

IN THE MATTER

of the Resource Management Act
1991

AND IN THE MATTER

of the Proposed District Plan for
Waikato District

**STATEMENT OF EVIDENCE OF KAY PANTHER KNIGHT ON BEHALF OF
WOOLWORTHS NEW ZEALAND LIMITED**

1. INTRODUCTION

- 1.1 My name is Kay Panther Knight. I hold the position of Director at Forme Planning Limited. I commenced this position in March 2017 and prior to that, held the position of Principal Planner at Civitas Planning Consultants from November 2015 to February 2017.
- 1.2 I hold the Degree of a Master of Planning Practice from the University of Auckland. I am also an Intermediate member of the New Zealand Planning Institute.
- 1.3 I have over 17 years' experience covering a wide range of land use planning matters on behalf of local authorities, government departments and private entities in New Zealand. During that time, I have been involved in many aspects of resource management, including preparation and lodgement of resource consent applications, submissions and presentation of evidence to local authorities in respect of proposed plans and plan changes.
- 1.4 In respect of my involvement to date in this process, I assisted Woolworths New Zealand Limited (**Woolworths**) in preparing its submission to the Waikato Proposed District Plan (**PDP**). I reviewed others' submissions and further submissions, as well as the Council's recommendations in the Section 42A Hearing Report (**the s42A Report**). I am familiar with both the Operative District Plan (**ODP**) and PDP provisions of relevance to this hearing.
- 1.5 I have been retained by Woolworths to prepare and present this statement of evidence addressing matters raised in the company's submission on Hearing Topic 9 to the PDP regarding the Business and Business Town Centre zones.

- 1.6 I have read the Expert Witness Code of Conduct set out in the Environment Court's Practice Note 2014. I have complied with the Code of Conduct in preparing this evidence and agree to comply with it while giving evidence. Except where I state that I am relying on the evidence of another person, this evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed in this evidence.
- 1.7 My evidence will address the following topics:
- (a) The appropriate activity status for supermarkets in the Business and Business Town Centre zones of the PDP;
 - (b) The appropriateness of prescriptive urban design controls in commercial zones, as well as consideration of the appropriate activity status for new buildings in the relevant zones;
 - (c) The appropriate activity status for infringing performance standards and associated breadth of assessment of effects arising from those infringements;
 - (d) The management of signage in the PDP provisions;
 - (e) An appropriate definition for supermarkets; and
 - (f) An explanation of Woolworths' relief sought and how it better promotes the sustainable management of natural and physical resources than the PDP as proposed.

2. EXECUTIVE SUMMARY

- 2.1 The PDP's Business and Business Town Centre zones seek to deliver on the PDP's strategic direction of liveable, thriving communities, by focusing commercial activities within a differentiation of commercial zones and development (Objective 4.5.1). Specifically, commercial activity is anticipated to develop in a way that ensures the Business Town Centre within each town is maintained as the primary focal point for retail, administration, commercial services and civic functions (Policy 4.5.2). Specific centres are identified and supported through subsequent policies, and the Business zone is also identified as playing a complementary role to these centres (Policies 4.5.3, 4.5.4, 4.5.8). I support these principles and the majority of the provisions proposed by the Council in the PDP.

- 2.2 However, with specific regard to Woolworths' interests within the District, and having regard to resource management more broadly, I consider the PDP provisions do not provide efficiently or flexibly for the delivery of suitably intensive commercial development that recognises the intent of these business zones as the focal points for such development within the District.
- 2.3 I therefore support Woolworths' relief to introduce greater flexibility into the provisions that relate to supermarket development within Business and Business Town Centre zones. Specifically, I support the amendments to the PDP as outlined in this evidence and in the redline text at Appendix 1.
- 2.4 I consider the amendments proposed to provisions that ought to enable sustainable development within the District will better balance the objectives of the PDP. Specifically, I consider the amendments to the provisions relating to supermarkets are appropriate.
- 2.5 Finally, in my opinion, the relief sought by Woolworths as described in my evidence further refines and focuses the provisions of the PDP such that it achieves appropriate and sustainable management of natural and physical resources. The amendments also recognise the competing and compelling interests of the wider District (and region) in terms of enabling and encouraging growth, whilst ensuring that the adverse effects of development are appropriately mitigated.

3. SUBMISSION AND BACKGROUND

- 3.1 Woolworths is one of New Zealand's leading supermarket operators. Supermarkets serve an essential service, as well as providing an important economic function through competition (lowering the price of goods and improving the offering to customers) and as a source of local employment. In the context of planning and urban form, supermarkets contribute to sense of place for centres and commercial areas, encouraging additional investment in those locales across the District.
- 3.2 Woolworths currently operates 182 Countdown supermarkets and 70 franchisee stores across New Zealand. Countdown is the second largest private sector employer in New Zealand, employing over 18,000 team members.
- 3.3 Within the Waikato region, Woolworths has multiple Countdown, FreshChoice and SuperValue supermarkets. Woolworths will also look to develop new stores and redevelop existing stores across the Waikato District during the life of the PDP,

which will consequently increase employment opportunities and investment in the District.

3.4 Woolworths' original submission outlined the relief sought with respect to the above and to enable efficient and effective commercial development, in a sustainable fashion, within the District. The specific relief points of relevance to this Hearing Topic are summarised below:

- (a) The objectives and policies in Chapter 4.5 of the PDP are too prescriptive when it comes to considering urban design, and the construction of commercial development in the business zones.
- (b) The appropriate activity status for supermarkets in both the Business and Business Town Centre zone is permitted, relative to the PDP's proposed non-complying activity status for supermarkets within the Business Town Centre zone (as notified, Rule 18.3.3(NC1)).
- (c) If the intent is to enable, in principle, smaller-scale commercial activities within the Business Town Centre zone and encourage larger-format activities in the Business zone, excluding supermarkets for the reasons set out in the submission, then the provisions of the Business zone needed to reflect that through similar limitations on gross (leasable) floor area.
- (d) Discretionary activity status for activities or buildings that do not comply with the standards (either Land Use Effects or Land Use – Buildings) is onerous and unnecessary. Restricted discretionary activity status can be accompanied by suitably limited criteria that still ensure an appropriate assessment of effects is undertaken, whilst providing a level of certainty to applicants that where activities are anticipated, such assessments will be rational and streamlined.
- (e) The signage provisions for free-standing signage in the business zones are prescriptive and unrealistic. Providing a permitted area threshold of 3m² for a free-standing sign face is onerous, particularly in comparison to larger-scale commercial activities such as supermarkets. Woolworths' standard pylon or free-standing sign comprises 9m in height and 3m in width, with a useable sign face of approximately 27m² on each side. A restricted discretionary activity status for signs that exceed whatever the agreed-upon permitted threshold is would be sensible, in Woolworths' view.

- (f) It is important to define a supermarket as distinct from general retail, particularly given Woolworths' view regarding supermarkets in Business Town Centre, relative to other types of large-format retail. Woolworths had recommended the definition of supermarket set down in the operative Hamilton District Plan to enable consistent resource management across boundaries in the region.

3.5 I support the positions above and address each matter further in the following evidence.

4. APPROPRIATE ACTIVITY STATUS FOR SUPERMARKETS

4.1 I agree with the permitted activity status for supermarkets in the Business zone (Rule 17.1.2(P1)) (under the umbrella definition of "commercial activity").

4.2 I disagree with the activity status and planning regime proposed for retail and supermarket activities in the Business Town Centre zone (Chapter 18 of the PDP).

4.3 Supermarkets act as focal points for local community developments and add economic and social value to centres. It is preferable that supermarkets are located in centres, as they anchor the centre and attract customers to the area, therefore also supporting the viability of other shops in the centre. These positive benefits have been adopted by other councils local to Waikato District in recent times – namely the Hamilton District Plan and the Auckland Unitary Plan.

4.4 In both those examples, supermarkets in centres of varying sizes and functions are provided for as permitted or restricted discretionary activities. A comparison of activity status in the Hamilton, Auckland and proposed Waikato plans is provided in **Appendix 2** to this evidence.

4.5 Through the course of establishing the now operative provisions in Auckland and Hamilton, evidence was presented that confirmed there is already a clear and common presence of supermarkets in most centres of any size.¹ It is Woolworths' expectation that this will remain the case in the future, including within Waikato District.

¹ Para 7.15 of evidence to Auckland Unitary Plan Independent Hearings Panel, entitled Joint Planning Statement of Evidence for Multiple Parties, topic 051 – 054 Centre zones, Business Park and Industries zones, Business activities and Business controls, dated 14 August 2015.

4.6 Indeed, both the Hamilton City Council and Auckland Council accepted and promoted supermarkets to establish in centres. One reason for this is the contribution supermarkets can make to the role and function of a centre, as referenced above. Supermarkets can anchor and support centres, adding to their vitality by attracting visitors, and by generating a degree of spin-off from shopping at other outlets or visiting other facilities.

4.7 The Council's s42A Report has responded to the proposed permitted activity status for supermarkets in the Business Town Centre zone, stating:

The approach in PWDP for the Business Town Centre zone is to address the potential for one large-scale activity (regardless of the nature of that activity) to have adverse effects on the overall function, form and amenity of the town centre.²

...[Woolworths] contend that without supermarkets being specifically provided for (as opposed to other large-scale retail developments) within the Business Town Centre as a permitted activity, there is a risk that town centres will not develop.³

...I concur that supermarkets are one of a number of commercial activities that can support and vitalise town centres. However I do not agree that they need to be specifically provided for. My experience from living and working in Christchurch after the devastating earthquakes is that in all instances where revitalisation of city and town centres has occurred, the re-establishment of existing and the development of new supermarkets has been outside of town centres, but immediately adjoining town centres. Within the Waikato region, I note that recently developed supermarkets have again been outside (but still supporting) town centres. This includes the SuperValue at Raglan and Countdown and New World at Whitianga.⁴

...Whilst it is accepted that supermarkets could be a suitable activity to be located in the Business Town Centre zone, the design, layout, access and other aspects of the activity mean they should be assessed as to their suitability through a resource consent application process.⁵

² Para 103, s42A Report.

³ Para 182, *ibid.*

⁴ Para 183, *ibid.*

⁵ Para 525, *ibid.*

4.8 The s42A Report also references to the Council's earlier section 32 Report (Table 14) as reasoning to reject Woolworths' submission in respect of an appropriate activity status for a supermarket in the Business Town Centre zone.

4.9 Addressing each of these responses, I note as follows:

- (a) Table 14 to the section 32 Report addresses large-format and small-scale retail activity, rather than the characteristics of a supermarket as distinct from other retail, and even other large-format retail activity. To my mind, that is a separate analysis on design and scale – matters that are appropriately addressed in relation to resource consent for buildings and associated urban design criteria.
- (b) Likewise, the potential for a “large-scale activity” to have adverse effects on the form and amenity of the town centre is more appropriately addressed in relation to built form, albeit acknowledging that the nature of supermarkets gives rise to operational and functional requirements that affect design. This is a matter I address below.
- (c) Notwithstanding, the activity of a supermarket ought to be enabled in the Business Town Centre for the following reasons, in my view:
 - (i) The Council's economic report identifies there is considerable capacity for identified retail or commercial growth and demand for the foreseeable future in the District in terms of appropriately zoned land.⁶ There is therefore no justified concern that supermarkets will use an unreasonable amount of Business Town Centre zoned land from a growth or District-wide perspective.
 - (ii) The various Business Town Centres across the District are large enough in extent to absorb supermarkets of varying sizes, whilst still being able to address interface issues, including urban design and protection of neighbouring residential (or potentially in the future, mixed use) amenity.

⁶ Section 7.2, Business Development Capacity Assessment 2017: Future Proof Partners: Hamilton City, Waikato District, Waipa District, dated 16 July 2018, prepared by M.E Consulting.

- (iii) The exceptions to the above are Te Kauwhata, Ngaruawahia and Raglan. These centres in the PDP as notified have very limited Business zoned land. Therefore, if Woolworths' is seeking to establish a new offer or extend existing offers, it is more than likely that a discretionary or non-complying activity consent will be required to be pursued. This is problematic for a number of reasons outlined below.
- (iv) Supermarkets are a unique form of retail, generally with well-defined localised catchments. The supply of supermarkets is a function of demand, which is tied to population. As the District's centres intensify, the population of its catchments will increase, and more supermarkets will be required to serve that population. Much of the intensification, according to the PDP's overarching objectives, should occur in and around the centres.
- (d) The s42A Report is incorrect in respect of the observations regarding "recently developed supermarkets in the Waikato region" being located outside of centres. The existing SuperValue stores in both Raglan and Tuakau are located on Business Town Centre zoned sites, as is the recently consented (and under construction) Countdown at 58 Great South Road, Pokeno.
- (e) Requiring those stores (if extensions or alterations are sought) and future stores to seek (at best) discretionary and most likely (and at worst) non-complying activity consent within the Business Town Centre zones of the District does not achieve the Strategic Directions in Part 4.1 of the PDP, and those policies in Part 4.5 that seek to recognise the importance of the Business Town Centre (and Business) zone to encourage and increase employment opportunities.
- (f) From a process perspective, given the non-complying activity status is intended to be used to signal such activities are not anticipated by the Plan, I purport that many applicants will categorise a non-complying supermarket application in the Town Centre as falling within the "too-hard basket". This represents an opportunity cost that has not been acknowledged in the s42A Report. Indeed, with the prescriptive nature of some of the objectives and policies as currently drafted in the PDP regarding design and character, a supermarket activity could potentially be found to be contrary to those provisions, making the gateway tests under section 104D even harder. In

my opinion, there is no corollary or adverse effect that this level of consenting complexity is required to address.

- (g) Rather, I support Woolworths' suggested relief, whereby all kinds of commercial activity is to be encouraged and enabled in the Business Town Centre, and where necessary, design and character effects are managed through resource consent assessments for new buildings, acknowledging the District's aspirations for quality urban design.
- (h) Whilst not proposed by Woolworths, there is potential to consider varying scales of supermarket activity relative to the size of the District's centres and activity status. This would see consistency with the Auckland Unitary Plan, whereby smaller centres (those lower in the centres hierarchy) can accommodate smaller supermarkets as of right, but anything greater than 2,000m² (in the x zone) or even 450m² in the Neighbourhood Centre zone requires restricted discretionary activity.
- (i) Finally, this is not to suggest that the s42A Report is correct in its interpretation that Woolworths considers town centres cannot or will not develop without supermarkets as anchors. The submission does not state this and on the contrary, I consider that the s42A Report underemphasises the importance of supermarkets as anchors and catalysts for growth.

4.10 Further, the s42A Report appears confused as regards exactly what activity status would apply to supermarkets in the PDP. Paragraph 103 acknowledges that proposed Rule 18.3.3 requires a non-complying activity consent for retail (including supermarkets) over 500m² in gross leasable floor area. That limited GLFA threshold will inevitably capture all but the smallest of franchisee stores in Woolworths' portfolios. However, the s42A Report then says at paragraph 544 that supermarkets should be assessed via a discretionary activity status (in response to rejecting the proposed supermarket-specific restricted discretionary activity assessment criteria that Woolworths suggested apply to the resource consent matter for new buildings in the zone).

4.11 For the above reasons, I continue to support the relief sought by Woolworths to provide for supermarkets as permitted activities in both the Business and Business Town Centre zones. I do not accept the reasons presented in the s42A Report as providing appropriate justification to retain the discretionary or non-complying activity status. I refer to **Appendix 1** for the specific provision amendments.

5. OBJECTIVE AND POLICIES – CHAPTER 4.5 OF THE PDP

- 5.1 For the reasons outlined above, I support Woolworths' proposed changes to the objectives and policies in Chapter 4.5 of the PDP so as to support and achieve consistency with the proposed permitted activity status for supermarkets in the Town Centre zone.
- 5.2 As regards the proposed amendments in both the submission and Appendix 1 to this evidence that relate to streamlining and diffusing the overly prescriptive nature of the objectives and policies, I consider these amendments are appropriate from a planning perspective.
- 5.3 I acknowledge the Council's desire to retain and enhance the unique character of the District's individual settlements and centres. I support this consideration as a resource management issue in consenting, however this consideration should occur at the assessment criteria level, not at the objectives and policies level, and not as the PDP has been drafted.
- 5.4 It is encouraging to see the s42A Report acknowledges the repetition and complexity of some provisions as set out in Woolworths' submission – for example, deleting replicated policies on residential amenity and streamlining policies on reverse sensitivity.⁷
- 5.5 Unfortunately, however, the section 42A Report has rejected Woolworths' suggested changes to centre-specific policies 4.5.14 – 4.5.19 and suggested deletion of policies 4.5.20 – 4.5.29. I agree with the submission which identified that the proposed edits would remove repetition and shift the prescriptive matters to the more appropriate location of either performance standards or assessment criteria. This is particularly appropriate when considering the proposed restricted discretionary activity status for new buildings in the Business Town Centre zone, which affords the Council discretion to consider Design Guidelines and Town Centre Character Statements.
- 5.6 As a general planning policy approach, I consider objectives and policies ought to set out the higher-order aspirations for development in the District and establish general outcomes (for example, Policy 4.5.9 Commercial development within the Business Town Centre zone and Business zone increases employment

⁷ Section 38, s42A Report.

opportunities within the district). Then, activity status, standards and assessment criteria deliver that outcome, and support the policy.

- 5.7 It is not necessary in my view for policies to list the prescriptive environmental outcomes (for example, Policy 4.5.15(iv)(C) symmetrical window detailing).
- 5.8 Woolworths sought to delete reference to “discouraging vehicle access across footpaths” from the policies in Chapter 4.5 regarding development in specific Town Centres. The Council’s response is that it represents “an important design matter to consider in town centres which have high pedestrian usage and amenity”.⁸ I support the consideration but again, suggest it is more appropriate to address this matter through an expectation expressed at the policy level regarding maintaining and enhancing pedestrian amenity in centres, supported by rules requiring resource consent to seek new or more-intensive use of existing vehicle crossings over footpaths, and subsequently reinforced through assessment criteria for that consent matter relating to pedestrian amenity. A blanket policy approach to this, and all prescriptive matters addressed in Woolworths’ submission does not appropriately acknowledge the variety of streetscapes, road typologies and indeed businesses’ operational and functional requirements, or at least allow a balancing of those factors in an assessment.
- 5.9 Therefore, I support the proposed amendments to the objectives and policies of relevance in Chapter 4.5 of the PDP as outlined in Appendix 1.

6. APPROPRIATE ACTIVITY STATUS FOR NEW BUILDINGS AND ASSESSMENT OF URBAN DESIGN

- 6.1 Woolworths’ submission was neutral on the PDP requirement for restricted discretionary activity consent for new buildings in the Business Town Centre zone. I support this activity status and consider the matters of discretion listed at Rule 18.1.3(RD2) are acceptable, with the amendments proposed by Woolworths to recognise and balance urban design aspirations with critical operational and functional requirements of commercial activities, namely supermarkets.
- 6.2 The amendments proposed in Woolworths’ submission were taken from the Hamilton Operative District Plan and are appropriate in my view, as well as achieving consistent resource management across the region, therefore.

⁸ Para 133, *ibid.*

- 6.3 Likewise, the Auckland Unitary Plan adopted an approach whereby additional or complementary assessment criteria of urban design and built form acknowledge the operational and functional requirements of specific activities – supermarkets included. These criteria acknowledge that the nature of the buildings associated with supermarkets need to be factored into any consent assessment, including:
- (a) Store visibility
 - (b) Provision of appropriate customer car parking, which is clearly visible, accessible and functionally well-connected to the store entrance
 - (c) Provision for solid facades to facilitate internal shelving and fresh produce display
 - (d) Adequate and accessible servicing areas, preferably separated from customer vehicle traffic and pedestrian movement.
- 6.4 I do not consider that operational and functional requirements are mutually exclusive considerations from urban design aspirations. I consider however, that the PDP needs to provide for a planning assessment to take an overall broad judgement of potentially competing factors when assessing an application for resource consent.
- 6.5 Without acknowledging these requirements, either at a policy or criterion level, that balance is limited, and in my view ignores the commercial realities of these activities and the nature of their built form.
- 6.6 This approach also allows for innovation in design, in my view.
- 6.7 The Council rejects Woolworths' relief since it seeks to retain the overly onerous activity status of discretionary or non-complying, such that no consideration to the appropriateness of restricted discretionary activity assessment criteria appears to have been undertaken.⁹
- 6.8 For clarity, I support the Council's proposed amendments, in response to Woolworths' submission, to building setbacks, on-site parking areas' landscaping and the gross leasable floor area permitted activity condition in Business zone Rule 17.1.2(P1).

⁹ Para 544, *ibid.*

7. APPROPRIATE ACTIVITY STATUS FOR STANDARD INFRINGEMENTS

- 7.1 Woolworths' submission identified that the PDP as notified was slightly inconsistent where some standard infringements resulted in discretionary activity consent requirements, and others retained restricted discretionary activity consent status.
- 7.2 I support Woolworths' submission that suitably comprehensive but restricted assessment criteria can be drafted against the individual standards so as to avoid the need for a fully discretionary activity status. For example, Rule 18.3.4 requires a discretionary activity consent for a building that does not comply with this standard requiring 50% of a building façade at ground floor level to provide display windows.
- 7.3 Council's response to Woolworths's suggested restricted discretionary activity status is that "the matters to be considered where window and building facades are not achieved can be wide ranging".¹⁰ I disagree. I consider the potential effects arising from reduced glazing at ground level would be suitably limited to streetscape amenity, passive surveillance and pedestrian safety and possibly at a broader level, centre amenity, form and vitality. I have proposed appropriate criteria in Appendix 1 in this regard. Infringement of this standard does not require consideration of traffic effects, economic effects, or environmental effects relating to stormwater or contamination, for example.
- 7.4 The proposed approach seeks discretion over all matters, to the detriment of a streamlined, efficient and relevant assessment. Broad discretion without cause results in uncertainty, complexity of consenting and associated increases in cost.
- 7.5 I therefore support amendments to the PDP that retain a restricted discretionary activity status, with appropriate criteria or matters of discretion, where buildings are proposed that do not meet the relevant standards.

8. SIGNAGE

- 8.1 Woolworths identified in its submission that the PDP's permitted area threshold of 3m² for a free-standing sign face in the business zones is onerous, particularly in comparison to larger-scale commercial activities such as supermarkets.

¹⁰ Para 637, *ibid.*

Woolworths' standard pylon or free-standing sign comprises 9m in height and 3m in width, with a useable sign face of approximately 27m² on each side.

- 8.2 Woolworths proposed an increase to 20m² for a permitted sign face in its submission. Council has rejected this amendment, instead retaining the 3m² limit and acknowledging "the consideration of large-scale freestanding signs through the restricted discretionary activity process enables consideration as to suitability".¹¹
- 8.3 I agree with Woolworths that 3m² is an unrealistic and onerous size for a permitted activity threshold, when considering amenity of business zones, larger-scale commercial activities and modern signage design. However, given it would be difficult to predict exactly the size at which an assessment should be required as a blanket rule across the various Town Centre zones, I accept the Council's approach here, subject to the following:
- (a) The restricted discretionary activity status is retained for signs that do not meet the permitted activity conditions in the PDP;
 - (b) Specific recognition in the assessment criteria to either operational and functional requirements or corporate branding and associated cohesive visual appearance, as per Woolworths' suggested relief. I do not agree with the s42A Report that the latter is inferred by reference to amenity in general in the criteria.

9. DEFINITION OF A SUPERMARKET

- 9.1 Woolworths seeks the inclusion of a supermarket definition in the PDP.
- 9.2 The submission proposed the definition adopted by the operative Hamilton District Plan, again acknowledging the opportunity for consistent resource management across the region.
- 9.3 I note the Auckland Unitary Plan definition is all but identical to that same definition.
- 9.4 The s42A Report rejects the proposal to include a definition, stating instead that the only reason Woolworths proposed the definition is to assist with interpretation of parking ratios in the Transportation chapter. Further, the s42A Report suggests

¹¹ Para 392, *ibid.*

as a result that “the general understanding of what is a supermarket is all that is required to enable the Transport chapter to operate”.¹²

- 9.5 The submission is clear that the reasons for a supermarket definition are not limited to interpretation of the Transportation chapter.
- 9.6 Rather, Woolworths considers, and I agree, that it is important to define a supermarket as distinct from the general definition of retail or commercial activity so as to enable appropriate and tailored resource management in the plan.
- 9.7 I reiterate and agree that the parking ratios and consistent resource management across the region are relevant and provide further support for inclusion of a definition.

10. SECTION 32 ANALYSIS

- 10.1 I consider the preceding assessment represents a comprehensive cost-benefit analysis such as that required by sections 32 and 32AA of the Act.
- 10.2 The section 32AA analysis I have undertaken when considering the PDP provisions and Council’s recommendations is of a level of detail that corresponds to the scale and significance of the environmental, economic, social and cultural effects that are anticipated by the proposed changes.
- 10.3 For completeness, I note as follows.

Benefits

- 10.4 For the reasons set out in my evidence, I consider the benefits for the redline amendments to the text (**Appendix 1**) outweigh the benefits achieved by the Council’s version, most notably in respect of delivering the PDP’s intended outcome of a consolidating and providing for commercial development in the business zones, in and around existing towns and villages, deliver liveable, thriving and connected communities that are sustainable, efficient and co-ordinated. (Objective 4.1.1, Policies 4.1.2, 4.1.3).

¹² Para 819, *ibid.*

Costs

- 10.5 I consider the critical costs associated with the Council's version is the lost opportunity of enabling and facilitating commercial development, specifically supermarkets as an anchor and catalyst for developing centres, in locations that are identified at the higher-order level and in strategic growth objectives as being suited to such development – namely the Business Town Centre zone. And further, the provisions as proposed by Council do not enable flexibility in delivery in a manner that can more efficiently achieve the desired development across the District, with onerous activity statuses, prescriptive design outcomes and inflexible standards.
- 10.6 Conversely, I consider that by adopting the relief as proposed in my evidence, the risks above can be avoided and the benefits identified throughout my evidence will be achieved.
- 10.7 I consider that Woolworths' proposed relief is most appropriate for the business zones and to achieve the desired growth objectives for the District, in a manner that is consistent with those higher-order PDP objectives outlined above and the intent of the business zones themselves.

11. RELIEF SOUGHT

- 11.1 Having regard to the preceding assessment, I support Woolworths' proposed relief as follows:
- (a) Providing for supermarket activities as permitted activities in both the Business and Business Town Centre zone rules;
 - (b) Streamlining and amending the objectives and policies of Chapter 4.5 as set out in Appendix 1 to this evidence;
 - (c) Associated amendments to the standards in both the Business and Business Town Centre zone provisions, including signage;
 - (d) Subsequent amendments to the assessment criteria relating to new buildings for supermarkets; and
 - (e) Insertion of a new definition for supermarkets.

11.2 For the avoidance of doubt, I support the relief as outlined in Appendix 1 to this evidence.

Kay Panther Knight

24 January 2020

APPENDIX 1: REDLINE TEXT

Drafting Notes

~~Redline strikethrough~~ and underline

Relief sought in Woolworths submission and still proposed

~~Green strikethrough~~ and underline

Revised relief by Woolworths following review of s42A Report

~~Highlighted strikethrough~~ and underline

Revisions proposed by Council and accepted by Woolworths

Chapter 4.5 Business and Business Town Centre Zones

Policy 4.5.10 Retail: Business Town Centre Zone and Business Zone

- (a) Locate small scale retail activities ~~and key commercial activities, including supermarkets,~~ within the Business Town Centre Zone and discourage ~~other~~ larger scale ~~retail~~ activities from establishing within the Business Town Centre Zone
- (b) Locate ~~other~~ large scale retail and commercial activities ~~to~~ within the Business Zone.

Comment: Amendment above acknowledges the Council's response that there is no definition of "key commercial activities". Retain differentiation of supermarket from retail at policy level.

Policy 4.5.13: Town centre built form

- (a) The scale and form of new development in the Business Town Centre Zone is to:
 - i. Provide for a safe, accessible, compact and attractive town centre environment;
 - ii. Facilitate the integration of retail shopping, administration and commercial services, residential, civic and community activities, recognising that the operational and functional requirements of these activities need to be taken into account when assessing built form;
 - iii. Reflect the role and character of the business town centre;
 - iv. Increase the prominence of buildings on street corners;
 - v. Maintain a low rise built form and small scale, pedestrian focussed retail activities, with the exception of supermarkets; and
 - vi. Manage adverse effects on the surrounding environment, particularly at the interface with residential areas

Policy 4.5.14 Raglan Town Centre

- (a) Development maintains and enhances the role of the Raglan Town Centre by:
- i. Maintaining wide footpaths and high quality public space, prioritising and providing for pedestrian movement and safety;
 - ii. ~~Maintaining a pedestrian focus by discouraging vehicle access across footpaths;~~
 - iii. Maintaining built form framing views towards Raglan Harbour;
 - iv. Providing for a building scale appropriate to the town centre;
 - v. Protecting and enhancing the character of the existing centre buildings through new built form being consistent with the outcomes of the Town Centre Character Statement for Raglan Town Centre (Appendix 10.1), ~~in particular by:~~
 - A. ~~Promoting traditional roof forms (hipped or gable ends) and symmetry through window design and placement;~~
 - B. ~~Providing continuous post-supported verandahs sheltering footpaths;~~
 - C. ~~Promoting recessed shop fronts;~~
 - D. ~~Providing parking, loading and storage where rear access to buildings exists;~~
 - E. ~~Promoting active street frontages by developing up to the street boundaries;~~
 - F. ~~Reinforcing the street corners by ensuring the design is two storey and is transparent on both sides of the street corner;~~
 - G. ~~Encouraging the preservation and promotion of cultural features.~~

Policy 4.5.15 Huntly Town Centre

- (a) Development maintains and enhances the role of the Huntly Town Centre by:
- i. Maintaining wide footpaths and high quality public space, prioritising and providing for pedestrian movement and safety;
 - ii. ~~Maintaining a pedestrian focus by discouraging vehicle access across footpaths;~~
 - iii. Providing for a building scale appropriate to the town centre;
 - iv. Protecting and enhancing the character of the existing centre buildings through new built form being consistent with the outcomes of the Town Centre Character Statement for Huntly Town Centre (Appendix 10.3), ~~in particular by:~~
 - A. ~~Providing transparent facades and window displays at ground level;~~
 - B. ~~Providing continuous suspended verandahs sheltering footpaths;~~
 - C. ~~Symmetrical window detailing; and~~
 - D. ~~Promoting active street frontages by developing up to the street boundary.~~

Policy 4.5.16 Ngaruawahia Town Centre

- (a) Development maintains and enhances the role of the Ngaruawahia Town Centre by:
- i. Maintaining wide footpaths, prioritising and providing for pedestrian movement and safety;
 - ii. ~~Maintaining a pedestrian focus by discouraging vehicle access across footpaths;~~
 - iii. Maintaining built form framing views towards Raglan Harbour;
 - iv. Promoting improved pedestrian and cycle linkages with Ta Awa River ride, Ngaruawahia swimming pool and the town centre;
 - v. Protecting and enhancing the character of the existing centre buildings through new built form being consistent with the outcomes of the Town Centre Character Statement for Ngaruawahia Town Centre (Appendix 10.2), ~~in particular by:~~
 - A. ~~Recognising and promoting Ngaruawahia's cultural and heritage value set within the setting of the Waikato River and Hakarimata Range;~~
 - B. ~~Encouraging the preservation and promotion of Maori heritage;~~
 - C. ~~Providing transparent facades and window displays at ground level;~~
 - D. ~~Providing continuous suspended verandahs sheltering footpaths;~~
 - E. ~~Providing parking, loading and storage where rear access to buildings exists;~~
 - F. ~~Promoting active street frontages by developing up to the street boundary.~~

Policy 4.5.17 Te Kauwhata Town Centre

- (a) Development maintains and enhances the role of the Te Kauwhata Town Centre by:
- i. Maintaining wide footpaths, prioritising and providing for pedestrian movement and safety;
 - ii. ~~Maintaining a pedestrian focus by discouraging vehicle access across footpaths;~~
 - iii. Providing for ~~an~~ appropriate building scale ~~with narrow frontages~~; and
 - iv. Protecting and enhancing the character of the existing centre buildings through new built form being consistent with the outcomes of the Town Centre Character Statement for Te Kauwhata Town Centre (Appendix 10.5), ~~in particular by:~~
 - A. ~~Providing transparent facades and window displays at ground level;~~
 - B. ~~Providing continuous suspended verandahs sheltering footpaths~~
 - C. ~~Symmetrical window detailing;~~
 - D. ~~Promoting flat or low pitched roofs;~~

- ~~E. Providing parking, loading and storage where rear access to buildings exists;~~
- ~~F. Promoting mixed use and residential activities on upper floors;~~
- ~~G. Recognising the connections between the town centre and the Whangamarino Wetland~~
- ~~H. Encouraging the preservation and promotion of cultural features; and~~
- ~~I. Promoting active street frontages by developing up to the street boundary.~~

Policy 4.5.18 Pokeno Town Centre

- (a) Development maintains and enhances the role of the Pokeno Town Centre by:
- i. Maintaining wide footpaths, prioritising and providing for pedestrian movement and safety;
 - ~~ii. Maintaining a pedestrian focus by discouraging vehicle access across footpaths;~~
 - iii. Providing for ~~an~~ appropriate building scale ~~with narrow frontages~~; and
 - ~~iv.~~ Protecting and enhancing the character of the existing centre buildings through new built form being consistent with the outcomes of the Town Centre Character Statement for Pokeno Town Centre (Appendix 10.4), ~~in particular by:~~
 - ~~A. Promoting transparent facades and window displays at ground level;~~
 - ~~B. Providing continuous suspended verandahs sheltering footpaths;~~
 - ~~C. Providing parking, loading and storage where rear access to buildings exists;~~
 - ~~D. Encouraging the preservation and promotion of cultural features;~~
 - ~~E. Promoting active street frontages by developing up to the street boundary;~~
 - ~~F. Ensuring built form is consistent with Waikato District Council Pokeno Town Centre Architectural Form, Materials and Signage Design Guide, and in particular section 6 (Architectural Style, Materials and Appearance).~~

Policy 4.5.19 Tuakau Town Centre

- (a) Development maintains and enhances the role of the Tuakau Town Centre by:
- i. Maintaining wide open streets, with wide pedestrian footpaths;
 - ~~ii. Maintaining a pedestrian focus by discouraging vehicle access across footpaths;~~
 - iii. Providing for ~~an~~ appropriate building scale ~~with narrow frontages~~; and
 - ~~iv.~~ Protecting and enhancing the character of the existing centre buildings through new built form being consistent with the outcomes of the Town Centre Character Statement for Tuakau Town Centre (Appendix 10.6), ~~in particular by:~~

- ~~A. Providing parking, loading and storage where rear access to buildings exists;~~
- ~~B. Promoting mixed use and residential activities on upper floors;~~
- ~~C. Providing transparent facades and window displays at ground level;~~
- ~~D. Providing continuous suspended verandahs sheltering footpaths;~~
- ~~E. Encouraging the preservation and promotion of cultural features;~~
- ~~F. Promoting active street frontages by developing up to the street boundary.~~

~~4.5.20 Policy — Pedestrian frontages: active street frontages — Business Town Centre Zone~~

- ~~(a) — Provide for active street frontages in the design or redesign of buildings, and avoid car parking and accessways on sites within the pedestrian frontage area of the Business Town Centre zones to enable the maintenance of:
 - ~~(i) Passive surveillance;~~
 - ~~(ii) Continuous verandahs;~~
 - ~~(iii) Display windows and building façades;~~
 - ~~(iv) Pedestrian safety; and~~
 - ~~(v) Buildings located up to the street boundary.~~~~

~~4.5.21 Policy — Corner buildings — Business Town Centre Zone~~

- ~~(a) Ensure buildings within Business Town Centre Zones positively reinforce corner locations through:
 - ~~(i) — Building design;~~
 - ~~(ii) — The position of the building on the site;~~
 - ~~(iii) — Architectural details; and~~
 - ~~(iv) — Having prominent building entrances.~~~~

~~4.5.22 Policy — Landscaping — Business Town Centre Zone~~

- ~~(a) Within the Business Town Centre Zone and outside of the pedestrian frontage areas, ensure that landscaping contributes to the adjacent streetscape.~~

~~4.5.23 Policy — Height: Business Town Centre Zone~~

- ~~(a) Ensure the height of new buildings is complementary to, and promotes, the existing character of the business town centre within each town.~~

~~4.5.24 Policy — New buildings: Business Town Centre Zone~~

~~(a) New buildings within the Business Town Centre Zone are consistent with the Waikato District Council Urban Design Guidelines Town Centres (Appendix 3.3), and in particular:~~

- ~~(i) Responds to the specific site characteristics and wider street and town context;~~
- ~~(ii) Promotes architectural form, building features and placement;~~
- ~~(iii) The design of buildings contributes to vibrancy, character and commercial viability of the town centre;~~
- ~~(iv) Provides landscape and open space design that responds to the characteristics and qualities of the area;~~
- ~~(v) Minimises visual and amenity impacts of accessways and parking facilities;~~
~~and~~
- ~~(vi) Maximises pedestrian access and safety.~~

~~4.5.25 Objective – Business Zone Character~~

~~(a) The commercial scale, form of buildings and character of the Business Zone is maintained.~~

~~4.5.26 Policy – Landscaping of onsite parking areas – Business Zone~~

~~(a) Provide a degree of amenity for onsite parking areas within the Business Zone by ensuring a planting strip is established and maintained.~~

4.5.27 Policy – **Front Strategic infrastructure** setback – Business Zone

~~(a) Ensure buildings within the Business Zone are designed and setback from **roads strategic infrastructure** by:~~

- ~~(i) Retaining the predominant building setback within the street; and~~
- ~~(ii) Allowing sufficient space for the establishment of landscaping on the site.~~

Comment: *Woolworths previously proposed to delete this policy given its repetitive content and the fact that it would more appropriate be addressed in standards and assessment criteria. The amendments proposed by Council are acceptable.*

~~4.5.28 Policy – Height: Business Zone~~

~~(a) Ensure the height of new buildings is complementary to, and promotes, the existing character of the Business Zone and adjoining residential and village zones.~~

4.5.29 Policy—New buildings: Business Zone

~~(a) New buildings within the Business Zone are consistent with the Waikato District Council Urban Design Guidelines Town Centres (Appendix 3.3), and in particular:~~

- ~~(i) Responds to the specific site characteristics and wider street;~~
- ~~(ii) Promotes architectural form, building features and placement;~~
- ~~(iii) Provides landscape and open space design that responds to the characteristics and qualities of the area;~~
- ~~(iv) Minimises visual and amenity impacts of accessways and parking facilities; and~~
- ~~(v) Accommodates pedestrian access and safety.~~

Policy 4.5.31 Reverse Sensitivity

- (a) Reverse sensitivity **is managed by:**
- (i) ensuring residential activities and development** within Business and Business Town Centre Zones ~~is managed by ensuring residential activities and development~~ are acoustically insulated to mitigate the adverse effects of noise; **and**
 - (ii) providing setbacks for residents' safety and amenity.**

Comment: Council has largely adopted Woolworths' relief and the changes are acceptable.

Policy 4.5.33 Reverse Sensitivity

- (a) Reverse sensitivity is managed by ensuring residential activities and development within the Business Town Centre Zone and Business Zone are acoustically insulated to mitigate the adverse effects of noise.**

Comment: Council has adopted Woolworths' relief to delete the above policy.

Policy 4.5.36 Signage

- (a) In the Business Town Centre and Business Zone provide for:
- i. The establishment of signs where they are associated with the activity carried out on the site on which they are located;
 - ii. Public information signs that are of benefit to community well-being; and
 - iii. Establishment of signage to support the commercial function and vibrancy of the zones with controls on the site, location, appearance and number of signs to ensure they do not detract from the visual amenity of

- the surrounding environment, including avoiding, remedying or mitigating adverse effects arising from illumination, light spill, flashing or reflection;
- iv. Control of the location, colour, content and appearance of signs directed at traffic are controlled to ensure signs do not distract, confuse or obstruct motorists, pedestrians and other road users;
 - v. The placement of signs that do not obstruct the free movement of:
 - A. Pedestrians along the footpath;
 - B. Vehicle use of the road carriageway.

Policy 4.5.37 Managing the adverse effects of signs

- ~~(a) In the Business Town Centre and Business Zone ensure that:~~
- ~~i. The location, colour, content and appearance of signs directed at traffic are controlled to ensure signs do not distract, confuse or obstruct motorists, pedestrians and other road users;~~
 - ~~ii. Signs that generate adverse effects from illumination, light spill, flashing or reflection are avoided;~~
 - ~~iii. The placement of signs do not obstruct the free movement of:~~
 - ~~A. Pedestrians along the footpath;~~
 - ~~B. Vehicle use of the road carriageway.~~

Comment: Woolworths' relief seeks to rationalise policies 36 and 37 regarding signage into one provision. Council rejected this relief, instead proposing nominal amendments to policy 37 which do not address the repetition and prescriptiveness identified in Woolworths' submission. I prefer the above approach.

Policy 4.5.42 Adjoining site amenity

- ~~(a) Maintain amenity of adjoining properties by:~~
- ~~i. In the Business Zone:~~
 - ~~A. Requiring buildings to be setback from boundaries adjoining all zones except Industrial and Heavy Industrial Zoned land; and~~
 - ~~ii. In the Business Town Centre Zones:~~
 - ~~A. Requiring the progressive reduction in the height of buildings the closer they are located to boundaries adjoining all zones except Industrial and Heavy Industrial zoned land.~~

Comment: Council has adopted Woolworths' relief to delete the above policy.

Chapter 17: Business Zone

17.1.2 Permitted Activities

P1 Commercial activity

Nil

Any individual tenancy must have a gross floor area of greater than 500m²

Comment: Council has largely adopted Woolworths' relief to carry through the policy intent of the Business zone seeking to accommodate larger-scale commercial activity and the above amendment is acceptable.

17.1.3 Restricted Discretionary Activities

RD2 Any permitted activity that does not comply with one or more of the Land Use – Effects or Land Use – Building rules, unless otherwise specified.

RD3 Any permitted activity that does not comply with one or more of the activity-specific conditions for a permitted activity in Rule 17.1.2.

17.1.4 Discretionary Activities

~~D1 Any permitted activity that does not comply with one or more of the Land Use – Effects or Land Use – Building rules, unless specified in Rule 17.2 or 17.3 applies.~~

~~D2 Any permitted activity that does not comply with one or more of the activity-specific conditions for a permitted activity in Rule 17.1.2.~~

Comment: Above amendments proposed to address the suggestion in my evidence that infringements to standards or activity specific conditions given the assessments can be necessarily focused as restricted discretionary activities rather than a default discretionary activity status. The following matters of discretion are proposed to address retail activities smaller than the permitted threshold of 500m² in the Business zone.

RD3[x] (a) The Council's discretion is limited to the following matters:

- i. Design and location of the building
- ii. Effects on vitality and amenity of nearby Business Town Centre zones and centres.

17.2.3 On-site parking areas – Landscaping

P1 (a) ...[as notified]

RD1 (a) On-site parking areas that do not comply with Rule 17.2.3 P1.

(b) Council's discretion is limited to the following matters:

- i. Design and location of the parking area and landscaping strip; and
- ii. Effects on streetscape amenity.

Comment: Council has largely adopted Woolworths' relief and the amendments are acceptable.

17.2.7.1 Signs – General

RD1 (a)... [as notified]

(b)(i) – (x) [as notified]

(xi) extent to which the signage is consistent with corporate branding and represents a cohesive visual appearance with the commercial activity on-site.

17.3.1.1 Height – Building General

DRD1 Any building that does not comply with Rule 17.3.1.1 P1

Comment: Council proposes amending the activity status of building height infringements from discretionary to restricted discretionary. I support this amendment.

17.3.4 Building setbacks – zone boundaries

P1 (a) A building must be set back **a minimum of** at least:

i. **7.5-3.0**m from rear and side boundaries adjoining the ...

RD1 (a) A building that does not comply with Rule 17.3.4 P1.

(b) The Council's discretion shall be limited to the following matters:

- i. Height, design and location of the building relative to the boundary
- ii. Privacy on other sites
- iii. Effects on amenity values of adjacent property.

Comment: Council has adopted Woolworths' relief to reduce the required building setback and this amendment is supported. As for other standard infringements, I consider a building setback infringement can remain a restricted discretionary activity, subject to the proposed matters of discretion identified above.

Chapter 18: Business Town Centre Zone

Rule 18.1.2 Permitted Activities

P4A Supermarket Nil (for the avoidance of doubt, this activity is not subject to Land Use – Building Rule 18.3.3 Gross leasable floor area)

Comment: Amended relief compared to submission redline text. Intent remains as per Woolworths' submission to retain permitted activity status for supermarkets in the Business Town Centre zone.

18.1.3 Restricted Discretionary Activities

RD2 (a) The construction of any new building that meets all of the following conditions: ...

(a) the Council's discretion shall be limited to the following matters:

(i) – (ii) ...[as notified]

(iii) For the purpose of assessing supermarkets against the above criteria, regard shall be had to the following operational and functional requirements:

- a) store visibility that is easily identifiable when viewed from the street and surrounding area
- b) the provision of appropriate customer parking, which is clearly visible; accessible to motorists approaching the store from the local roading network and to customers on-site; and functionally well connected to the store entrance
- c) where large building formats are required, there is provision for solid facades to facilitate internal shelving and fresh produce display
- d) adequate and accessible servicing areas that are preferably separated from customer vehicle traffic and pedestrian movements.

RD3 Any permitted activity that does not comply with one or more of the Land Use – Effects or Land Use – Building rules, unless otherwise specified.

RD4 Any permitted activity that does not comply with one or more of the activity-specific conditions for a permitted activity in Rule 18.1.2.

18.1.4 Discretionary Activities

D1 Any permitted activity that does not comply with one or more of the activity-specific conditions for a permitted activity in Rule 17.1.2.

Comment: Above amendments proposed to address the suggestion in my evidence that infringements to standards or activity specific conditions given the assessments can be necessarily focused as restricted discretionary activities rather than a default discretionary activity status.

18.2.7.1 Signs – General

RD1 (a)... [as notified]

(b)(i) – (x) [as notified]

(xi) extent to which the signage is consistent with corporate branding and represents a cohesive visual appearance with the commercial activity on-site

18.3.1.1 Height – Building General

DRD1 Any building that does not comply with Rule 18.3.1.1 P1

Comment: Council proposes amending the activity status of building height infringements from discretionary to restricted discretionary. I support this amendment.

18.3.3 Gross leasable floor area

P1 **Any-Every** individual tenancy must have a gross leasable floor area of no more than 350m²

RD1 Any individual tenancy with a gross leasable floor area over 350m² ~~and no greater than 500m²~~

~~**NC1** Any individual tenancy with a gross leasable floor area over 500m²~~

The Council's discretion shall be limited to the following matters:

- (i) The matters listed in 18.1.3 RD2 (b)
- (ii) Extent to which operational and functional requirements dictate the necessity for a floor area over 350m².

Comment: I support Woolworths' stated relief to carve supermarkets out of this Rule, and retain the permitted activity status in the Business Town Centre zone. I do not support the Council's non-complying or even discretionary activity status for retail over a permitted threshold, for the reasons set out in my evidence. I consider these activity statuses will undermine the intent of the zone to be the focal point for commercial activity. Larger-scale

activities can be assessed appropriately as a restricted discretionary activity, subject to those matters of criteria proposed above.

18.3.4 Display windows and building facades

P1 ...[as notified]

RD1 (a) A building that does not comply with Rule 18.3.4 P1.

(b) The Council's discretion shall be limited to the following matters:

- i. Design and location of the building having regard to the operational and functional requirements of the activity to be accommodated
- ii. Extent to which the activity achieves the intent of the control by other means, to enable passive surveillance and promote pedestrian safety
- iii. Effects on amenity values and town centre character.

18.3.5 Verandahs

P1 ...[as notified]

DRD1 (a) A building that does not comply with Rule 18.3.5 P1.

(b) The Council's discretion shall be restricted to the following matters:

- i. The effects on the amenity of the streetscape, including providing continuous pedestrian shelter and town centre character;
- ii. The character and layout of the building;
- iii. The nature, design and location of the verandah; and
- iv. The functional requirements of the activities that the buildings are intended to accommodate.

Comment: *Council has largely adopted Woolworths' relief and the amendments are acceptable.*

18.3.6 Building setbacks – zone boundaries

P1 (a) A building must be set back a minimum of:

- i. 7.53m from rear and side boundaries adjoining any ...

RD1 (a) A building that does not comply with Rule 18.3.6 P1.

(b) The Council's discretion shall be limited to the following matters:

- iv. Height, design and location of the building relative to the boundary

- v. Privacy on other sites
- vi. Effects on amenity values of adjacent property.

Comment: Council has adopted Woolworths' relief to reduce the required building setback and this amendment is supported. As for other standard infringements, I consider a building setback infringement can remain a restricted discretionary activity, subject to the proposed matters of discretion identified above.

Definitions

Insert new definition for supermarket, as follows:

An individual retail outlet having a store footprint over 1,000m² GFA that sells, primarily by way of self service, a comprehensive range of:

- a) domestic supplies, fresh food, groceries, 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; cigarettes, magazines and newspapers, greeting cards and stationery, batteries, flashlights, light bulbs and related products; and
- b) non-domestic supplies and comparison goods comprising not more than 20 per cent of all products offered for sale as measured by retail floor space, including (but not limited to) clothing and footwear; furniture; electrical appliances; office supplies; barbecue and heating fuels; audio visual products.

Note

Retail floor space means that area of the premises to which the public has access for the purpose of shopping, together with any area:

- a) taken up for the purpose of display of goods; and
- b) any counter areas used by or occupied exclusively by staff members whilst actively engaged in serving the public.

This area does not include floor space used for:

- storerooms
- back of house including delivery areas
- trolley storage areas
- entrance lobbies
- behind counter areas, and
- checkouts.

APPENDIX 2: AUP, HAMILTON ODP AND WAIKATO PDP COMPARISON TABLE

