

BEFORE THE HEARINGS PANEL

UNDER

the Resource Management Act
1991 (**RMA**)

IN THE MATTER OF

the Proposed Far North District
Plan (**PDP**)

**STATEMENT OF EVIDENCE OF DAVID BADHAM ON BEHALF OF FOODSTUFFS
NORTH ISLAND LTD**

PLANNING

7 October 2024

1. SUMMARY OF EVIDENCE

- 1.1 This evidence has been prepared on behalf of Foodstuffs North Limited (**Foodstuffs**) as it relates to its submission and further submission on the PDP - Hearing Topics 6 and 7. My evidence focuses on responses to the recommendations in the Signs Section 42A Hearing Reports (**s42A**).¹
- 1.2 In summary, I disagree with the recommendations of the Far North District Council (**Council**) Reporting Officer with respect to SIGN-R7 and as a result consider that further amendments or analysis is required.

2. INTRODUCTION

- 2.1 My full name is David Eric Badham. I am a Partner and Northland Manager of Barker and Associates (**B&A**), a planning and urban design consultancy with offices across New Zealand. I am based in the Whangārei office, but undertake planning work throughout the country, although primarily in Te Tai Tokerau / Northland.

Qualifications and experience

- 2.2 My qualifications, experience and involvement with Foodstuffs on the PDP are set out in Attachment 1 to my evidence filed on 13 May 2024 which addressed planning matters in relation to Hearing Stream 1 – Strategic Direction for Foodstuffs. I also filed

¹ Noting that Foodstuffs did not make any submissions on the Earthworks, Light and Noise, Temporary Activities or Genetically Modified Organisms Chapters or Topics.

a statement on behalf of Foodstuffs on 22 July 2024 on Hearing Stream 4 – Natural Environment Values and Coastal Environment.

Purpose and scope of evidence

- 2.3 This evidence addresses the submission (#S363) and subsequent further submission (#FS542) by Foodstuffs on the PDP.
- 2.4 My evidence will address the following topics:
- (a) My involvement with the PDP on behalf of Foodstuffs (Section 3);
 - (b) Foodstuffs Submission Context (Section 4);
 - (c) Supported Recommendations (Section 5);
 - (d) Consistency of Recommendations (Section 6)
 - (e) SIGN-R7 (Section 7);
 - (f) Conclusion (Section 8).

Code of conduct

- 2.5 Although this is not an Environment Court proceeding, I have read and am familiar with the Environment Court's Code of Conduct for Expert Witnesses, contained in the Environment Court Practice Note 2023, and agree to comply with it. My qualifications as an expert are set out in Attachment 1 to my Hearing Stream 1 evidence filed on 13 May 2024. Other than where I state that I am relying on the advice of another person, I confirm that the issues addressed in this statement of evidence are within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.

3. INVOLVEMENT WITH PDP ON BEHALF OF FOODSTUFFS

- 3.1 I have been engaged by Foodstuffs since September 2022 to provide independent planning evidence on the PDP, including:
- (a) assisting with preparing Foodstuffs' original submission on the PDP;
 - (b) assisting with preparing Foodstuffs further submission on the PDP; and

- (c) ongoing planning advice associated with those submissions and the hearings relating to those submissions.

4. FOODSTUFFS' SUBMISSION CONTEXT

- 4.1 Foodstuffs is made up of several independent co-operatives, with all employees and retail members supportive of the organisation's commitment to provide New Zealanders with the best possible service and quality products. The Foodstuffs North Island co-operative employs more than 1700 people who support the 102 New World, 43 PAK'n'SAVE and 167 Four Square owner-operated retail supermarkets throughout the North Island. Of these, Foodstuffs currently has 16 established supermarkets in the Far North District.
- 4.2 As I understand it, in Foodstuffs' experience across New Zealand, regional and district planning frameworks often do not properly recognise the need for business growth to occur, including alongside residential growth. Given Foodstuffs' significant past and planned further investment in New Zealand, the contents of any future district plan provisions will be integral to the continuing operation and development of Foodstuffs in the Far North.
- 4.3 Signage, particularly within commercial locations is essential for marketing and economic viability of business, it is standard practice for Foodstuffs' supermarkets to change signage to reflect sales and marketing demands of the time.

5. SUPPORTED RECOMMENDATIONS OF THE S42A

- 5.1 Where the Reporting Officer has accepted the relief sought in the Foodstuffs original submission points², or recommended amendments which are consistent with that relief sought, I support these recommendations. This includes the recommendation to include definitions for types of signs referenced in rules SIGN-R5 and SIGN-R6, free standing, double sided and V-shaped signs.

6. CONSISTENCY OF RECOMMENDATIONS

- 6.1 As I have outlined in my previous evidence statements, Foodstuffs do not support the proposed rezoning of their sites to Mixed Use Zone (**MUZ**), Settlement Zone and Light Industrial Zone. The PDP does not provide alternative commercial zones providing

² S363.015 and S363.016.

only the MUZ, and it is unclear to me as to why the Council has chosen to only use one commercial zone – this is an outstanding and ultimately unresolved issue. Foodstuffs's submission points seeking relief with respect to the PDP Signs rules seek to enable more flexible signage provisions to reflect commercial zone amenity that primarily exists within its landholdings and stores throughout the Far North district.

6.2 The Reporting Officer has noted in paragraph 109 of the s42A Report, that:

“It is important to note that if FNDC officers recommend any additional commercial zoning (as part of the Mixed Use Zone and/or rezoning topics hearings in future) then the appropriate signage provisions for the Town Centre Zone will need to be determined and inserted into the Signs Chapter”.

6.3 It is encouraging that Council are contemplating the addition of the commercial zoning, presumably in response to Foodstuffs and other submitters submissions and evidence in Hearing 1. However, I am confused by the reference to the “Town Centre Zone.” No Town Centre Zone was notified by Council, nor is the criteria or spatial extent for that zone confirmed. If a Town Centre Zone (or any other commercial zoning) is added, and potentially applies to land owned by Foodstuffs, then I consider that the signage provisions will need to be updated to match a more urban / commercial amenity than what is currently outlined for the MUZ and other zones. Furthermore, I consider that Foodstuffs (and any other impacted submitters / landowners) must be provided with the opportunity to provide further evidence with respect to the signage (and other provisions) that are recommended by Council to apply.

7. **RULE SIGN-R7**

7.1 I do not support the Reporting Officer's recommendation contained in “Section 42A Report - Signs” to accept in part Foodstuffs' submission point S363.017 SIGN-R7. I address each of the relevant points below.

Reference to “window, fence or wall”

7.2 The Reporting Officer does not support the requested deletion of “windows, fence or wall” as sought by Foodstuffs because removing these will have “unintended consequences”.³ The Reporting Officer has provided no further detail on what these “unintended consequences” may be, or why they are of such a concern that they justify

³ See Paragraph 192 of the Signs s42A

the rejection of Foodstuffs submission. Notwithstanding this, in my opinion the rule SIGN-R7 is overly restrictive. It is common practice for signs and imagery to change to reflect current sales and marketing practices, particularly on buildings and windows. I consider that the rule as drafted will result in issues for signage on existing and future stores resulting in unnecessary resource consents being triggered. If signage on fencing and walls is a concern from an amenity perspective, I consider that it is more effective to have separate rules to manage signs on fencing and walls not attached to buildings.

PER-1

- 7.3 The Reporting Officer does not support the requested deletion of SIGN-R7 PER1. I consider that it is unnecessary to restrict signage from protruding above the highest point of a building when signs are managed by a maximum height limit, which I consider to be a more effective standard to manage potential amenity effects.

PER-2 Deletion of SIGN-S1 and SIGN-S3

- 7.4 I also support Foodstuffs' request to remove reference to SIGN-S1 and SIGN-S3 from SIGN-R7-PER-2. I agree that where signage is attached to a building, and the signage is directly related to the use of that building/comprises branding, it should be exempt from the maximum area (SIGN-S) and maximum number (SIGN – S1) standards. In my opinion, this will remove unnecessary consenting requirements for signage on commercial buildings that would typically be anticipated for commercial activities within an urban / commercial zone.

PER-3

- 7.5 The Reporting Officer seems to have accepted in part Foodstuffs' submission on this clause, but has recommended alternative wording of "and the activity is lawfully undertaken within the site". I confirm that I accept that alternative wording.

8. CONCLUSION

- 8.1 In conclusion, I consider that there are still issues outstanding from Foodstuffs' submission that need to be addressed by the Hearings Panel. These primarily relate to the addition of a new commercial zoning (e.g., Town Centre Zone) and how this will impact Foodstuffs' landholdings, and the provision of signage as per SIGN-R7

David Badham

Date: 4 October 2024

Attachment 1 – Recommended Amendments to Signage Provisions

S42A recommended wording = additions underlined text deletions ~~strikethrough text~~

David Badham recommended wording = additions underlined text deletions ~~strikethrough text~~

SIGN-R7 - Signs on or attached to a building, ~~window, fence or wall~~ (excluding a scheduled heritage resource)

Activity status: Permitted

Where:

~~PER-1~~

~~The sign does not protrude above the highest point of the building or structure.~~

PER-2

The sign complies with standards:

~~SIGN-S1 Maximum area;~~

SIGN-S2 Maximum height;

~~SIGN-S3 Maximum number;~~

SIGN-S4 Traffic safety; and

SIGN-S5 Sign design and content.

PER-3 The sign is not for third party advertising **and the activity is lawfully undertaken within the site.**