: <u>Discretionary-Restricted Discretionary</u></p>	Reject	<p>Original submission point sought.</p> <p>Supermarkets will almost always breach conditions 4, 6, 7 or 8 despite being an existing activity in the SETZ. A restricted discretionary activity status is more appropriate where</p>

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				discretion would be limited to urban design and operational matters.
S464.038	Settlement Zone Rules SETZ-R26	Amend: Activity Status Discretionary <u>Restricted Discretionary</u> <u>Discretion is restricted to:</u> <ol style="list-style-type: none"> a. <u>Design and location of buildings;</u> b. <u>Size and height of buildings;</u> c. <u>Vehicle movements and access;</u> d. <u>Design and location of parking and access;</u> e. <u>Landscape measures;</u> f. <u>Any requirement for financial contributions;</u> g. <u>Hours of operation; and</u> h. <u>Acoustic and noise management requirements</u> 	Reject	Original submission point sought. As above.