

IN THE MATTER of the Resource Management Act 1991
("Act")

AND

IN THE MATTER of an application for resource consent by
Woolworths New Zealand Limited for the
construction and operation of a
supermarket and associated activities at
58 Great South Road, Pokeno

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

PLANNING

1. EXECUTIVE SUMMARY

- 1.1 Woolworths New Zealand Limited proposes to develop the land at 58 Great South Road Pokeno ("**Site**") to construct and operate a supermarket activity and associated car parking, access, servicing, and landscaping ("**Proposal**"). Construction of a paper road, Wellington Street, is also proposed as part of the works.
- 1.2 The Proposal requires resource consent for a Discretionary activity under the Waikato Operative District Plan ("**District Plan**").
- 1.3 The Proposal has been assessed in this statement of evidence and in other supporting evidence (and the application documentation itself) in respect of the potential and actual effects on the environment. Overall, I conclude that the Proposal results in no more than minor adverse effects in terms of transport matters and less than minor adverse effects in all other respects.
- 1.4 I have undertaken a detailed assessment of the relevant objectives, policies, rules and assessment criteria (and with reference to design guidelines, town character statements and design criteria) of all relevant planning documents. I conclude that the Proposal is generally consistent with these provisions.

- 1.5 I consider that the Proposal is acceptable pursuant to section 104 of the Act, taking into account positive effects and all other matters addressed in this evidence.
- 1.6 I conclude that the application should be granted resource consent, subject to the conditions as set out (and as proposed to be amended) in **Attachment 1** to this statement of evidence.
- 1.7 As set out in the Council's Pre-hearing Report, the Council's reporting planner agrees that the Proposal is worthy of grant of consent.

2. INTRODUCTION

- 2.1 My name is Kay Panther Knight and I hold the position of Director at Forme Planning Limited. I have held this position since March 2017. Prior to that, I held the position of Principal Planner at Civitas from November 2015 to February 2017.
- 2.2 I hold the Degree of a Master of Planning Practice from the University of Auckland. I am also a Graduate Plus member of the New Zealand Planning Institute.
- 2.3 I have over 15 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 with 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.
- 2.4 Most notably, I have prepared submissions and presented evidence on behalf of commercial clients and developers regarding the Auckland Unitary Plan, the Hamilton Proposed District Plan, Queenstown-Lakes Proposed District Plan and the Rotorua District Plan, among others. I have had extensive involvement in consenting supermarkets throughout New Zealand (and the United Kingdom) and am therefore familiar with the nature of the activity and its associated effects. Further, I assisted with the preparation of Woolworths' submission on the Proposed Waikato District Plan ("**PDP**").

- 2.5 In respect of this application, I provided pre-application advice to Woolworths, prepared the Assessment of Environmental Effects dated 1 May 2019 ("**AEE**") and compiled and lodged the full application. Since lodgement, I have co-ordinated and responded to Council's requests for further information and reviewed all submissions received, as well as the Council's section 42A hearing report ("**Pre-hearing Report**").

Code of conduct

- 2.6 I confirm that 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 will continue to comply with it while giving oral evidence. Except where I state that I am relying on the evidence of another person, this written 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.

3. SCOPE OF EVIDENCE

- 3.1 This statement of evidence will:
- (a) provide a brief description of the Site and the Proposal;
 - (b) assess the Proposal against section 104 of the Act;
 - (c) respond to relevant submissions received and the Pre-hearing Report; and
 - (d) outline the proposed conditions of consent.

4. DESCRIPTION OF SITE AND THE ENVIRONMENT

Site and Surrounds

- 4.1 A full description of the Site and locality is provided in section 3 of the AEE.
- 4.2 The Site comprises 1.13ha in area including two stopped road parcels, but excluding Wellington Street.

- 4.3 The topography of the Site gently slopes downwards from the south to north over approximately half the Site, then gradually steepens in the northernmost corner. There is a topographical difference of 8m from south to north over the full Site.
- 4.4 The Site is, and has historically been, vacant, with no built structures or significant natural features.
- 4.5 The surrounding area is characterised by an evolving town centre that acts as a focal point for the wider rural community. The surrounding activities include a mix of rural, commercial and small-scale light industrial activities, with larger scale residential development and industrial development further afield.
- 4.6 Also dominant in the immediate vicinity is the heavily trafficked corridor of Great South Road, which funnels traffic through the settlement and provides access to the State Highway, located to the north of the Site.
- 4.7 Woolworths obtained resource consent for the Site in 2017, which approved construction and operation of a Fresh Choice supermarket and ancillary retail, along with associated site works, car parking, access, servicing and landscaping.¹

District Plan Notations

- 4.8 The Site is zoned "Business" in the District Plan. The Plan also imposes a "Main Frontage Control Line" along the Great South Road boundary; an "Amenity Planting" requirement along the rear boundary, and includes the Site within the Pokeno Structure Plan Area.
- 4.9 The Main Frontage Control Line is of most relevance as it establishes an expectation that development on the Site will "front" the street boundary and form an immediate urban edge to Great South Road. The departure from compliance with this control led to the decision by Woolworths to request public notification and seek the community's response. Notwithstanding, it is prudent to identify that the application (and AEE) establish that Woolworths' experts do not consider that the Proposal results in adverse effects on the streetscape environment that are more than minor. The design response is assessed in detail by Mr Graeme Scott on behalf of Woolworths.

¹ LUC0139/15.

5. OVERVIEW OF THE PROPOSAL

Description of the Proposal

- 5.1 The Applicant proposes to construct and operate a Countdown supermarket on the Site. The components of the application are described in detail in the AEE.²
- 5.2 There are important operational and functional requirements on which the Site layout and design is predicated. Specifically, the store entrance, car park and vehicle access all need to be easily legible for passers-by, and all located in such a way as to facilitate visits by customers. Loading and servicing activities also need to be sufficiently separated from customer movements to aide on-site safety and operational efficiency. This design imperative was canvassed extensively in the pre-application design discussions held between Woolworths and the Council.

Changes since lodgement

- 5.3 One change has been made to the Proposal since lodgement and notification, to respond positively to a matter raised in a submission by Z Energy Limited (submitter 11). Specifically, a minor realignment to the design of the intersection of Wellington Street and Great South Road is proposed – and further detailed in the evidence of Mr Mark Georgeson on behalf of Woolworths.
- 5.4 Otherwise, no changes to the Proposal have arisen since lodgement.

Reasons for consent

- 5.5 The reasons for consent are listed in full at section 5 of the AEE. Overall, consent as a Discretionary activity is required under the District Plan. Ms Carmine agrees. As canvassed in the AEE, the PDP has not yet progressed to a point in its statutory process³ so as to require any consents for the Proposal under that plan.
- 5.6 Ms Carmine has identified three additional consent matters of relevance – construction of a building (in this case the retaining wall) within the 1 per cent AEP floodplain; importation of more than 100m³ of cleanfill and over-width

² Section 4.

³ Further submissions on the PDP closed 16 July 2019 and hearings have been tentatively scheduled for late August, at the earliest.

vehicle crossings on Wellington Street.⁴ Consent is required as a Discretionary activity for each of these matters as set out in the Pre-hearing Report.⁵ I agree with Ms Carmine that these consent matters apply and consider the relevant assessment has already been undertaken in the supporting expert reports that accompanied the application (as summarised in Mr Smith's and Mr Georgeson's evidence).

- 5.7 No consent is required under the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health, nor any other National Environmental Standards. Resource consent for stormwater discharge, cleanfill and earthworks and flood matters is required under the Waikato Regional Plan. That consent has been lodged with the Waikato Regional Council⁶ and is currently being processed.

6. SECTION 104 ASSESSMENT

- 6.1 As a Discretionary activity, the relevant statutory considerations are set out in section 104 of the Act.
- 6.2 The Commissioners must consider any actual and potential effects on the environment,⁷ the relevant planning provisions,⁸ and any other matters considered relevant and reasonably necessary to determine the application.⁹
- 6.3 These matters were assessed in detail in sections 7, 10 and 12 of the AEE that accompanied the application. The following section of my evidence provides a summary, with reference to that assessment already undertaken.

Effects on the environment

- 6.4 The AEE (supported by accompanying expert reports) considered that any potential and actual adverse effects of the Proposal related to the following matters:
- (a) design, appearance and effects on streetscape;

⁴ Pre-hearing Report, section 2.1.

⁵ Pre-hearing Report, section 2.1.

⁶ Reference APP140900 (file number 61 75 10A).

⁷ Section 104(1)(a), including positive effects under section 104(1)(ab).

⁸ Section 104(1)(b).

⁹ Section 104(1)(c).

- (b) residential amenity;
- (c) traffic, parking and access;
- (d) infrastructure and servicing, including stormwater disposal;
- (e) natural hazards;
- (f) construction effects; and
- (g) positive effects.

6.5 Having regard to the comprehensive coverage of the above in the AEE and application documents, and considering the matters raised in both the submissions and Pre-hearing Report, in this statement I comment on and reiterate that assessment only in respect of design, traffic, parking and access and construction. These matters have been the subject of discussion between specialists both pre- and post-lodgement of the application, and specifically referenced in submissions. I address these in turn below.

6.6 The remainder of the matters assessed in the AEE have been determined to be less than minor in respect of effects on the environment, and such effects can be appropriately mitigated by conditions, where necessary. I continue to endorse this conclusion.

Urban Design

6.7 The AEE acknowledged that the Proposal involves construction of a supermarket activity within the town centre in a layout that does not conform to the District Plan's intended urban design outcomes in terms of the Great South Road frontage.

6.8 One of the core components of the Proposal is the treatment of the Great South Road frontage, in the context of the District Plan and its anticipated outcomes, summarised as follows:

- (a) Rule 29.5.2.1 requires that all buildings on sites affected by the Main Frontage Control Line shall have internal floor space at ground level right up to the front (road) boundary and along the full width of the Site.

- (b) Rule 29.5.3 requires that all buildings on sites which are affected by the Main Frontage Control Line shall have verandahs built to substantially cover the width of the footpath in front of the Site and extending along the full width.
- (c) Rule 29.5.4 requires that all buildings on the ground floor of sites affected by the Main Frontage Control Line shall have at least 60% of their front walls in windows or dedicated display space.
- (d) Rule 29.5.5 does not allow vehicle access over the street frontage of the Site that is affected by the Main Frontage Control Line.

6.9 The Proposal comprises the following design and layout:

- (a) The supermarket building is set back from the street frontage, with car parking legibly laid out in front. The supermarket's front door is clearly visible, with glazing and canopies identifying its location relative to the pedestrian access way through the car park to Great South Road.
- (b) The frontage itself is occupied by a public landscaped plaza, comprising a large verandah for cover by users and passers-by, as it overhangs the Site boundary and adjacent public footpath, as well as seating and public space for curating by others.
- (c) Extensive and cohesive hard and soft landscaping within the landscaped plaza, nominally through the car park, and along Wellington Street.
- (d) A pylon sign which provides verticality and a hard edge to the boundary as well as providing for wayfinding and a branded "address" at the corner of Wellington Street and Great South Road.
- (e) No vehicular access is proposed direct from Great South Road so in that respect the frontage remains continuous and compliant with Rule 29.5.5 of the District Plan.

6.10 As set out in the AEE and in this evidence, the supermarket's operational and functional requirements are at odds with the anticipated urban design treatment of the Great South Road frontage. Acknowledging the outcomes sought in the

District Plan, Woolworths undertook extensive pre-application discussions with the Council, in order to fully canvass alternative design measures to respond to the town centre environment and to explore how the Proposal could contribute to it, whilst balancing those operational and functional requirements to ensure a supermarket could be delivered for Pokeno.

6.11 The proposed frontage design therefore comprises:

- (a) a hard and soft landscaped plaza comprising approximately 650m² in area, including seating, low planting and specimen Titoki trees;
- (b) a canopy structure and associated architectural fins, which can be planted for screening and softening of the frontage, and combined with the proposed pylon sign, achieve both verticality and intermittent shelter from inclement weather; and
- (c) consistency in design between this area and the canopies running through the Site, and landscaping.

6.12 Mr Scott has described the frontage design and explained how it achieves an appropriate urban design outcome, albeit in a manner not otherwise envisaged by the District Plan. With reference to his evidence and in brief, I consider that the proposed frontage design achieves the critical objectives for attractive town centre amenity, in the following ways:

- (a) creating a sense of enclosure to and activation of the street boundary of the Site;
- (b) inviting use and habitation of the space at the frontage by pedestrians, passers-by and visitors to the Site; and
- (c) providing weather shelter for as much of the frontage as possible.

6.13 Therefore, I consider that the potential for the Proposal to result in adverse urban design effects is limited. Further, the proposed setback from the street frontage combined with the landscape response achieves a positive urban design outcome in that the supermarket does not dominate or impose on existing smaller scale commercial development. In addition, the landscaping and boundary treatment along Great South Road and Wellington Street provide a softer edge.

- 6.14 In a broader urban design sense, and in relation to the design of the Pokeno settlement as a whole, the Proposal represents both the provision of a commercial service that is not otherwise offered locally, and the creation (and ongoing maintenance) of a public and community resource, being the landscaped frontage and enhanced public realm along Great South Road. This is reflected in many submissions in support of the Proposal, with local residents looking for this service to be locally fulfilled.
- 6.15 For these reasons, I consider that the Proposal results in less than minor adverse effects on the streetscape in terms of urban design.
- 6.16 Ms Carmine concludes in the Pre-hearing Report that "on balance the effects on urban design and amenity are acceptable",¹⁰ having regard to the peer review undertaken by Ms Lauren White on behalf of the Council.

Transport

- 6.17 The Proposal will result in an increase in traffic to and from the Site and consequently was the subject of a Transport Assessment that accompanied the application (prepared by Mr Georgeson on Woolworths' behalf). Mr Georgeson clearly sets out the potential adverse effects arising from the Proposal in terms of transport matters and summarises these in his statement of evidence.
- 6.18 Overall, the Proposal is not considered to give rise to any adverse effects on the transport network and associated traffic and pedestrian safety that cannot be appropriately mitigated.
- 6.19 Ms Carmine concludes in the Pre-hearing Report that "the effects on the environment in relation to Transportation and Parking matters can be adequately addressed to an acceptable level through recommended conditions of consent".¹¹

Construction

- 6.20 The Proposal requires enabling works, including pre-loading, which may take approximately 3 to 4 months, following which the construction of the supermarket, including its sub-grade, vertical construction, site works and

¹⁰ Pre-hearing Report, section 8.3.

¹¹ Pre-hearing Report, section 8.2.

Wellington Street could take a further 7 to 8 months. The proposed conditions recommend preparation (and certification by Council) of a Construction Management Plan ("**CMP**"). This is a standard approach to managing the unavoidable yet temporary disruption caused by construction works, and in a manner adopting the Best Practicable Option and seeking to mitigate those temporary nuisance effects to the extent possible.

- 6.21 Overall, I continue to consider that the proposed CMP and associated methodologies and mitigation measures will ensure that the construction of the Proposal does not result in unacceptable adverse effects on the safety and amenity of the surrounding properties, nor the road reserve.

Positive Effects

- 6.22 By way of summary, the Proposal will have the following positive effects:
- (a) The community benefit resulting from the provision of a full-service supermarket within the town centre, that is otherwise not an available service in Pokeno.
 - (b) The resultant reduction in travel time for Pokeno residents to fulfil their grocery needs and a more sustainable travel pattern.
 - (c) The activity will be a new employer in the area, both during construction and when operational. Supermarkets of this size typically employ 80 to 100 staff, being a mix of full- time and part-time employees.
 - (d) The proposed supermarket will contribute to the economic development of Pokeno town centre and act as a catalyst for investment, as well as provide an attractive and otherwise lacking public amenity space that further interacts and supports the use and attractiveness of the town centre.
 - (e) The attractive landscaped amenity area and modern building beyond will contribute positively to the amenity values of the surrounding area, including along the Great South Road and Wellington Street frontages.

- (f) The overall nature of the Proposal and its location within an existing Business zone is convenient and therefore efficient with respect to the market that it is proposed to serve.

Effects Conclusion

- 6.23 For the reasons set out in the AEE and summarised above, I consider the Proposal results in no more than minor effects in respect of transport matters, and otherwise less than minor adverse effects in all other respects on the environment, having regard to the measures for mitigation that form part of the application (and are recommended as conditions of consent).
- 6.24 As addressed in the Pre-hearing Report and in section 8 of this evidence, the Council's reporting planner endorses this conclusion and has determined that the Proposal is acceptable in terms of effects.¹²

Relevant planning provisions

- 6.25 A comprehensive assessment of the Proposal against the relevant planning provisions is contained in section 10 of the AEE. In summary:

National Policy Statements

- 6.26 The National Policy Statement on Urban Development Capacity ("**NPS-UDC**") is of most relevance and I continue to consider the Proposal is consistent with the NPS-UDC, catalysing growth in a town centre within a District that has been identified as a "High-Growth Area".

National Environmental Standards

- 6.27 No National Environmental Standards are relevant to the Proposal or Site, including in respect of contaminated soils and human health.

Regional Policy Statement

- 6.28 Ms Carmine has undertaken an assessment of the Proposal against the Regional Policy Statement ("**RPS**") and concludes the Proposal is compatible with relevant provisions of the RPS. I agree with Ms Carmine's assessment of the relevant provisions of the RPS and her conclusions in that regard.

¹² Pre-hearing Report, section 8.7.

Operative District Plan

- 6.29 The headlines of relevance in respect of the statutory analysis of the Proposal against the District Plan are as follows.
- 6.30 The Proposal is considered to be consistent with the relevant objectives and policies in the District Plan, most notably in Chapters 19 (Business zones) and 54 (Pokeno Structure Plan Area).

Chapter 19 Business Zone Objectives and Policies

- 6.31 Objective 19.4.1 seeks "to permit a wide range of activities to occur within the district's established urban, commercial and urban industrial areas provided performance standards are achieved". The associated policies identify that business activities ought to conform to performance standards and failing that, the effects of the activity should be assessed to ensure "a standard of access, parking, loading, building development and amenity" that safeguard the following:¹³
- The main function and character of the road
 - The safe and convenient use of adjacent properties
 - The intended character of the particular area as set out in Parts 37A and 40A
 - The pleasantness of adjacent properties, particularly those zoned not Business
 - Pedestrian safety and convenience, particularly in defined business centres.
- 6.32 I consider the Proposal is consistent with this objective and associated policies for the following reasons:
- (a) The AEE confirms that the effects arising from the Proposal will be no more than minor in respect of transport matters and less than minor in respect of all other matters.
 - (b) The Transport Assessment and evidence confirm that the Proposal will provide appropriately for access, parking, loading and pedestrian amenity.

¹³ Policy 19.4.1.5.

- (c) The Proposal contributes positively to the pleasantness of the streetscape, providing for pedestrian safety and convenience through provision of a publicly accessible and useable frontage with landscaping, seating and weather cover.
 - (d) The landscaped plaza frontage and proposed access arrangement have been determined to achieve an appropriate outcome with respect to the function and character of Great South Road as a collector route in a town centre.
 - (e) The safety and pleasantness of adjacent properties is preserved, including the single property adjacent to the Site that is not zoned Business (at 15 Selby Street) through careful design consideration at the zone interface – incorporating landscaping and acoustic fencing to the service yard and rear of the Site. Adjacent business zoned properties are less sensitive and it is noted that the immediately adjoining property owners have submitted in support of the scheme.
 - (f) The Proposal complies with all relevant performance standards which address noise, odour, vibration, light spill and amenity planting.
 - (g) The Proposal complies with nearly all relevant development standards listed in section 29.5 (with the exception of the identified frontage controls).
- 6.33 Turning to Objective 19.4.2 which focuses on business centres, the Proposal is considered consistent with this provision and its associated policies for the following reasons:
- (a) The proposed supermarket within the town centre will encourage new development and investment and accordingly, support existing commercial activities, including through provision of publicly available on-street parking on Wellington Street.
 - (b) The proposed plaza space will positively contribute to the pedestrian environment in the heart of the town centre and along a key frontage.
- 6.34 Objective 19.4.3 addresses adverse effects on residentially zoned property and other sensitive areas or resources. For the reasons identified in the AEE and in the preceding assessment of effects summary in this evidence, it is

considered that the Proposal is consistent with this objective and associated policies.

- 6.35 Ms Carmine agrees and considers that the Proposal is consistent with the objectives and policies of the Business zone (Chapter 19) even taking into account the non-compliances with the urban design controls.¹⁴

Chapter 54 Pokeno Structure Plan Objectives and Policies

- 6.36 The stated purpose of the Pokeno Structure Plan (2008) ("**Structure Plan**") is to guide growth in Pokeno based on compact urban form principles yet retaining its rural setting. Objectives listed in 54.15.2 have been considered in detail in the AEE and the following conclusions drawn in respect of assessing the Proposal against the Structure Plan:

- (a) The Proposal seeks to develop a central site, zoned Business for a business activity and in a manner that is accompanied by (and does not adversely affect or preclude) co-ordinated infrastructure and servicing, including construction of the Council's paper road.
- (b) In so doing, the Proposal results in the provision of a commercial service not otherwise available in Pokeno, enabling the settlement to be more sustainable and self-sufficient compared to the status quo where residents need to travel further afield for grocery shopping.
- (c) The Proposal does not adversely impact any significant landform or vegetation and maintains the water quality of the nearest watercourse, Helenslee Stream, in the manner prescribed in the AEE and expert reports.
- (d) Identified elements of existing amenity values and character of Pokeno village include zoning, scheduling where relevant and subdivision, land use rules and assessment criteria in the District Plan. As the Site is identified as Business zone, the proposed activity is therefore anticipated. The land use rules and assessment criteria seek to achieve a "main street" style retail frontage along Great South Road, requiring buildings to the boundary, verandahs, glazing and activation, and precluding direct vehicle access. The Proposal

¹⁴ Pre-hearing Report, section 9.6.2.

complies with the preclusion of vehicle access and providing verandah cover along a significant extent of the frontage. While the Proposal does not achieve building associated glazing to the boundary, it adopts a landscape-led design solution which enables an attractive, activated and useable extension to the public realm of the footpath and Great South Road as a pedestrian corridor.

- (e) The design non-compliances are a result of the operational and functional requirements of supermarkets, summarised as follows:
- (i) The servicing and loading area is located to the rear of the building such that it does not form part of the Great South Road streetscape and will be separated from customer and public access.
 - (ii) The loading area is most efficiently located adjacent the back-of-house area within the supermarket building.
 - (iii) Book-ending of the store building by checkouts and loading areas in turn dictates how stock is laid out within the building and those locations where direct sunlight (via glazing) must be controlled so as to avoid spoiled goods (and in order to improve efficiency and sustainability via refrigeration etc). This function results in "blank walls". In this case, only the western elevation to an adjoining Business zone is "blank". The southern elevation presents a varied and attractive face to the front of the Site and the car park, with glazing and store entrance, as well as varied materials and a canopy. The eastern elevation is activated by ground floor office space and the proposed online pick up activity, including canopy. The northern elevation is activated by the loading area. In this regard, whilst the store is located further back on the Site, it is considered that the layout and design of the Site is still consistent with the intended outcomes of the District Plan in presenting attractive and inviting faces to the public realm, albeit separated by parking and / or planting.
 - (iv) From a commercial viability perspective, a supermarket works best when customers can easily and legibly

understand the relationship between the road, the vehicle access, car parking and the supermarket's front door.

- 6.37 For these reasons, I consider that the Proposal is generally consistent with the objectives and policies of the Pokeno Structure Plan and contributes towards achieving its expected environmental outcomes, namely commercial activities within a contained urban form and thus assisting to deliver a functional, vibrant and viable town centre with a high standard of amenity.
- 6.38 Ms Carmine states her agreement with my conclusions in respect of the Proposal and the Pokeno Structure Plan.¹⁵

Objectives and Policies relating to Enabling Works

- 6.39 Other objectives relative to the Proposal in terms of natural hazards, transportation, earthworks and signage have been addressed in section 10.4.3 of the AEE and are not repeated here. I continue to consider that the Proposal is consistent with these provisions.

Assessment Criteria

- 6.40 Given the Proposal is Discretionary overall, Council's discretion of the activity is not limited. Notwithstanding this, the AEE also had regard to the assessment criteria listed at section 29.7B of the District Plan, which in turn reference Chapter 53, and I conclude that the Proposal is generally consistent with the District Plan assessment criteria of relevance.

Proposed District Plan

- 6.41 Given the early stage of the plan review process, no consents are required under the PDP, however regard is to be had to its objectives and policies. With reference to section 10.6 of the AEE, I consider that the Proposal is generally consistent with the objectives and policies of the PDP, including in regard to design, and business zone and town centre zone amenity.

Part 2

- 6.42 The Commissioners must have regard to the relevant matters in sections 104 to 108 of the Act. Despite all section 104 considerations being "subject to Part

¹⁵ Pre-hearing Report section 9.6.2.

2" of the Act, the Court of Appeal has held that reference to Part 2 should not be necessary if it is clear that a plan has been prepared having regard to Part 2 and with a coherent set of policies designed to achieve clear environmental outcomes.¹⁶

- 6.43 In the context of this Discretionary activity application, it is considered that the District Plan has been competently prepared, and those provisions are coherent and comprehensive. Therefore, there is no need to go beyond the relevant provisions of the planning documents and look to Part 2 in making a decision.¹⁷
- 6.44 Notwithstanding, and for completeness, the AEE provided an assessment of the Proposal against Part 2, and concluded that the Proposal will promote the sustainable management of natural and physical resources.

Other Matters

Pokeno Blueprint

- 6.45 As addressed in section 12 of the AEE, Council recently notified the draft "Pokeno Blueprint", which is a strategy document for Pokeno (alongside other town centre blueprints). Given the high-level nature of this strategy, and its early stage of inception, the direction provided by the Blueprint is fairly broad.
- 6.46 It is considered that the Proposal will sit compatibly alongside economic and community initiatives for Pokeno's town centre, and further, could contribute to implementing many of those identified initiatives through encouraging investment and development in the settlement.

Design guidelines, criteria and town centre character statements

- 6.47 The Site is subject to a number of design guidelines, assessment criteria and character statements. These are as follows:
- (a) Pokeno Town Centre, Architectural Form, Materials and Signage Design Guide.¹⁸

¹⁶ *RJ Davidson Family Trust v Marlborough District Council* [2018] NZCA 316.

¹⁷ I address Ms Carmine's alternative view in section 8 of this brief of evidence.

¹⁸ Dated September 2015 and prepared by Richard Knott Limited.

- (b) Appendix 16.3 to the District Plan – Waikato Urban Design Guidelines.¹⁹
- (c) Appendix 16.8 to the District Plan – Waikato District Council Character Statements – Pokeno Town Centre.²⁰
- (d) Appendix 29.2 to the District Plan – Business Zone (Pokeno) Design Assessment Criteria.

6.48 Given the complexity and breadth of the above documents and their application to the Proposal, I consider that all relevant matters relating to the proposed design as addressed in the foregoing design documents have been considered and, specifically, they have informed the design response to Great South Road.

Consultation

6.49 The Proposal was the subject of extensive pre- and post-lodgement consultation with Council. This is detailed in both the AEE and in the Pre-hearing Report.

6.50 Consultation with iwi was undertaken prior to and since lodgement and it is understood that no concerns remain as a result of that consultation. Mana whenua values have therefore been appropriately assessed in my view.

6.51 The Applicant has also met with a number of submitters to try to alleviate their concerns with the Proposal, which has resulted in one submitter withdrawing their submission.

Waikato Tainui Raupatu (Waikato River) Settlement Claims Act 2010 and Waikato-Tainui Environment Plan

6.52 Ms Carmine addresses the Waikato-Tainui Raupatu (Waikato River) Settlement Claims Act 2010 and the associated Waikato-Tainui Environment Plan.²¹ Ms Carmine concludes that the Proposal is consistent with the 2010 Act and Environment Plan due to its inclusion of appropriate sediment and erosion control measures, low impact urban design measures to treat and

¹⁹ Dated 2018 and prepared by Beca Ltd.

²⁰ Dated 2018 and prepared by Beca Ltd.

²¹ Pre-hearing Report, section 9.5 and section 10.2.

manage stormwater, and options for groundwater recharge. I endorse Ms Carmine's assessment.

Overall conclusion

- 6.53 Having regard to the preceding statutory assessment of the Proposal against the matters listed in section 104, I consider that the Proposal is acceptable and accordingly, is worthy of grant of consent.

7. RESPONSE TO RELEVANT SUBMISSIONS

- 7.1 Ms Carmine has prepared a comprehensive summary of submissions received on this publicly notified application.²² I agree with Ms Carmine's commentary and note in summary:

- (a) Of the 17 submissions received, two were in opposition to the Proposal, one registered a neutral position and the remaining 14 were in support.
- (b) The neutral submission has since been withdrawn by the Ministry of Education (submitter 10) as additional information provided to that submitter by the Applicant satisfied their concern surrounding potential adverse effects on the safety of school students and pedestrians in the vicinity of the Site.
- (c) One submission in opposition, by Pokeno Bacon (submitter 16), is acknowledged to be a trade competitor. This submitter identifies adverse effects on the wider environment in terms of parking, traffic safety and construction disruption. These matters are canvassed in more detail below.
- (d) The other submission in opposition, by Z Energy Limited, raised concern that the Proposal resulted in adverse effects on its own operations and the efficiency of the surrounding transport network. Again, these matters are canvassed in more detail below.
- (e) The remainder of the submissions, all in support, cited the positive effects of having a supermarket in the town centre, including

²² Pre-hearing Report, section 4.2.

economic benefits, more sustainable transport patterns and alignment with national policy directives; and complimented the proposed design and the store's contribution to the town centre character.

- 7.2 One submission received from the Pokeno Community Committee (submission 15) is written in support of the Proposal but also raised concerns similar to those presented in the submission by Pokeno Bacon. These matters are canvassed in more detail below. One point of difference between the submissions was the suggestion by the Community Committee that the Proposal ought to be amended to accommodate more of Countdown's dark green branding on the front elevation, as well as seeking a reduction in the size of the proposed pylon sign on the street frontage and an increase in the amenity frontage in land area, extending around the corner along Wellington Street. Mr Scott has addressed these matters in his evidence and I agree with his response. I note too that the Fresh Choice consent approved a 7.5m-high pylon sign on the Great South Road frontage, which is very similar in scale to the proposed 7.7m-high pylon sign.

Noise

- 7.3 The submission in support received from Kim Langrish (submission 7) also noted the potential for "long-term adverse impact" on the submitter's lifestyle, associated with the submitter's concern about noise. However, the submitter requests that the Commissioners approve the application and no conditions are proposed on that relief.
- 7.4 Alongside Mr Darryl Tutchin, project manager for Woolworths, I met with Ms Langrish to discuss the Proposal prior to lodgement (on 17 April 2019). We discussed the intended construction management process (to be approved via conditions) and the intended boundary treatment between her property at 15 Selby Street and the Site – which incorporates a mechanically stabilised earth wall, acoustic fencing comprising close-boarded timber and landscape planting.
- 7.5 I refer to Mr Curt Robinson's acoustic evidence on behalf of Woolworths which reiterates the Proposal's ability to comply with noise standards, both during construction and once operational. Combined with the other design measures, including limited signage and no night-time illumination on that northern

elevation, I consider the potential for adverse effects on Ms Langrish's property are less than minor.

- 7.6 In regards to the issues raised in the two submissions in opposition, I make further comments below.

Parking in the Town Centre

- 7.7 The submission by Pokeno Bacon suggests the existing angle parking that straddles the Site boundary is lawfully established. My understanding is that the car parks were provided as goodwill by a former owner of the Site, and at a time when Pokeno had recently been by-passed by the state highway. I also understand when Woolworths purchased the Site, no legal obligation or burden existed to continue to provide those parks for public use. In any case, consent was granted with the Fresh Choice proposal to remove that parking and replace it with nine parallel parks within the road reserve.
- 7.8 I do not agree that the Proposal results in any adverse effect in respect of public parking since the parks in question are not public, have already been consented for removal and provision of eight parallel parks within the Wellington Street road reserve is proposed by Woolworths.
- 7.9 The submitter is required to provide sufficient car parking for its own activities without an expectation that another business or property owner should undertake that responsibility, or that public or on street parking will necessarily always be available.

Traffic Safety, including interaction with heavy vehicles and truck stop

- 7.10 Submitters 11, 15 and 16 raise concern that the Proposal will result in adverse effects on traffic safety and efficiency of the road network, in terms of existing heavy vehicles utilising Great South Road, and truck manoeuvres to and from the Z Energy truck stop, located diagonally opposite the Site.
- 7.11 As detailed by Mr Georgeson, a revised tracking plan and intersection design has been prepared to address concerns raised by Z Energy in respect of potential conflict on the transport network between trucks entering and exiting the truck stop, and traffic entering and exiting Wellington Street. The modified design is considered to adequately resolve Z Energy's concerns.

- 7.12 Mr Georgeson addresses the traffic safety and efficiency matters in detail in his evidence on behalf of Woolworths. I understand Council's traffic engineering consultant, Ms Naomi McMinn is satisfied that the Proposal does not result in adverse or unmitigated effects on the transport network.²³ I endorse their expert opinions and consider no further amendments to the Proposal to address the submitters' concerns are warranted.

Construction Disruption

- 7.13 Submitters 15 and 16 raise concern that construction will cause adverse effects on town centre activities and disrupt business continuity. It is considered that construction is a necessary and temporary disruption, the effects of which can be appropriately mitigated through adoption of standard construction management – plans for which can be conditioned and certified by the Council.
- 7.14 For the preceding reasons, and those addressed in more detail in the evidence of Woolworths' experts, I do not consider the submissions have raised any matters that alter my view as presented in the preceding section of this evidence and in the AEE.

8. RESPONSE TO PRE-HEARING REPORT

- 8.1 I have reviewed the Pre-hearing Report, prepared by Ms Carmine, and note we are in general accordant regarding both the assessment of environmental effects, overall effects conclusion, and the statutory analysis in respect of overall consistency with relevant objectives and policies.
- 8.2 Further, I endorse the positive effects arising from the Proposal as identified by Ms Carmine.²⁴
- 8.3 Areas of agreement have been highlighted throughout this evidence and will not therefore be repeated here. I do, however, note some inconsistencies or difference of opinion between myself and Ms Carmine as follows.

²³ Gray Matter Transportation Review dated 27 July 2019, at section 10.

²⁴ Pre-hearing Report, section 8.1.

Unimplemented consent

- 8.4 As set out above, Woolworths has an existing resource consent for the construction and operation of a Fresh Choice supermarket.
- 8.5 The Council's reporting planner, Ms Michelle Carmine, considers that the Fresh Choice consent does not form part of the existing environment as the Countdown Proposal will replace that consent and the activities will not occur at the same time.²⁵
- 8.6 I agree that there is no circumstance where the Proposal and the consented development would exist side by side. However, the existing consent has not yet lapsed and there is every likelihood it would be implemented (ie it is not a fanciful assumption) if the current application was not approved. In this regard, I consider that the consented Fresh Choice supermarket forms part of the permitted baseline (which may be taken into account in assessing the effects of the proposal). Ms Carmine has not applied a permitted baseline to her assessment, but in any event, both Ms Carmine and I consider that this is not material to the overall effects conclusion regarding the Proposal.

Effects on public parking

- 8.7 Ms Carmine acknowledges the concerns raised in submissions regarding the perceived loss of public parking arising from the removal of the car parks that currently straddle the Site's boundary, to be replaced by the landscaped frontage and a wider pedestrian footpath and associated amenity. I endorse Ms Carmine's position that the spaces are not public, and further, public parking for the town centre is not a matter to be addressed by the Applicant. Rather, provision for public parking ought to be investigated and made available by the Council in its signalled town centre strategy work.
- 8.8 Ms Carmine suggests that the three angled car parks located in the Wellington Street road reserve are public and that therefore there is a corresponding loss of those spaces during construction, until such time as they are replaced by the eight parallel parks proposed within the Wellington Street road reserve. Ms Carmine concludes that the loss of these spaces "will not have an unacceptable impact on parking within the town centre during the proposed 12 month

²⁵ Pre-hearing Report, section 7.3.

construction".²⁶ However, Ms Carmine then suggests that if concerns remain, the Applicant could be required to provide temporary public parking spaces.²⁷

- 8.9 Given the effects conclusion, alongside the Council's traffic engineering consultant's assessment on the issue, I do not consider this recommendation is necessary or appropriate.

Pedestrian Crossing

- 8.10 The issue of a pedestrian crossing over Great South Road has been the topic of extensive discussion and analysis both pre- and post-lodgement of the Application. As addressed in sections 6.19 and 6.20 of this evidence, the need for a crossing or similar facility to improve pedestrian safety on Great South Road is an extant matter that Council's Roading department has identified it needs to address and intends to do so, and has recently cited the timeframe for this provision may be within three years of the supermarket opening. Specifically, I understand that the Council "would prefer construction of a pedestrian facility to be undertaken as part of the wider town centre strategy and undertaken to ensure an integrated approach to the town centre as a whole".²⁸
- 8.11 I endorse Ms Carmine's conclusion that the Proposal does not result in a trigger for providing the pedestrian crossing and overall the effects in relation to pedestrian safety are acceptable.²⁹ I do not agree that it is reasonable to require the Applicant to undertake a pedestrian monitoring survey. It has been accepted that there is no effect to be mitigated by this proposed condition: the work is required to, and will, be undertaken by Council. Therefore, the proposed surveys will indicate what has already been established – pedestrian numbers will increase and the crossing is already required. The proposed condition is addressed further in section 9 of this brief of evidence.³⁰

Statutory Analysis – Pokeno Structure Plan (Chapter 54 of the Plan)

- 8.12 Ms Carmine provides a comprehensive assessment of the Proposal against the relevant objectives and policies in the Pokeno Structure Plan. For clarity, I note

²⁶ Pre-hearing Report, section 8.2.

²⁷ Ibid.

²⁸ Pre-hearing Report, section 8.2.

²⁹ Ibid.

³⁰ See also the evidence of Mark Georgeson at 8.15 – 8.16.

that my corresponding assessment included reference to the supporting policies and concluded that overall, the Proposal is generally consistent with both the objectives and associated policies of the Structure Plan.³¹ I also endorse Ms Carmine's conclusion that overall, the Proposal is consistent with the Structure Plan.³²

Statutory Analysis – Proposed District Plan

8.13 Ms Carmine concludes that the Proposal is consistent with the PDP objectives but inconsistent with the policies specifically relating to urban design in town centres.³³ I arrived at a similar conclusion in the AEE³⁴ and therefore agree with Ms Carmine's conclusion that the Proposal is generally consistent overall with the PDP.

8.14 I note my consideration in the AEE that no weighting exercise was necessary given I consider the broad strategic outcomes for Pokeno are similar in the PDP as to the operative District Plan. Ms Carmine concludes that a weighting exercise was necessary but nevertheless concluded the operative District Plan has more weight, particularly in relation to the assessment of this Proposal.³⁵ I therefore do not consider this difference to weighting to be material.

Assessment of Part 2

8.15 Ms Carmine concludes that recourse to Part 2 is necessary as in her view, the District Plan is neither competently prepared nor coherent, owing to the timing of the Plan relative to the Regional Policy Statement and *King Salmon*.³⁶

8.16 As set out in section 6.43 of this evidence, I consider that the Plan was competently prepared, notwithstanding the timing issue that Ms Carmine highlights. In any event, I undertook a Part 2 assessment,³⁷ and we both agree that the Proposal is acceptable pursuant to section 104 of the Act and having regard to Part 2.

³¹ AEE, section 10.4.2, concluding comments.

³² Pre-hearing Report, section 9.6.2.

³³ Pre-hearing Report, section 10.1, 10.7.

³⁴ AEE, section 10.6.

³⁵ Pre-hearing Report, section 11.

³⁶ Ibid.

³⁷ AEE, section 6.1.1.

Precedent and District Plan Integrity

- 8.17 I have not addressed either the precedent effect or District Plan integrity as I do not consider it necessary to do so, having regard to the Discretionary activity status of the Proposal and the overall conclusions relative to effects and the relevant objectives and policies of the Plan. Notwithstanding this, I endorse Ms Carmine's conclusion that neither issue arises from the Proposal.

Trading hours

- 8.18 Finally, I make one minor correction to the Pre-hearing Report. Ms Carmine references the proposed trading hours for the supermarket as 6am to 12am (midnight),³⁸ however the Proposal is for trading hours from 7am to 12am (midnight). Ms Carmine correctly records these hours in proposed condition 46. Correspondingly, references to hours of signage illumination on the rear elevation ought to reference 7am to 10pm, and all other elevations will illuminate signage in accordance with trading hours (7am to 12am (midnight)).³⁹

9. CONDITIONS OF CONSENT

- 9.1 The Council has circulated a set of draft conditions to which the Applicant's experts have had input. A copy of annotated conditions is included at **Attachment 1** to this evidence.
- 9.2 Generally, the conditions proposed by the Council are appropriate, subject to the comments below.

Condition 9

- 9.3 Condition 9 seeks that Woolworths show evidence of consultation with the Council's Roading Team Leader "to confirm that the nature and timing of works has considered and is appropriately coordinated with WDC's planned works". It is not clear what "planned works" this condition refers to. Further, I note that Ms Carmine has identified that any future town centre strategy is currently uncertain in respect of timing (or funding) and that Council has not yet established a programme or plan for public works in Pokeno town centre.⁴⁰ To

³⁸ Pre-hearing Report, sections 1.1 and 9.6.2.

³⁹ Ibid.

⁴⁰ Pre-hearing Report, section 8.2.

this end, the condition as drafted is not reasonable as it leaves implementation of the consent beholden to unspecified Council timeframes, without an identified and corresponding effect arising from the Proposal that this condition is trying to address. I recommend deleting condition 9.

Condition 43

9.4 Condition 43 seeks that Woolworths prepare a management plan to address two matters:

- (a) management of deliveries, loading and unloading to ensure no queuing on Wellington Street; and
- (b) consideration of options for minimising delivery vehicles approaching and departing to the south to reduce risk of turning conflicts at Wellington Street / Great South Road and with the existing truck stop.

9.5 Neither the Transport Assessment prepared by Mr Georgeson nor Council's peer review suggest that either of the above scenarios are likely to occur nor that the Proposal results in adverse effects that require mitigation via this condition. For these reasons, I do not consider condition 43 is warranted.

Condition 44

9.6 Condition 44 requires that Woolworths carry out a pedestrian survey for the Site frontage and the accompanying advice note identifies that the purpose of the condition is:

to enable Waikato District Council to determine the appropriate type and location of a pedestrian crossing facility. It is expected that Waikato District Council will facilitate implementation of the pedestrian crossing within three years of the supermarket opening.

9.7 I refer to Mr Georgeson's evidence and the Council's peer review which concluded there was no corresponding increase in pedestrians that "triggers specific mitigation". Moreover, the advice note clarifies that it is Council that is expected to implement any crossing or similar facility. It is therefore not appropriate for condition 44 to be imposed on Woolworths.

9.8 The remaining amendments proposed in **Attachment 1** are accompanied by comments to explain the intent of the change sought.

9.9 I endorse the set of conditions as annotated and included in **Attachment 1**.

10. CONCLUSION

10.1 I consider that the Proposal is appropriate for the following reasons:

- (a) The effects on the environment that arise from the Proposal will be no more than minor in respect of transport matters and less than minor in all other respects.
- (b) The Proposal is generally consistent with all relevant objectives and policies of the relevant plans, even taking into account the alternative design response to the Great South Road frontage.
- (c) The Proposal results in positive effects including catalysing investment and growth in Pokeno, providing for an as-yet met need for local convenience shopping, increasing local employment opportunities both during construction and in operation of the store, and those other positive effects listed at section 6.22 of this evidence.
- (d) The other matters that have been addressed pursuant to section 104(1)(c) do not alter my view as stated above.
- (e) The Proposal is considered to be consistent with Part 2 of the Act in that it contributes to sustaining the potential of natural and physical resources to meet the reasonably foreseeable needs of future generations, whilst not affecting the life supporting capacity of those resources, and in a manner that avoids or mitigates any adverse effects on the environment.

10.2 I therefore conclude that the application should be granted resource consent, subject to conditions as set out in this brief.

Kay Panther Knight
9 August 2019

ATTACHMENT 1 – PROPOSED CONDITIONS OF CONSENT

- 1 The supermarket development shall be undertaken in general accordance with the information and Waikato District Council approved plans submitted by the consent holder in support of landuse application number WDC Ref: LUC0408/19 and officially received by Waikato District Council on 6th May 2019 and all further information received during the processing of this application except as amended by the conditions below.

In the case of inconsistency between the application and the conditions of this consent, the conditions of consent shall prevail.

Copies of the Waikato District Council approved plans referenced below are attached.

The following plans produced by ASC Architects

	Plan / Drawing Title	Dated	Drawing number
(a)	Site Plan	23 April 2019	18828 - 03
(b)	Building Sections	23 April 2019	18828 - 04
(c)	Cross Sections	23 April 2019	18828 - 05
(d)	Supermarket External Elevations	23 April 2019	18828 – 06-08
(e)	Exterior Perspective from the Corner of Great South Road and Wellington Street	23 April 2019	18828 – 09
(f)	Exterior Perspective From Great South Road	23 April 2019	18828 – 10 – 11
(g)	Exterior Perspective From Adjacent Residential Development	23 April 2019	18828 – 12
(h)	Frontage perspective of site at the Road cross	23 April 2019	18828-13

Commented [KPK1]: Suggest deleting perspectives as they are artistic impressions of the above referenced plans?

The following plans produced by LA4 Landscape Architects

	Plan / Drawing Title	Dated	Drawing number
(i)	Landscape Plan 01	9 April 2019	19754-LP01 Rev D

The following plans produced by Civil Plan

	Plan / Drawing Title	Dated	Drawing number
(j)	Proposed Finished Contour Plan	17 th April 2019	2050-01-200 Rev C1
(k)	Proposed Isopach Plan	17 th April 2019	2050-01-220 Rev C1
(l)	Sediment and Erosion Control Plan	17 th April 2019	2050-01-230 Rev C1
(m)	Proposed Earthworks – Site Cross Section Plan	17 th April 2019	2050-01-240 Rev C1
(n)	Proposed Earthworks Cross Sections Sheets 1-4	17 th April 2019	2050-01-241-244 Rev C1
(o)	Proposed Retaining Walls – Overall Layout, Plan and Elevation Sheets 1-2	17 th April 2019	2050-01-270-272 Rev C1
(p)	Proposed Roding – Overall Layout	17 th April 2019	2050-01-300 Rev C1
(q)	Proposed Roding – Wellington Street Detail Sheet	17 th April 2019	2050-01-301 Rev C1
(r)	Proposed Roding Great South Road Detail Sheet	17 th April 2019	2050-01-302 Rev C1
(s)	Proposed Roding – Typical	17 th April 2019	2050-01-330

	Cross section Sheet 1		
(t)	Proposed Drainage Overall Layout	17 th April 2019	2050-01-400
(u)	Stormwater Longitudinal Sections	17 th April 2019	2050-01-430
(v)	Wastewater Longitudinal Section	17 th April 2019	2050-01-450
(w)	Proposed Services Layout – Overall Layout	17 th April 2019	2050-01-500

The following plans produced by Stantec:

	<u>Plan / Drawing Title</u>	<u>Dated</u>	<u>Drawing number</u>
(i)	<u>Countdown Pokeno Vehicle Tracking – Tracking 19m semi-trailer</u>	<u>27 July 2019</u>	<u>310200320-01-100-C006 Rev A</u>
(ii)	<u>Countdown Pokeno Vehicle Tracking – 19m semi-trailer</u>	<u>27 July 2019</u>	<u>310200320-01-100-C005 Rev A</u>

Commented [KPK2]: To update the proposed intersection design and interface with truck stop traffic in response to Z Energy's submission.

Monitoring Costs

- 2 Pursuant to Section 36 of the Resource Management Act 1991 the consent holder shall pay the actual and reasonable costs incurred by the Waikato District Council when monitoring the conditions of this consent.

Prior to construction

- 3 Prior to commencing any ~~engineering design or~~ construction works, the Consent Holder shall appoint appropriately qualified and competent Developer's Representative/s, ~~acceptable to Waikato District Council,~~ to provide all designs, supervision, certification and final signoff, in accordance with the requirements of the Regional Infrastructure Technical Specifications (RITS).

Commented [KPK3]: Suggested amendment to avoid needing to implement this condition prior to detailed / engineering design. This condition is related to organising the pre-start meeting and getting organised for construction so therefore not required prior to design work commencing. Also suggest deleting the suggestion that the developer's representative is required to be approved / confirmed as acceptable by Council.

Monitoring Notification and Pre Start Meeting

- 4 The Consent Holder shall arrange and attend a pre-start meeting with the Waikato District Council Monitoring Department at least 10 working days prior to the commencement of any activities associated with this consent.

The pre-start meeting shall address:

- (a) Construction Management including Traffic Management
- (b) Methods for controlling dust, erosion and sediment runoff
- (c) Construction Noise Management Plan

Advice note

To notify Waikato District Council Monitoring Department, email monitoring@waidc.govt.nz with the consent number, address of property and date for when the works will commence.

Construction Management Plan (CMP)

- 5 The consent holder shall prepare and submit a Construction Management Plan (CMP) to Waikato District Council's Team Leader Monitoring for certification a minimum of 15 working days prior to the commencement of ~~construction and~~ earthworks ~~works~~ associated with this consent.

Commented [KPK4]: Earthworks will be the earliest site works, therefore appropriate that CMP is provided in advance of that as clear trigger.

The CMP shall include the following information ~~and address the objectives below, but not be limited to, the following:~~

- (a) The staging of works planned, and the description of earthworks including a site plan;

- (b) An erosion & sediment control plan in general accordance with the Civil Engineering Infrastructure Report by Civil Plan Consultants dated 29 April 2019 and Sediment and Erosion Control Plan dated 17th April 2019, 2050-01-230 Rev C1-4 including providing measures to ensure that no debris, dust or mud is left on the road and a methodology for cleaning/clearing should any arise.
- (c) Detail management procedures for material, fill placement and treatment, stockpiling and disposal of unsuitable materials;
- (d) A Dust Management Plan that gives effect to the performance measures set out in **conditions 24-28 below**.
- (e) Machinery to be used on site;
- (f) Communications Plan
- (g) Clarification of number of persons to be engaged in site works
- (h) Health and Safety Plan
- (i) Temporary Traffic Management plan in accordance with the Code of Practice for Temporary Traffic Management (COPTTM).
- (j) Providing safe pedestrian access along Great South Road ~~at the frontage without needing to cross Great South Road suitable for all road users including school children.~~
- (k) All construction access shall be from Wellington Street unless impractical for some stages and specifically authorized by [the](#) Waikato District Council.
- (l) **Wellington** Street for at least 60m from Great South Road shall be formed in an all weather surface prior to works within the site (excluding the enabling works of fencing, investigation and establishment)
- (m) Address and provide a construction parking and loading management plan to ensure all parking and loading/unloading is completed within the construction site.

Commented [KPK5]: These works need to be further detailed in preparing the CMP at which point it may be determined that the only safe option for pedestrian movements is by redirecting pedestrians to the other side of Great South Road – particularly when construction within the road reserve (ie footpath, kerb construction) is occurring. Changes proposed reflect the above consideration.

Commented [KPK6]: Achieving compliance with this condition depends on the Council's definition of "all-weather surface" as WWNZ's intention is to lay down basecourse for construction but then only complete Wellington St at the end of construction.

Construction Noise Management Plan (CNMP)

- 6 Prior to commencement of excavation construction activities on the site the consent holder shall prepare and submit a Construction Noise Management Plan (CNMP) ~~to the satisfaction of~~ certification by the Team Leader, Monitoring.

Commented [KPK7]: Changes proposed for clarity and to cross-reference relevant assessments already undertaken.

The objective of the CNMP is to determine and require the adoption of the Best Practicable Option for minimising all construction noise effects and to set out the measures required to ensure compliance with the noise limits of the Waikato District Plan. The ~~plan~~ CNMP shall set out, at a minimum:

- i. a description of noise sources, including machinery, equipment and construction techniques to be used;
- ii. the identification of activities and locations that will require the design of noise mitigation measures;
- iii. the measures that will be undertaken by the Consent Holder to communicate noise management measures to affected stakeholders;
- iv. the Best Practicable Option for ~~the mitigation of the~~ compliance with relevant noise levels, ~~including physical mitigation, restrictions on hours for the noisy work, consultation and monitoring in accordance with the measures outlined in the Acoustic Report prepared by Marshall Day Acoustics, entitled Countdown Pokeno Assessment of Environmental Noise Effects (RP 001 r03 20190205) and dated 30 April 2019;~~
- v. methods for monitoring and reporting on construction noise;
- vi. methods for receiving and responding to complaints about construction noise;
- vii. contact details of the key staff responsible for the implementation of the CNMP and for the handling of complaints;
- viii. construction operator training procedures;
- ix. The activities that can be undertaken outside of the hours specified in condition 21 whilst maintaining compliance with the noise limits of the Waikato District Plan.

The CNMP shall be implemented and maintained throughout the entire construction period and shall be updated when necessary with the ~~approval of~~ certification by the Council.

Engineering Design Plans

- 7 Prior to construction starting, engineering designs/plans for Roothing, Stormwater, Water Supply and Wastewater shall be submitted to, and approved by, the Waikato District Council's Senior Land Development Engineer. Engineering designs for the overall project shall be undertaken in general accordance with the following documents and shall address the specific design matters set out in **conditions 8 to 12** below:

Commented [KPK8]: Consistent with condition 1.

- a) The Waikato District Plan (Franklin Section);
- b) Regional Infrastructure Technical Specifications (RITS),
- c) The Approved Plans (~~attached~~ referenced at condition 1); and
- e) ~~-~~Any proposed departures from the RITS shall be noted in a design Statement accompanying the engineering approval plans, for approval by Waikato District Council's Senior Land Development Engineer.

These designs/plans shall be accompanied by a completed Producer Statement Design (PS1). A copy of the form is attached with this consent.

Roothing

- 8 The Consent Holder shall prepare and submit Engineering Detailed Design Plans for rooothing and accesses/vehicle crossings (including geometric standards, signage, road markings and street lighting). The works shall be designed in general accordance with the approved plans and RITS except where

changed by conditions of consent. The Engineering Design Plans shall be submitted to the Waikato District Council's Senior Land Development Engineer for approval. These designs shall include:

~~(a)~~ Geometric standards for the new public road

~~(b)~~ Road pavements

~~(c)~~ Road markings and signage

~~(d)~~(a) The full detailed design for the Wellington Street upgrade, to be constructed by the applicant/consent holder, including design of the intersection between Wellington Street and Great South Road

~~(e)~~ Eight Parallel Parking spaces along Wellington Street

~~(f)~~(b) Design shall be carried out to tie in with the Waikato District Council plans for kerbing and resurfacing at the frontage of Great South Road.

~~(g)~~(c) Specific consideration of pedestrians and cyclists access, egress and road crossing,

~~(h)~~(d) Wellington Street/Great South Road intersection shall be designed as a right turn bay (minimum length 10m) and laid out and marked to minimise confusion and conflict in relation to truck stop activities opposite in accordance with the plan entitled Countdown Pokeno Vehicle Tracking – Tracking 19m Semi-trailer (ref 310200320-01-100-C006, rev A) and dated 27 July 2019.

~~(i)~~ Vehicle swept paths to confirm servicing and loading area layout is adequate to allow expected vehicles and avoid the need to reverse onto Wellington Street.

~~(j)~~ Vehicle swept paths at Wellington Street intersection, including trucks accessing the truck stop opposite to minimise conflict and confirm extent of no parking restrictions.

~~(k)~~(e) The two proposed vehicle crossings onto Wellington Street.

Commented [KPK9]: These are addressed in (d) below (now (a)), suggested deletions to avoid repetition.

Commented [KPK10]: Addressed in (d) (now (a)) above

Commented [KPK11]: WWNZ have not been provided with any plans. Suggest that certification by Council of these designs along with the intention to construct within the road reserve give Council sufficient discretion that works will occur to their satisfaction.

Commented [KPK12]: This wording is unclear, and otherwise covered by condition's requirement for detailed design plans for roading and access/vehicle crossings.

Commented [KPK13]: Addressed above.

~~(4)(f)~~ A lighting design and certificates for public street lighting in Wellington Street to be constructed up to and including public street lighting for the intersection with Great South Road.

Evidence of Consultation with the Road Controlling Authority

~~9 The detailed design plans shall be accompanied by evidence of consultation with the Waikato District Council Roading Team Leader or nominee to confirm that the nature and timing of the works has considered and is appropriately coordinated with WDC's planned works.~~

Commented [KPK14]: As set out in section 9.3 of my evidence, this condition seeks to tie WWNZ into unspecified, unplanned and potentially unfunded works by the Council which is inappropriate.

Independent Road Safety Audit (RSA)

~~109~~ At the time of submitting the detailed design required by **Condition 8** above, ~~t~~
~~t~~ The consent holder shall provide an Independent Road Safety Audit (RSA) of the detailed design for roading and accesses/vehicle crossings in accordance with NZTA guidelines for Independent Road Safety Audits.
The Audit shall give specific consideration to address:

Commented [KPK15]: The amendments to this condition are proposed for clarify to ensure the condition is enforceable.

- (a) Pedestrian access and safety in the immediate vicinity of the subject site.
- (b) Large vehicles turning at the Wellington Street intersection with Great South Road.
- (c) Interaction of traffic at the truck stop entrance and egress at 41 Great South Road.

The Road Safety Audit shall separate out the decision tracking between designer, client – developer, WDC safety engineer and WDC as road controlling authority client role (final decision).

The design shall be amended until all significant and serious concerns identified in the safety audit have been addressed to the satisfaction of WDC as road controlling authority.

~~The completed RSA shall be submitted with the detailed design and where any safety concerns have not been addressed,~~ engineering drawings shall be accompanied by a statement explaining why ~~any remaining~~those safety concerns have not been addressed.

Wastewater

~~410~~ Engineering Design Plans for a reticulated sewer system, shall be designed in general accordance with the approved plans and in accordance with the RITS, except where changed by conditions of consent.

Engineering Design Plans shall be accompanied by a design phase PS1 certificate, signed by a chartered professional engineer with experience in design and construction of similar works.

The Engineering Design Plans shall be submitted to the Waikato District Council's Senior Land Development Engineer for approval.

Stormwater

~~4211~~ Engineering Design Plans for the public and private reticulated stormwater system shall be designed in collaboration with WDC at the time of Engineering Approval. The plans shall be in general accordance with the concepts of low impact design - implementing measures such as swales, raingardens and stormwater tree pits. The Engineering Design Plans shall be submitted to Waikato District Council's Senior Land Development Engineer for approval.

The Engineering Design Plans shall be in accordance with the RITS and shall include:

- (a) The primary system shall be designed to cater for all runoff from each proposed catchment, for a 50% AEP, 10 minute storm event

(with a 16.8% allowance for climate change). It is also to be demonstrated that the receiving reticulated network can accept the discharge without surcharge.

- (b) All flows in excess of the 50% AEP storm event and up to and including the 1%AEP storm event (with a 16.8% allowance for climate change) are to be contained within defined overland flowpaths.
- (c) The location of stormwater lines and manholes shall be generally within 1.5m of any boundary or as agreed to by Waikato District Council's Land Development Engineer.
- (d) All road catch pits shall be of the back entry type, typically as shown in the Hamilton City Development Manual Drawings TS348, 349,351, or as otherwise approved by Waikato District Council's Land Development Engineer.
- (e) Grate bars shall be perpendicular to the kerb face, to allow for cyclists. Galvanised, heavy duty "Web Grates" will be considered as an alternative to cast iron grates.
- (f) Either; All catch pits shall be fitted with a "floatables baffle", typically as shown in the Hamilton City Development Manual Drawing T351 or an alternative design approved by Waikato District Council's Land Development Engineer, to prevent floatable debris from entering the stormwater wetland.
- (g) Catch pits shall not be located in property entrances or vehicle crossings. Vertical curve channel sag points shall be adjusted to suit, so that this condition is met.
- (h) As offered by the ~~applicant~~ consent holder, methods to reuse stormwater from the canopy shall be shown to have been adequately investigated and the options of possible landscape irrigation explored.
- (i) Shall be a design that minimises cost of future maintenance of the public network.

- (j) Shall ensure that the swale proposed down Wellington Street does not impede practical formation of an access to 44 Great South Road from Wellington Street.

Advisory Note: Waikato District Council's Easement Policy requires an easement in gross be registered against the title in favour of Waikato District Council across the proposed Public Stormwater Network. The easement is required to fully cover the extent of the 1% AEP storm (with a 16.8% allowance for climate change) overland flow path that runs parallel to the rear property boundary (the North Eastern boundary) to ensure that Waikato District Council can gain access to the public stormwater assets vesting in Council.

Commented [KPK16]: Amendments proposed to mirror / potentially replace advice note at end of conditions list, as seems appropriate to reference all in once place relative to the stormwater condition requirements.

Water

12 Engineering Design Plans for a reticulated water supply system that is part of the works shall be designed in general accordance with the plans provided with the application except where changed by conditions of consent. The Engineering Design Plans shall be submitted to the Waikato District Council's Waikato District Council's Senior Land Development Engineer for approval.

The Engineering Design Plans shall be in accordance with RITS and shall include:

- (a) The Consent Holder shall design a reticulated water supply system which provides for a water connection, and is capable of providing complying firefighting water supply in accordance with SNZ PAS 4509:2008.
- (b) Installation of water meters outside the property boundary in accordance with Waikato District Council drawing WDC-11 and to the satisfaction of Waikato District Council's Senior Land Development Engineer.
- (c) The reticulation within Wellington Street shall be vested in Waikato District Council prior to any private use of the system.

Landscaping - Road Reserve and Stormwater

Commented [KPK17]: The amendments to this Condition are for clarity.

4.13 Prior to commencing works within the road reserve, the consent holder shall submit a detailed Landscaping Plan to Council for certification of the landscaping within the proposed Wellington Street road reserve and the unformed road reserve (drybasin), in accordance with the following requirements:

- (a) The landscaping plan for Wellington Street shall be developed in general accordance with the following Plans: "Landscape Plan 01" being Drawing 19754-LP01 Rev D~~Drawing LP01 Rev D~~, prepared by LA4 Landscape Architects~~by ASC Architects~~, Site Plan project 18828 03 dated 23 April 2019 by ASC Architects and the "Proposed Roding Overall Layout Plan" by Civil Plan Consultants Drawing 2050-01-300 Rev C1.
- (b) The plan shall be designed to reduce potential adverse effects on the roading and underground service network in respect to:
 - (i) maintenance issues created by roots under the carriageways, vehicle entrances and footpaths;
 - (ii) obscured visibility for road users in respect to sightlines for intersections and vehicle entrances;
 - (iii) interference with underground services;
- (c) the plan shall provide, and continue a legible landscaping theme along the local road;
- (d) Is in accordance with the Regional Infrastructure Technical Specifications or as deemed acceptable by the Waikato District Council Senior Land Development Engineer or nominee;
- (e) Includes a maintenance schedule and regime which ensures that all public landscaped areas are maintained by the consent holder for a period of two years from the issue of the certificate of practical completion.

Landscaping – Onsite

~~45~~¹⁴ Prior to commencement of works, the consent holder shall submit a detailed Landscaping Plan, Planting methodology, plant schedule, and maintenance schedule to Council Monitoring Officer for [Approval certification](#), this shall be in accordance with the approved Proposed Landscaping Plan 01 LP01 Rev D dated 9th April 2019.

Commented [KPK18]: Appropriate to require certification if the plan has to be prepared with plans that are already approved by the Council.

Lighting – Onsite

~~46~~¹⁵ Prior to commencement of works, the consent holder shall submit for certification by the Waikato District Council Monitoring Team Leader, a lighting design plan for the outdoor areas within the site in particular but limited to the canopies, signage, outdoor seating amenity area and security lighting within the service and parking areas. The lighting design plan shall demonstrate how the public interface of the amenity seating area will meet CPTED principles and how the lighting across the site will comply with the light spill/glare requirements [in condition 59](#) of this consent.

Acoustic Design of the Mechanical Plant

~~47~~¹⁶ Prior to application for building consent for the supermarket, the consent holder shall submit for [approval certification](#) by the Council Monitoring Team Leader, a report from a suitably qualified acoustic expert demonstrating that the mechanical services design for the supermarket facility (all external mechanical plant and ventilation equipment) will comply with the permitted noise levels of Rule 29.6.1B of the Franklin Section of the District Plan. The mechanical plant shall be generally located in the position indicated by the orange circle within Appendix B of the Acoustic Assessment undertaken by Marshall Day Acoustics and provided with the application, dated 30 April 2019.

Commented [KPK19]: As above, certification is appropriate as the report is demonstrating compliance with the District Plan.

During Earthworks and Construction

Implementation of the Management Plans

~~18~~¹⁷ All earthworks and construction activities carried out on site shall be conducted and managed in accordance with the certified Construction Management Plan and certified Construction Noise Management Plan throughout the duration of construction works.

~~19~~¹⁸ Prior to operation of the supermarket, all construction shall be carried out in accordance with the approved Engineering Design Plans.

~~20~~¹⁹ Prior to operation of the supermarket, all onsite lighting shall be installed in accordance with the approved lighting plan and in accordance with the ongoing conditions ~~5~~⁵⁹ for glare and lighting below.

Complaints

~~20~~²¹ Any complaints received by the consent holder as a result of the construction activities authorised by this resource consent shall be recorded by the consent holder in the form of a complaints register. The information recorded shall include:

- (a) The date, time and nature of the complaint;
- (b) Name, phone number and address of the complainant unless the complainant wishes to remain anonymous;
- (c) Action taken by the Consent Holder to remedy the problem;
- (d) Any equipment failure and remedial action taken;
- (e) The weather conditions at the time, including wind direction, wind strength and temperature;~~7~~ and~~7~~

(f) Date and Name of the person making the entry.

This complaints register shall be made available to the Waikato District Council Monitoring Department within 24 hours of a request from a Waikato District Council Monitoring Officer.

Hours of Operation – Construction and Earthworks

~~22~~²¹ All construction works (including earthworks) on the site must only be undertaken between 7:30am – 6.00pm Monday to Saturday. This does not prevent quiet works that ~~cannot be heard off the site~~ comply with the relevant standards from being undertaken outside these hours ~~such as internal painting, electrical work and fitout~~, as specified in the certified Construction Noise Management Plan (CNMP).

Commented [KPK20]: Provided compliance achieved, there is no need to restrict activity that is possible beyond those hours.

Accidental Discovery Protocols

~~23~~²² In the event of any archaeological artefacts being discovered the works shall, in the vicinity of the discovery, cease immediately and the Waikato District Council, Heritage New Zealand ~~Historic Place Trust~~ Pouhere Taonga and representatives of local iwi (where artefacts are of maori origin) shall be notified within 24 hours. Works may recommence on the written approval of the Waikato District Council after considering:

Commented [KPK21]: Suggested amendments to reflect that iwi are notified where artefacts are of Maori origin and it would be in those cases that protocols would be agreed; and to reference relevant authority.

- a) Tangata Whenua interests and values;
- b) Protocols agreed upon by Tangata Whenua and the consent holder, where required;
- c) The consent holders interests;

- d) Any ~~Historical Places Trust~~ approvals from Heritage New Zealand Pouhere Taonga authorisations; and
- e) Any archaeological or scientific evidence.

Dust Control

~~2423~~ All earthwork activities carried out on site shall be conducted and managed in such a manner as to ensure that all dust and particulate emissions are kept to a reasonable practical minimum ~~to the extent that there are no dust discharges beyond the boundary of the site that cause an objectionable effect.~~

Advice Note:

~~For the purposes of this condition, the Waikato District Council Monitoring Department will consider an effect that is objectionable or offensive to have occurred if any appropriately experienced officer of the Waikato District Council determines so after having regard to:~~

- ~~• The frequency, intensity, duration, location and effect of dust emission(s);~~
- ~~— and/or,~~
- ~~• Receipt of complaints from neighbours or the public; and/or,~~
- ~~• Where relevant written advice from an experienced officer of the Waikato Regional Council or the Waikato District Health Board has been received.~~

~~2524~~ The consent holder shall ensure that an adequate supply of water for dust control (sufficient to apply a minimum of 5 mm/day to all exposed areas of the site during the winter period, and a minimum of 10 mm/day to all exposed areas of the site during the summer period), and an effective means for applying that quantity of water, is available at all times during construction, and until such time as the site is fully stabilised.

Commented [KPK22]: Section 17 of the RMA continues to apply and compliance with this condition will be carried out via compliance with the two subsequent conditions, which are accepted by WWNZ.

Commented [KPK23]: Consequential deletion of reference given amendments to condition 23.

2625 The consent holder shall ensure that, at all times, the soil moisture of exposed areas is maintained at sufficient levels, under prevailing wind conditions, to prevent dust generated by normal earthmoving operations from remaining airborne beyond the boundary of the work site.

2726 The consent holder shall ensure that, outside of normal working hours, staff are available on-call at all times to operate the water application system for dust suppression.

2827 If so required by the Waikato District Council, the consent holder carry out immediate sealing of any problematic dust generating surfaces within the site using hydro-seed/hydro-mulch (or similar paper maché based product), polymer soil stabilisers or a similar dust control product to provide instant remediation of dust effects to the satisfaction of the Waikato District Council.

Debris on the Road

2928 The consent holder shall take all practical measures to ensure that any debris tracking/ spillage onto any public roads as a result of the exercise of this consent shall be removed as soon as practical, and within a maximum of 24 hours after the occurrence, or as otherwise directed by the Waikato District Council's Roding Area Engineer, to the satisfaction of the Waikato District Council's Team Leader-Monitoring.

The consent holder, upon becoming aware of the need to clean up the roadway, shall advise Waikato District Council's Roding Area Engineer of the need for the road to be cleaned up, and what actions are being taken to do so.

The cost of the clean-up of the roadway and associated drainage facilities, together with all temporary traffic control, shall be the responsibility of the consent holder.

Surface of the Road

~~30~~ Any works undertaken within the Great South Road road reserve area shall be managed to ensure that the surface of the Great South Road (including any temporary road diversions) is maintained in a suitable, trafficable condition to minimise any adverse effects upon local road users and to the satisfaction of the Waikato District Council's Senior Development Engineer

Commented [KPK24]: The proposal involves works within Great South Road that will limit the ability for affected areas to be managed to maintain a trafficable condition, i.e. parts of the road reserve will be constructed as footpath. This condition is not appropriate in this instance therefore.

Earthworks and Cleanfill Activities

~~31~~²⁹ Any fill areas shall be undertaken in accordance with NZS4431:1989 (Code of Practice for Earthfill for Residential Development) unless otherwise approved by the Waikato District Council's Senior Land Development Engineer. Any fill areas shall be certified by a Geo-professional as meeting the approved standard prior to any further development in those areas.

~~32~~³⁰ Any underfill drainage systems shall be designed by, and their installation supervised by, a suitably qualified and experienced Chartered Professional Engineer (CPEng) and their position recorded by a Registered Surveyor.

~~33~~³¹ The site shall be stabilised against erosion as soon as practicable and in a progressive manner as earthworks are finished over various areas of the site. Appropriate methods of site stabilisation may include re-spreading of topsoil and grassing, hay mulching or placement of aggregate surfaces (roads/building platforms). The consent holder shall monitor and maintain the site until stabilisation is achieved to such an extent that it prevents erosion and prevents sediment from entering any watercourse.

Geotechnical Completion Report

~~34~~³² After completion of the earthworks, and prior to undertaking any building works, the consent holder shall provide a "Statement of Professional Opinion as

to Suitability of Completed Earthworks" completed and signed by a Geo-professional (who carries appropriate professional indemnity insurance for the works being supervised/certified) to certify that the site is suitable for:

- (a) Erection of commercial buildings, and;
- (b) Provide details of any specific foundation design considerations/limitations necessary for the construction of commercial buildings.

The format for the "Statement of Professional Opinion as to Suitability of Completed Earthworks" shall be as per Volume 4, Part 2 checklist 2.2 of the Hamilton City Council Development Manual.

The Statement is to be accompanied by the following:

- (a) A schedule with dates/results etc of all supervision and testing undertaken to certify the areas of cut/fill, and
- (b) An as-built plan of the earthworks, clearly showing the areas/depths of cut and fill, and defining areas of fill which have been engineered, and those areas of fill which have not been engineered.

The above is to be submitted to, and gain the approval of, the Waikato District Council's Team Leader-Monitoring prior to undertaking any building works on site.

Landscaping

3533 Within ~~three months of completion~~ the next planting season following completion of construction of the MSE wall ~~and prior to the obtaining the "Certificate of Completion for Development Works"~~, the Landscaping of the MSE Wall shall be carried out in accordance with the Planting and Maintenance Specification Report by LA4 Landscape Architects Ltd, dated April 2019.

Commented [KPK25]: The proposed amendments are more practicable, acknowledging that landscaping or planting of the MSE will largely occur during construction since the bio-matting and other material need to be inserted during its formation. This amended condition gives a little flexibility to the construction / planting programme.

3634 In the next planting season following completion of site works, ~~Prior to operation of the supermarket~~ all additional landscaping required ~~included in Drawing~~

Commented [KPK26]: Same flexibility as condition above and ensures landscaping implemented in appropriate season for efficacy.

[19754-LP01 Rev D, prepared by LA4 Landscape Architects](#) shall be implemented in accordance with the approved methodologies schedules and Landscaping Plans.

Acoustic Fence

~~37~~³⁵ Prior to the operation of the supermarket, acoustic screening shall be installed in the location shown as a green line on the proposed site plan within Appendix B of the Marshal Day Acoustic report dated 30 April 2019 and as shown on the approved cross section plans 18828-05. The acoustic screens shall be 2m high and constructed of close-boarded timber with a minimum surface mass of 10 kg/m², such as 20-25mm thick timber palings or 17mm plywood.

Boundary Fence

~~38~~³⁶ Prior to [the](#) operation of the supermarket, the consent holder shall install a 2m high boundary fence with pedestrian gate along the site boundary adjoining 15 Selby Road, in the location shown on the approved site plan [referenced in condition 1](#).

Post Construction

As Built Information

~~39~~³⁷ As Built information for all works covered in the approved Engineering Design Plans shall be provided to Council for acceptance. As Built information shall be in accordance with Section 1.7.3 of the requirements of the RITS and shall also include all details of street lighting installed, in a format suitable for entering into Council's RAMM database.

~~40~~³⁸ The Consent Holder shall:

- (a) Appoint a suitably qualified and competent person, to the satisfaction of Waikato District Council's Roading Compliance Officer who shall be responsible for gathering all information necessary for RAMM data collection for the construction of Wellington Street.
- (b) This representative shall gather and submit RAMM data, which shall conform to Waikato District Council's ROAD ASSET DATA STANDARD SPECIFICATION, to the Waikato District Council's Roading Compliance Officer for assessment and technical certification. All RAMM data shall be provided on the prescribed forms.

Construction Certification

4139 Prior to operation of the supermarket a "*Producer Statement – Construction*" shall be provided for each separate works (water, wastewater, stormwater connections and reticulation and roading infrastructure) undertaken by each individual Contractor.

(An acceptable format for "Producer Statement – Construction" can be found in the Hamilton Infrastructure Technical Specifications. A copy of the form is attached with this consent.)

4240 Prior to operation of the supermarket a "*Certificate of Completion of Development Works*" prepared and signed by a Chartered Professional Engineer, shall be provided to confirm that all works in terms of the design plans submitted and approved—certified by Council have been carried out in accordance with the approved plans, appropriate standards and all relevant reports.

Commented [KPK27]: For consistency with the above conditions.

Delivery Management Plan

~~43 Prior to Operation of the Supermarket, the consent holder shall prepare and submit to Waikato District Council, Team Leader Monitoring for certification, a delivery management plan that addressed the following:~~

- ~~(a) Management of deliveries, loading and unloading to ensure no queuing on Wellington Street,~~
- ~~(b) Consideration of options for minimising heavy vehicle deliveries approaching from the south to reduce risks of turning conflicts at Wellington Street/Great South Road and with the existing truck stop.~~

Pedestrian Monitoring and Survey

~~44 No earlier than two months and no later than four months following operation of the supermarket to the public, the consent holder shall arrange a pedestrian survey for the site frontage and provide the results of the survey in writing to Waikato District Council Land Development Engineer. The survey shall include seven continuous days' within supermarket operating hours monitoring and reporting on the number and locations of pedestrians crossing Great South Road at the site frontage and at the Wellington Street Intersection.~~

~~*Advice Note: The purpose of the survey is to enable Waikato District Council to determine the appropriate type and location of a pedestrian crossing facility. It is expected that Waikato District Council will facilitate implementation of the pedestrian crossing within three years of the supermarket opening.*~~

Commented [KPK28]: As stated in sections 9.4-9.5 of my evidence, the transport assessment (and peer review by Council) do not suggest that the proposal might result in either adverse effects in terms of deliveries / servicing or that that the circumstances described in a) or b) might occur. To this end, there is no corresponding effect that this condition is intended to mitigate. Further, it is noted that for acoustic reasons only deliveries are already restricted to between the hours of 7am and 10pm. WWNZ rejects this condition.

Commented [KPK29]: As set out in section 9.6 of my evidence and as above, the Transport Assessment and the Council's peer review accept/demonstrate that the supermarket proposal is not the catalyst for a pedestrian crossing and will not generate numbers of pedestrians in a fashion that warrants WWNZ as consent holder to undertake this work. This is solely a Council responsibility. It is further inappropriate since the advice note acknowledges that Council will act on any findings of that survey, rather than the consent holder. WWNZ reject this condition.

During Operation of the Supermarket

Onsite Parking

45 Prior to operation of the supermarket and throughout the duration of the activity. The consent holder shall provide 146 carparking spaces and associated on-site manoeuvring areas shall be maintained on-site in a weed-free, dust-free and permanently surfaced and permanently marked out condition.

Hours of Operation

- 46 The hours of ~~operation trading~~ of the supermarket ~~retail activities~~ shall be limited to between the hours of 7 am and 12 midnight, seven days a week.
- 47 Delivery of goods, loading dock use, heavy vehicle movements and waste collection shall be limited to between 7am and 10pm, seven days a week. Loading and unloading shall be restricted to within the loading service area shown on the approved plans.

Commented [KPK30]: Amendments to clarify the intent of this condition and that there is no objection to staff being on-site beyond these hours for stocking, training, etc.

Deliveries

- ~~48 For the duration of the activity, deliveries, loading and unloading to the supermarket shall be managed in accordance with the certified Delivery Management Plan.~~

Commented [KPK31]: As objected to above. Delete or retain condition but only in reference to compliance with condition above re delivery of goods.

Acoustic Mitigation

- ~~49~~48 For the duration of the activity, forklifts and lift stackers used within the site must be LPG or electric powered.
- ~~50~~49 For the duration of the activity, tonal reverse alarms are prohibited on all vehicles that are permanently located on the site, including the hoists, stackers and other moving equipment. Broadband reverse alarms may be used of reverse alarms are required.
- ~~51~~50 The acoustic fence ~~required to be installed in accordance with condition 35~~ shall be maintained for the duration of the activity and any damages~~se~~ repaired in accordance with the design specifications listed in the conditions above.

Commented [KPK32]: Cross reference for clarity.

Urban Design

~~52~~51 The amenity seating area shall remain available for use by the general public and shall be maintained by the consent holder, unless it is vested through separate agreement to the Waikato District Council as public space.

Landscaping / Planting to be maintained

~~53~~52 Landscaping and planting located within the site as approved and undertaken in accordance with the MSE Landscaping Report and the approved Landscaping Plan shall be implemented and maintained on an ongoing basis.

Signage

~~54~~53 For the duration of the activity all signage approved under this resource consent shall have static illumination (if illumination of the particular signage is proposed), and the illumination must not be flashing or blinking or otherwise moving.

Illuminated signage includes:

- (a) The "Countdown sign on the North Eastern Elevation.
- (b) The ~~Countdown and Opening Hours~~ signs on the South Eastern and South Western Elevations.
- (c) The Countdown and Opening Hours signs on the North West Elevation.
- (d) The free standing sign.

Commented [KPK33]: WWNZ seek to have the Pick up signs illuminated also.

~~55~~54 There shall be a maximum of one free-standing sign associated with the supermarket located on the subject site, this shall be in the design and location shown on the Waikato District Council approved site plan and south east elevation. The free-standing signs shall have a maximum height of 7.7 metres and width of 2.4 metres with a maximum number of sign faces of two. The sign shall be installed prior to operation of the Supermarket.

Commented [KPK34]: Suggest an advice note that excludes small-scale directional signage and other supermarket signs such as trundler park identification etc from compliance with this condition.

~~56~~55 The hours of illumination of the supermarket signage facing the residential zoned property along the North Eastern Elevation shall be limited to between the hours of 6am and 10pm, seven days a week.

~~57~~56 The hours of illumination of other illuminated signage shall be limited to between the hours of 6am -12 midnight, seven days a week.

~~58~~57 During the operation of the supermarket, the consent holder shall ensure that all signs associated with the activity are maintained to a high standard and ensure that signage does not fall into a state of disrepair.

Glare and Lighting

~~59~~58 All outdoor lighting shall be positioned, mounted and directed in such a way that light coming directly or indirectly from it:

- (a) Is not a serious distraction or danger to motorists, and
- (b) Is not a serious distraction or annoyance to occupants of other sites at any time, which shall be deemed to be the case where once an effect is brought to the Council's attention the condition continues for more than 30 minutes in any 24 hour period and the affected person/s have no ready means of relief from it.
- (c) All artificial lighting shall be installed and operated such that the luminous intensity of any light source is less than 1000 candelas in the direction of any affected property or road.

Advisory Notes

1 Lapse Date

This Resource Consent for land use lapses five years after the commencement of the consent, unless:

- (a) the Consent is given effect to prior to that date.
- (b) an application is made to the consent authority to extend the period after which the consent lapses, and the consent authority decides to grant an extension after taking into account
 - (i) whether substantial progress or effort has been, and continues to be, made towards giving effect to the consent; and
 - (ii) whether the applicant has obtained approval from persons who may be adversely affected by the granting of an extension; and
 - (iii) the effect of the extension on the policies and objectives of any plan or proposed plan.

2 Other consents/permits may be required

To avoid doubt; except as otherwise allowed by this resource consent, all land uses must comply with all remaining standards and terms of the relevant Waikato District Plan. The proposal must also comply with the Building Act 2004, Hamilton City Infrastructure Technical Specifications and Waikato Regional Plans. All necessary consents and permits shall be obtained prior to development.

Easement In Gross

- 3 ~~Waikato District Council Easement Policy requires that an easement in gross is registered in favour of the Waikato District Council across the proposed Public Stormwater Network along the rear boundary of the property to ensure that Waikato District Council can gain access to the public stormwater assets vesting in Council.~~

Commented [KPK35]: Suggest can be deleted based on amendments made to advice note under proposed stormwater condition in body of conditions list.

43 Corridor Access request

Prior to any works within road reserve, the consent holder shall attain an approved Corridor Access Request (CAR), including traffic management plan. The application is to be completed by a qualified Site Management Traffic Supervisor (STMS), and provided to the Waikato District Council's Traffic Management Co-ordinator for approval not less than 15 working days prior to any works within the road corridor being undertaken. No works may be undertaken until approval for the CAR is obtained in writing.

54 Archaeological sites may be affected by the proposal

It is possible that archaeological sites may be affected by the proposed work. Evidence of archaeological sites may include burnt and fire cracked stones, charcoal, rubbish heaps including shell, bone and/or glass and crockery, ditches, banks, pits, old building foundations, artefacts of Maori and European origin or human burials.

The applicant is advised to immediately stop work and contact Heritage New Zealand Pouhere Taonga if the presence of an archaeological site is suspected. Work affecting archaeological sites is subject to a consenting process under the Heritage New Zealand Pouhere Taonga Act 2014. If any activity associated with this proposal, such as earthworks, fencing or landscaping, may modify or destroy any archaeological site(s), an authority (consent) from Heritage New Zealand Pouhere Taonga must be obtained for the work to proceed lawfully. The Heritage New Zealand Pouhere Taonga Act 2014 contains penalties for unauthorised site damage.

In addition to contacting Heritage New Zealand Pouhere Taonga, it is requested that you also contact Council's Monitoring Department at monitoring@waidc.govt.nz with the consent number, address of property and date of when works ceased.

65 Enforcement Action

Failure to comply with the conditions of consent may result in Council taking legal action under the provisions of Part XII of the Resource Management Act (1991).