

Assessment of Environmental Effects



Proposed Supermarket

58 Great South Road, Pokeno

Prepared for

Woolworths New Zealand Limited

May 2019

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1 Key Information

Address	58 Great South Road, Pokeno
Legal Description	Lot 1 DP 14599 comprised in Computer Freehold Register NA385/122 Allotments 366 and 367 Parish of Mangatawhiri (stopped road parcels) Wellington St (paper road)
Site Area	1.13ha (approx. total excluding Wellington St)
Owner	General Distributors Ltd
Occupier	Vacant
Applicant	Woolworths New Zealand Ltd
Operative District Plan	Waikato District Plan (Franklin Section)
Zoning	Business
Controls	Business Centre Classification, Town Centre Overlay Area, Structure Plan Boundary, Amenity Planting Requirement, Main Frontage Control Line, High Background Noise Area, Waikato River Catchment
Road Classification	Wellington Street is a paper road; Great South Road is a collector road
Proposed Activity	Construction and operation of a supermarket along with ancillary car parking, loading, servicing, access and landscaping; as well as an amenity plaza area along the site frontage; site works to accommodate construction of the store and the formation of Wellington Street – such works include retaining, cut and fill earthworks and realignment of overland flow paths.

Consent Triggers

Waikato District Plan

The construction of a building in the Pokeno Structure Plan area that does not comply with standard 29.5 is a Discretionary activity pursuant to rule 29.4.2(i).

The location of the building within the rear of the site does not comply with standard 29.5.2.1, which requires all buildings on sites subject to the 'main frontage control line' control to be located adjacent to the front (road) boundary of the site, is a Discretionary activity.

The absence of a verandah substantially covering the full length of the footpath in front of the site that is subject to the 'main frontage control line' control does not comply with standard 29.5.3, is a Discretionary activity.

The building on a site subject to the 'main frontage control line' control that does not include at least 60% windows or dedicated display space on the street fronting façade does not comply with standard 29.5.4, is a Discretionary activity.

The installation of a sign that exceeds 2m in height does not comply with standard 15.4.3.4(d), is a Discretionary activity pursuant to standard 15.4.2.2.

Earthworks greater than 1,000m² in area and 100m³ in volume is a Restricted Discretionary activity pursuant to Rule 15.5.2(ii) and Standard 15.5.2.3(i), as the proposal involves earthworks across the site comprising 1.13ha in area and more than 16,200m³ in volume.

Other consents/permits that may be required under legislation

A building consent will be required pursuant to the Building Act 2004.

A regional consent will be required from the Waikato Regional Council for matters relating to earthworks, cleafill deposition, flooding and stormwater discharge.

2 Introduction

This report is submitted as part of the application by Woolworths New Zealand Ltd (“the Applicant” or “Woolworths”) for land use consent from Waikato District Council (“the Council”) associated with the development and use of the land at 58 Great South Road, Pokeno (“the site”) to construct and operate a supermarket, alongside associated car parking, servicing, loading, access and landscaping, including an amenity area / plaza space along the frontage. Site works are also proposed and detailed within this document.

Completed application forms are provided as Appendix 1. Resource consents are required pursuant to the Waikato Regional Council’s Regional Plan and are sought concurrently with this application.

The purpose of this report is to provide sufficient information to enable a full understanding of the proposal and any effects that the proposal may have on the environment. The report also outlines the consultation undertaken for the application.

Finally, as outlined in section 8 of this report, the Applicant requests public notification of this application. Notwithstanding, the Assessment of Effects within this report, relying on the accompanying expert reports, concludes that the potential adverse effects arising from the proposed development are no more than minor.

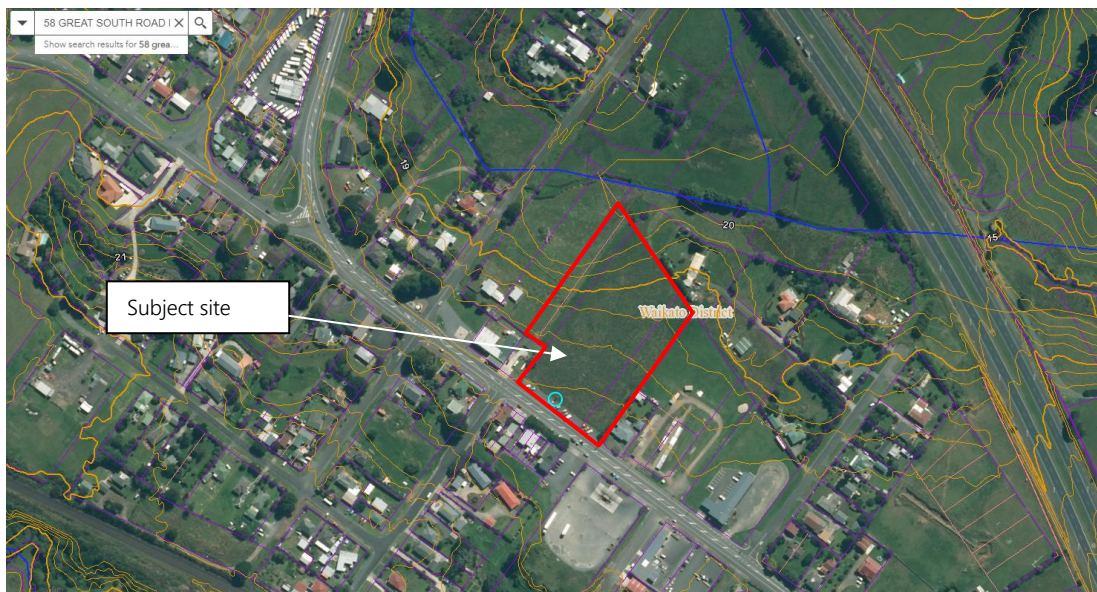
3 Existing Environment

3.1 The Site

3.1.1 Description of Site

The site comprising Lot 1 DP 14599 and Allotments 366 and 367 Parish of Mangatawhiri and the paper road known as Wellington St is located on the north-eastern side of Great South Road, in the developing commercial centre of Pokeno. The site is made up of one large parcel, two smaller stopped road parcels (to the north-west) and the paper road of Wellington Street (to the south-west), altogether comprising a total area of 1.13ha (excluding Wellington Street). A copy of the Certificates of Title for the site is attached in Appendix 2.

Figure 1 – Location of Site (Outlined in Red)



The site is and has historically been vacant, with no built structures or significant natural features.

A row of angled car parking spaces is located partially over the frontage of the site, straddling the site boundary and the Great South Road reserve. The site has no existing formed vehicle accesses, albeit a farm gate is located in the south-eastern corner allowing vehicle access from Great South Road over the formed kerb.

Figure 2 – Aerial Photograph of Site (Outlined in Red)



The topography of the site gently slopes downwards from the south to north over approximately half of the site, then gradually steepens in the northernmost corner. There is a topographical difference of 8m from south to north over the full site.

3.2 Surrounding Area

The site is situated centrally within the Pokeno town centre, as illustrated in Figure 1, albeit the centre is still developing with a large number of sites on the northern side of Great South Road, the subject site included, still vacant. The surrounding environment is therefore currently characterised by a mix of rural, commercial and small-scale light industrial activities. Immediately adjoining the north-western boundary is the service station known as McIntosh Motors.

The land to the north-west and south-east of the site is similarly zoned Business and over time will experience urbanisation and intensification (akin to the subject application) and an increase in business activities supporting the Centre zoning in Pokeno. The land to the north-east of the site is zoned Residential, and is occupied by one single storey dwelling, gaining access further east from Selby Street.

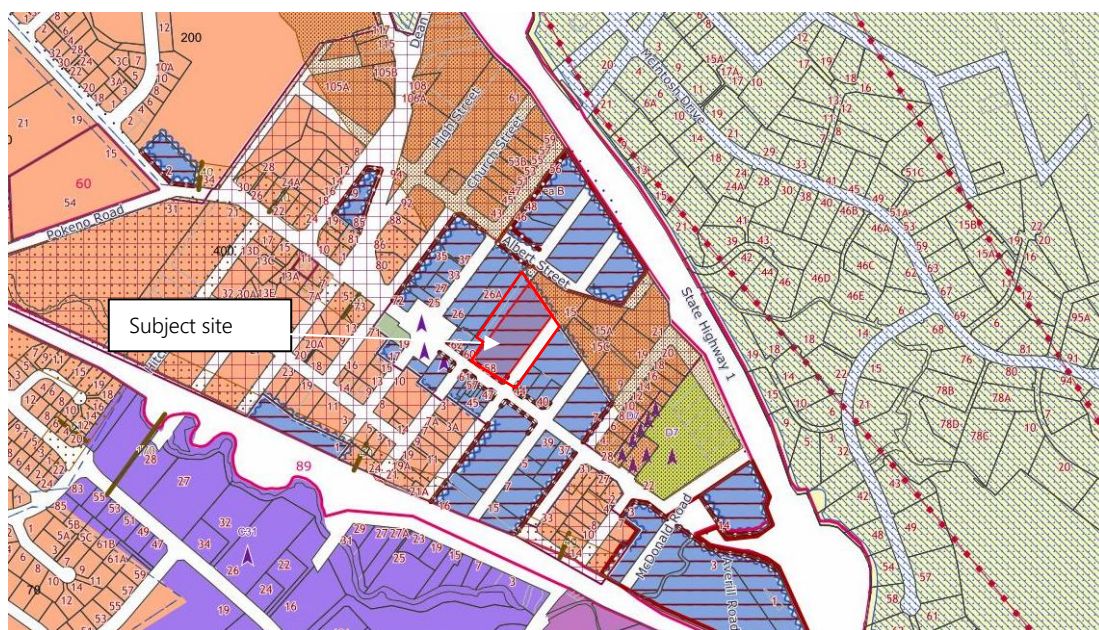
Immediately opposite the site, on Great South Road are located small-scale commercial enterprises accommodated within one-two storey buildings, generally retail activities.

Great South Road itself in the vicinity of the subject site retains its collector route status, funnelling heavy traffic through the settlement and providing access to the State Highway, located north of the subject site.

3.3 Waikato District Plan - Notations

The site is zoned Business under the District Plan. An extract from the zoning map is provided in Figure 3.

Figure 3 – ODP Planning Map (Outlined in Red)



The site is located within a number of additional overlays, addressed in the following table.

Overlay	Commentary
Business Centre classification	The site is defined as being located within Pokeno Business Centre (and also subject to the Pokeno Structure Plan). This classification has significance in respect of considering relevant objectives and policies for development on the site.
Pokeno Structure Plan area	The Pokeno Structure Plan area incorporates a range of additional objectives, policies and design guidelines for development within this area.

Overlay	Commentary
Amenity Planting requirement	This control relates to the northern / rear boundary where the Business zone interfaces with the Residential zone and requires that development on the subject site provide a landscaped area comprising 1.5 times the length of the affected boundary and sufficient to appropriately screen commercial activity from non-business zoned site.
Main Frontage control line	This control relates to the southern / street boundary fronting Great South Road and requires that development be built up to the frontage, with glazing, activation and canopies/verandahs across the full frontage of the site.
High background noise area	This overlay relates to a small parcel of land in the northern corner, and affects sites beyond the subject site, identifying that area as being subject to higher than normal background noise such that it affects noise standards and how they are applied.
Waikato River catchment	Relevant for flooding and stormwater management – refer Civil Engineering Infrastructure Report (Appendix 7).

The site's northern corner is identified as being within or susceptible to the floodplain that surrounds the Helenslee Stream, located to the north of the subject site. Further, the site is identified as having potentially compressible soils. Otherwise, no other hazards or notations of relevance exist or require assessment in conjunction with the subject application.

3.4 Existing Consent

Resource consent (LUC0139/15) was granted in 2017 for the following activities on the site (albeit without the stopped road parcels that form part of the subject site for this application):

- a Fresh Choice supermarket comprising 1,100m² in gross floor area
- associated ancillary retail activities (comprising a total gross floor area of 265m²) in two buildings located on the Great South Road frontage
- Provision for illuminated signage and two free-standing signs on the road frontages;

- Earthworks comprising 3,119m³ in volume;
- Impervious surface (including building coverage) comprising approximately 6,500m² in area (and associated runoff discharge to Helenslee Stream, via a detention pond in the northern corner of the site).

The consent remains unimplemented but forms part of the existing environment in that it has not yet lapsed and could reasonably be implemented by the consent holder / Applicant. Consideration is given to this consent in the following assessment of effects.

4 Proposed Development

4.1 Overview

The Applicant proposes to construct and operate a Countdown supermarket on the subject site, comprising the following key elements:

- 3,000m² supermarket building, including 200m² of at-grade office and 100m² for plant;
- Approximately 7.6m in height and located on the rear half of the site;
- Signage on the building and a 7.7m-high pylon sign on the site frontage;
- 146 parking spaces on-site, including 5 parent parks and 4 accessible parks. Additionally, 8 parallel parks are proposed on Wellington Street and a number of queueing spaces for customers collecting online orders;
- All vehicular access from Wellington Street via two crossings, the first for customer vehicles only and then second for both customer vehicles and service vehicles;
- Provision of on-site and boundary landscaped planting, including construction and ongoing maintenance of a public amenity area along the Great South Road frontage, comprising approximately 650m² in area and incorporating covered seating areas and a street verandah. Landscaped planting along the southern / rear boundary also forms a large component of the landscape strategy for the site;
- Construction and vesting of Wellington Street to provide for two lanes of traffic (one in either direction) to and from the intersection of Wellington Street with Great South Road and the proposed service yard to the rear of the site;
- Retaining walls to the northern and eastern boundaries, and acoustic fencing surrounding the service yard to the rear of the site;
- Earthworks and other preparatory site works to construct and service the development, as further detailed below.

The architectural plans attached as Appendix 3 illustrate the proposal, together with the proposed landscaping plans attached as Appendix 4.

The proposal is set out in further detail within the following analysis.

4.2 Site layout and design

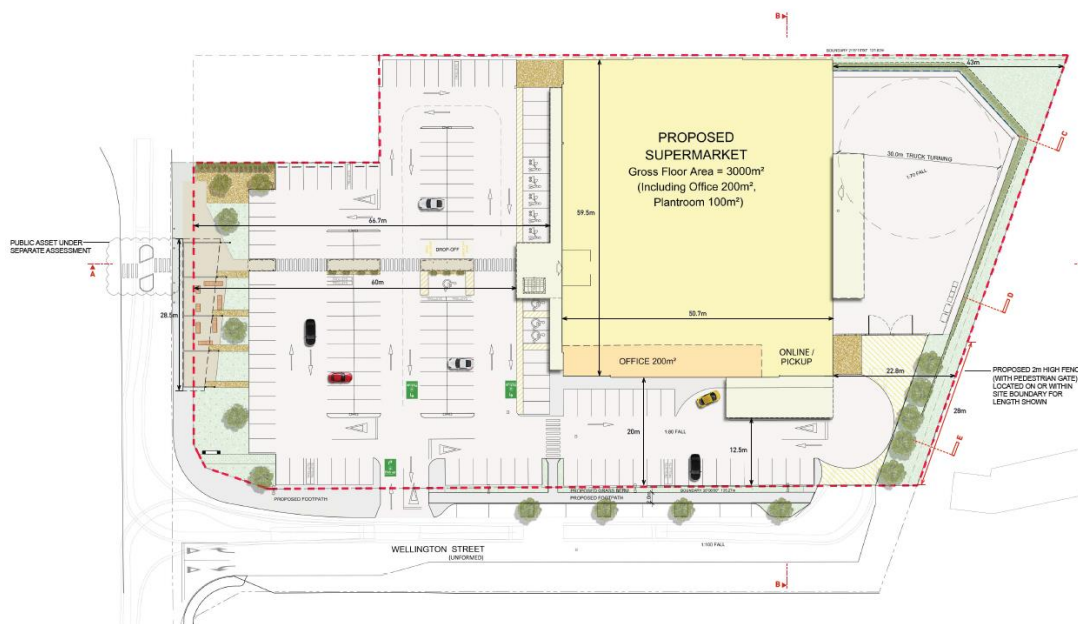
The site layout is predicated on the important operational and functional requirement for supermarkets whereby the store entrance, the car park and the vehicular access all need to be

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 in on-site safety and operational efficiency.

To this end, the car park is located in the southern portion of the site, with direct vehicular access from Wellington Street and with clear visibility to the store's entrance on the building's southern façade from Great South Road.

The building is located in the northern portion of the site, setback from the eastern (Wellington Street) and northern (rear) boundaries, but immediately adjoining the western boundary to 26 and 26A Market Street (a site also zoned Business).

Figure 4 – Proposed site plan



Along the frontage with Great South Road is proposed a public amenity area, comprising landscaping, plaza space and seating, with canopy cover over more than half the frontage. This space will appear as an extension to the pedestrian environment of the road reserve, and will encourage pedestrian movements along this portion of the Pokeno centre's busy road frontage. This is in part aided by the Council's proposal for a pedestrian crossing to connect the commercial activities on both sides of Great South Road.

Landscaping around the perimeter of the site is proposed and detailed in section 4.4 below and generally comprises a mix of low planting grasses and some specimen trees – along both Great South Road and Wellington Street boundaries.

The design of the proposed canopy along the site frontage will be reflected in the design of the canopies running through the site, providing direct and sheltered pedestrian access from Great South Road through the car park to the store entrance. The landscaping design will be similarly consistent across the site, integrating the landscaped plaza space along the frontage with the site-wide design and appearance, including adjacent the building.

The proposed supermarket building comprises 3,000m² in gross floor area, all at-grade and including approximately 200m² of office and ancillary space and 100m² for plant. The elevations are proposed to be constructed from pre-cast concrete panels and the building will comprise 7.6m in maximum height (including parapets).

Recognisable corporate branding is proposed on the elevations, albeit in a dark recessive green that is compatible with the Council's palette of colours set down in the Architectural Design Guide for Pokeno¹. Signage will assist in branding and wayfinding, including for customers accessing the online pick up area in the rear of the store. This operation facilitates ease of pick up for online orders, with customers confirming their proximity to the store via app or similar communication, and staff meeting them at the designated pick up point to load their grocery order directly into their cars.

Finally, Wellington Street is proposed to be constructed for a width of approx. 20m along the full length of the subject site's eastern boundary, comprising a carriageway for traffic in each direction, on-street parallel parking and street tree planting on the supermarket side and a grass berm with swale on the opposite side, allowing for future access by Business zoned sites on the eastern side of the road. Details of the road design and its intersection with Great South Road are provided in the accompanying Civil Engineering Infrastructure Report (Appendix 7).

4.3 Parking, servicing and access

Two vehicle crossings are proposed on Wellington Street to facilitate access to the subject site, one dedicated to customer vehicles only and the other a shared crossing for customers and service vehicles. No vehicular access is proposed from Great South Road.

A total of 146 parking spaces are proposed within the supermarket site, for use by its customers, including 5 parent parks and 4 accessible parks. Provision for trolley bays is also made. The

¹ Pokeno Town Centre, Architectural Form, Materials and Signage Design Guide, September 2015 – this non-statutory guide proposes a series of colours for elevations, fascia, shopfronts etc, including Kaitoke Green and Ivy Green (Resene references), greys and neutral colours.

gradient of the car park is relatively level at 1 in 20 with some internal channelling for stormwater diversion.

Service vehicles access the loading dock to the rear of the store via the northernmost crossing. The service yard includes a 30m wide radius sufficient for turning the largest delivery vehicles that will be required to access the site (articulated B-train vehicles). Therefore, there is no requirement for reverse manoeuvring onto Wellington Street.

Wellington Street itself allows for manoeuvres at the end of the road for vehicles not wishing to enter the supermarket site. These manoeuvres and all transport related matters are further detailed in the accompanying Traffic Assessment (Appendix 6).

4.4 Landscaping and fencing

The site is currently vacant, with pasture grass the predominant natural feature. No vegetation removal other than topsoil scraping is therefore proposed.

The proposed supermarket incorporates amenity planting, with the four key components as follows:

- Public amenity area to Great South Road;
- Street tree planting and associated planting in the road reserve along Wellington Street;
- Amenity planting to the northern (rear) boundary adjacent the residential zone; and
- Vertical planting of the mechanically stabilised ("MSE") retaining wall along the perimeter of the loading area, to the northern boundary.

Each of these areas is addressed in turn below (and illustrated on the accompanying landscape plan in Appendix 4).

The public amenity area along Great South Road serves to extend the road reserve and contribute to pedestrian amenity in this location of the centre's main street, through canopy cover and shelter in inclement weather, as well as through inviting pedestrians and visitors to the area to inhabit the space, as further articulated in the accompanying Urban Design Assessment (Appendix 5). The landscaping comprises 6 specimen trees in the frontage, as well as vertical planting in the form of vines or creepers growing up the architectural fins of the canopy. Low planting in the form of grasses and a boundary hedge adjacent McIntosh Motors are also proposed.

Figure 5 – Proposed landscaped frontage



Wellington Street is proposed to be planted with four specimen trees, being native Titoki trees. Grass berms are proposed on either side of the road, to varying widths. A swale will be accommodated within the eastern side of Wellington Street to treat and convey stormwater from the road carriageway.

The northern or rear boundary sits adjacent the Business – Residential zone interface and therefore requires careful consideration in respect of residential amenity in this locale. The landscape plan incorporates a further five specimen trees, also Titoki, adjacent the vehicle crossing. Additional landscaped planting is proposed in this area along the northern boundary. The landscape plan must also incorporate an overland flow (runoff from Wellington Street) which runs east to west along the rear boundary, draining to a pond beyond the site and ultimately to Helenslee Stream. Little substantial planting can occur therefore along the boundary proper.

Finally, given the topography in this portion of the site, the northern extent of the service area will be retained by a MSE wall comprising approximately 5m in height (as a worst case). The wall will be underlain with media that allows for planting to grow through the wall and ultimately present a green face to the boundary with the residential property.

Figure 6 – Proposed northern elevation, including MSE wall



4.5 Earthworks and Sediment Control

The proposal involves undertaking 16,200m³ earthworks across the full area of the site (1.13ha plus Wellington Street) to establish the necessary building platform and a level site for car parking and access. In particular the southern (rear) part of the site is required to be retained, necessitating retaining walls as a result of the sloping topography of the land, as illustrated on the plans appended to the Civil Engineering Infrastructure Report prepared by CivilPlan Consultants (Appendix 7).

Silt and sediment control measures will be installed at the site prior to the commencement of earthworks on the in accordance with Environment Waikato Technical Report 2009/002 and the measures set out in the Civil Engineering Infrastructure Report, and the applicant will accept appropriately worded conditions of consent in this regard.

4.6 Stormwater Treatment and Disposal

The Civil Engineering Infrastructure Report and separate Stormwater Report (Appendix 8) set out the proposal to collect and dispose of stormwater from within the site, and from within Wellington Street. In summary, the following is proposed:

- A new public network and outfall has been designed to discharge stormwater runoff from Wellington Street and the subject site to Helenslee Stream, via a dry detention basin located in Council property adjacent the stream.
- Water quality treatment and extended detention have been designed in accordance with TR2018/01 and 02.
- In terms of a private network, the stormwater runoff within the supermarket site will be conveyed via private pipes to the same outfall as the public network, being treated by

proprietary devices such as Stormwater 360 StormFilters or JellyFish prior to detention. Detention will occur via an underground tank, allowing slow release off-site over a 24-hour period.

- Finally, overland flow from Wellington Street and most of the supermarket site will flow towards the north eastern boundary and ultimately drain to Helenslee Stream. A v drain is proposed along the end of Wellington Street, flowing into the supermarket site and along the north-eastern boundary to prevent overland flow from entering the adjacent residential property.
- In terms of low-impact design measures, the road runoff will be conveyed and treated by a swale on the eastern side of Wellington Street. There is potential for the street trees within Wellington Street to include tree pits for further stormwater management within the road corridor. The runoff from the canopy along the frontage of the supermarket side can be collected and re-used within the landscaped area, as a soakage or re-charge trench. This is a matter that can be further developed in detailed design. Roof water from the supermarket building can be collected in recharge pits underneath the car park surface and allowed to percolate back into the ground.

4.7 Other Infrastructure Works and Connections

The Civil and Engineering Infrastructure Report (Appendix 7) explains that the site will connect into an existing gravity wastewater pipe running parallel to the site's frontage to Great South Road, which has been established to have sufficient capacity for the site and Pokeno's anticipated growth. An extension to this public network will be required and is illustrated on the attached drawings.

The site will receive water supply from existing water mains (bulk and fire) that run along Great South Road. Likewise, an extension to this public network is proposed and will cross both Great South Road and Wellington Street to provide a suitable connection point at the front of the site.

The site will be serviced with electricity and telecommunications from existing underground services in Great South Road.

5 Matters Requiring Consent

5.1 Operative Waikato District Plan

The Applicant seeks resource consent under the Waikato Operative District Plan for the activities and development shown on the plans in Appendix 3 and described in this AEE.

I have provided a detailed assessment of compliance with the relevant rules of the District Plan in Appendix 11. It is my assessment that the proposed development requires consent for the following matters:

- The construction of a building in the Pokeno Structure Plan area that does not comply with standard 29.5 is a Discretionary activity pursuant to rule 29.4.2(i).
- The location of the building within the rear of the site does not comply with standard 29.5.2.1, which requires all buildings on sites subject to the 'main frontage control line' control to be located adjacent to the front (road) boundary of the site, is a Discretionary activity.
- The absence of a verandah substantially covering the full length of the footpath in front of the site that is subject to the 'main frontage control line' control does not comply with standard 29.5.3, is a Discretionary activity.
- The building on a site subject to the 'main frontage control line' control that does not include at least 60% windows or dedicated display space on the street fronting façade does not comply with standard 29.5.4, is a Discretionary activity.
- The installation of a sign that exceeds 2m in height does not comply with standard 15.4.3.4(d), is a Discretionary activity pursuant to standard 15.4.2.2.
- Earthworks greater than 1,000m² in area and 100m³ in volume is a Restricted Discretionary activity pursuant to Rule 15.5.2(ii) and Standard 15.5.2.3(i), as the proposal involves earthworks across the site comprising 1.13ha in area and more than 16,200m³ in volume.

Overall, resource consent is considered to be required as a Discretionary activity under the District Plan.

5.2 Proposed Waikato District Plan

Council notified the Proposed District Plan ("PDP") in July 2018. Submissions closed in October and are still being summarised by the Council. Further submissions have not yet been called for.

With respect to any matters relevant to this application it is noted that none of the plan provisions have immediate legal effect. Further, while some consideration has been given to the relevant objectives and policies in relation to this application, these provisions have little weight given the early stage of the plan review. This is discussed further in Section 10.6 of this report.

5.3 Scope of Application

This application is for all matters requiring resource consent under the District Plan rather than for the specific list of consent matters / non-compliances identified by the author.

As such, if the Council is of the view that resource consent is required for alternative or additional matters to those identified in this AEE, it has the discretion to grant consent to those matters as well as or in lieu of those identified in this AEE.

I also note that, if the Council is of the view that the activity status of any of the matters requiring consent is different to that described in this AEE, or that some or all of the matters requiring consent should be bundled or unbundled in a way that results in a different outcome to that expressed in this AEE, the Council has the ability under Section 104(5) of the Resource Management Act 1991 ("RMA") to process the application regardless of the type of activity that the application was expressed to be for.

6 Statutory Considerations

6.1 Resource Management Act

Council's decision on the proposal must give effect to the purpose and principles of the RMA, as set out in Part 2 of the Act, and have regard to the relevant matters in sections 104 to 108 of the RMA.

6.1.1 Purpose and Principles of the RMA

The purpose of the RMA, set out in Section 5, is to promote the sustainable management of natural and physical resources. This is defined as:

"managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety while—

- (a) Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations;*
- and*
- (b) Safeguarding the life-supporting capacity of air, water, soil, and ecosystems;*
- and*
- (c) Avoiding, remedying, or mitigating any adverse effects of activities on the environment."*

The broader principles of the Act are set out in sections 6 to 8 of the RMA. Of relevance to this application, Section 7 requires Council to have regard to the following:

- (b) The efficient use and development of natural and physical resources:*
- (c) The maintenance and enhancement of amenity values:*
- (f) Maintenance and enhancement of the quality of the environment:*

Section 8 requires Council to take into account the principles of the Treaty of Waitangi.

It is my assessment that the proposed development will promote the sustainable management of natural and physical resources by:

- Enabling the Applicant to develop the site in a manner that will contribute to the social, and economic wellbeing of those who will be serviced by the proposed supermarket in the wider Pokeno community, which is otherwise without such a service currently. In this way, necessary trips for supermarket shopping will be shortened and achieve greater sustainability for the resident community.
- Enabling the Applicant to develop the site in a way that will assist in providing for the reasonably foreseeable needs of future generations.
- Providing for the more efficient use and development of the valuable natural and physical resource represented by the Applicant's Business zoned land.
- Enhancing the amenity of the area and the quality of the developing urban environment by proposing a high quality public amenity space along Great South Road, alongside a modern, attractive and full-service store, in a location that minimises its bulk and visual impact on the streetscape and surrounding environment.
- Appropriately managing potential adverse effects.

The potential adverse effects of the proposed works are discussed in section 7 of this report.

6.1.2 Section 104 – Matters for Assessment

Section 104(1) of the RMA requires the Council to have regard to:

- (a) any actual and potential effects on the environment of allowing the activity;*
and
- (ab) any measure proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity; and*
- (b) any relevant provisions of –*
 - (i) a national environmental standard;*
 - (ii) other regulations;*
 - (iii) a national policy statement;*
 - (iv) a New Zealand coastal policy statement;*
 - (v) a regional policy statement or proposed regional policy statement;*
 - (vi) a plan or proposed plan; and*

(c) any other matter the consent authority considers relevant and reasonably necessary to determine the application.

Section 104(2) of the RMA states that, in considering the potential effects of allowing an activity, a consent authority may disregard an adverse effect if a national environmental standard or the plan permits an activity with that effect.

Section 104(3) states that a consent authority must not have regard to trade competition or the effects of trade competition, or any effect on a person who has given written approval to the application.

An assessment of the effects of the proposal on the environment is provided in section 7 of this report. Assessments against the relevant statutory documents are provided in section 10 below.

7 Effects on the Environment

In respect of a Discretionary activity, the Council is unconstrained in its assessment of the actual and potential effects that may arise from the proposal.

The permitted baseline may be taken into account and the council has the discretion to disregard those effects. In this case the permitted baseline has limited application as any new building in the Business zone requires Restricted Discretionary activity consent pursuant to Rule 29.3 of the District Plan. However, the following activities form part of the permitted baseline and have therefore been disregarded:

- use of the site for commercial activity, including a supermarket, provided it complies with the standards (Rule 29.1), insofar as operational effects including noise and traffic generation, are considered;
- the construction of the supermarket and associated temporary effects;
- earthworks up to 1000m² in area and 100m³ in volume; and
- two vehicle crossings per 60m frontage.

As such, the effects that are relevant to the assessment of the proposal include:

- Design, appearance and effects on streetscape;
- Residential amenity;
- Traffic, parking and access effects;
- Infrastructure and servicing, including stormwater disposal;
- Natural hazards;
- Construction effects; and
- Positive effects.

Further to the permitted baseline, consideration in an assessment of effects must be given to the existing environment, which in this case includes a recent and unimplemented consent (LUC0139/15) for a smaller supermarket and ancillary retail on the subject site. The effects arising from this scheme were deemed acceptable and consented as part of that assessment, including:

- Traffic generation arising from the supermarket (1,100m² in gross floor area) and retail activities (265m² combined total gross floor area);
- Noise generated by the supermarket, retail, parking and servicing activities on the subject site, acknowledging the hours of operation as consented were 7am to 10pm, 7 days a week;
- Provision for illuminated signage and two free-standing signs on the road frontages;

- Earthworks comprising 3,119m³ in volume;
- Impervious surface (including building coverage) comprising approximately 6,500m² in area (and associated stormwater runoff discharge to Helenslee Stream, via a detention pond in the northern corner of site).

7.1 Design, Appearance and Effects on Streetscape

The proposal involves construction of a supermarket activity within the town centre that does not conform to the District Plan's intended urban design outcomes in terms of the Great South Road frontage. The assessment has therefore been the subject of extensive urban design analysis and canvassed in detail with the Council's consultant urban designer, Lauren White, to establish the primary design objectives for development on the site and within the town centre, and to ensure that the proposal, albeit delivering a different outcome, was still consistent with those primary design objectives.

Through the course of the design development, and in consultation with Council, the key objectives were established as follows:

- Creating a sense of enclosure to and activation of the street boundary of the site;
- Inviting use and habitation of the space at the frontage by pedestrians, passers-by and visitors to the site; and
- Providing weather shelter for as much of the frontage as possible.

It is acknowledged that the supermarket's operational and functional requirements are such that the supermarket building itself cannot be built to the street boundary, and nor can the frontage of that building provide a fully glazed and activated edge. These operational and functional requirements are addressed in detail in section 4 of this report and not repeated here.

Responding to those requirements and their impact on site layout and design, it was acknowledged by the Applicant's designers that an alternative "frontage" arrangement to Great South Road needed to be explored. The proposed scheme achieves physical enclosure and weather shelter through the form of a stylised canopy along and over the street boundary. The scheme also extends and enhances the pedestrian amenity of the public realm through the provision of an attractively landscaped plaza space, providing seating, gardens, bollards and lighting. The plaza is of a generous size, allowing for curation by temporary activities including coffee carts, food trucks and other small enterprises, as well as provision of space for artworks and other community installations.

The accompanying Urban Design Assessment (Appendix 5) describes the proposal and its evolution in more detail, including consideration of the site's context and Pokeno's history, alongside the intended future development within the town centre. The Urban Design Assessment concludes:

"on balance, the proposal for a strong green edge to the street, strengthened by the vertical landmarks of the canopy supports and the sign, and contributing a new covered paved space that will become a community focus, is a good solution for this site."

The Urban Design Assessment has been prepared in consideration of the District Plan controls, the design-related assessment criteria in Appendix 29.2 to the District Plan and the Pokeno Town Centre Architectural Form, Materials and Signage Design Guide. It acknowledges:

- Criteria 1 to 4 and 7 covering continuous building frontages to streets, street verandahs and generally perimeter block development are not met by the proposal however the design element criteria regarding building form, public interface and external appearance have been well considered and satisfied in the proposal, through the provision of visual interest and articulation of built form; clearly defining the principal pedestrian entrance; and provision of the street canopy and sign to signal the corner and define the street.
- The other criteria relating to site planning have been generally met by orienting the store frontage towards the street and screening loading and servicing to the rear, as well as providing appropriate low impact stormwater design and management.
- Criteria relating to open space, parking areas and landscaping are largely satisfied by the proposal, with the design providing a legible and easily understood layout; good visibility to and from the street; and prioritising pedestrian safety. The proposed landscaping is considered to be of high quality and accessible along the frontage in particular.

Turning then to the potential for the proposed building to result in adverse effects on urban design, it is considered the proposed setback from the street frontage combined with the proposed landscaped response achieves a positive urban design outcome in that the supermarket building does not impose nor dominate the frontage in comparison to existing smaller-scale commercial development. Further, the landscaping and boundary treatment along Great South Road, Wellington Street and to the rear provide a softer edge, with appropriate separate from the boundaries such that the building does not appear bulky from surrounding sites.

Signage is intended to be illuminated only to those facades that face commercial activities in Business zones, and the proposed signage on the rear elevation to the north will not be illuminated after dark. All illumination on the site will comply with the relevant standards in terms of lux levels to avoid nuisance such as glare or light spill and a condition of consent will be acceptable to the Applicant in this regard.

For these reasons, and those more comprehensively canvassed in the accompanying Urban Design Assessment (Appendix 5), the proposal is not considered to result in adverse effects in respect of urban design, and further, is considered to positively contribute to the amenity of the town centre through the provision of both a commercial service for which there is a recognised local need, and of a public and community resource, being the landscaped frontage and enhanced public realm along Great South Road in the vicinity of the subject site.

7.2 Residential amenity

The proposed development is located on a Business-zoned site immediately adjacent a residential zoned property to the rear, at 15 Selby Street. This property comprises a single, one-storey dwelling on a rural-residential lifestyle block, with extensive landscaped planting to its northern and southern boundaries in the vicinity of the dwelling, as illustrated in the figure below.

Therefore, there is potential for the proposed supermarket to result in adverse effects on residential amenity in respect of noise, light spill, and other nuisance effects.

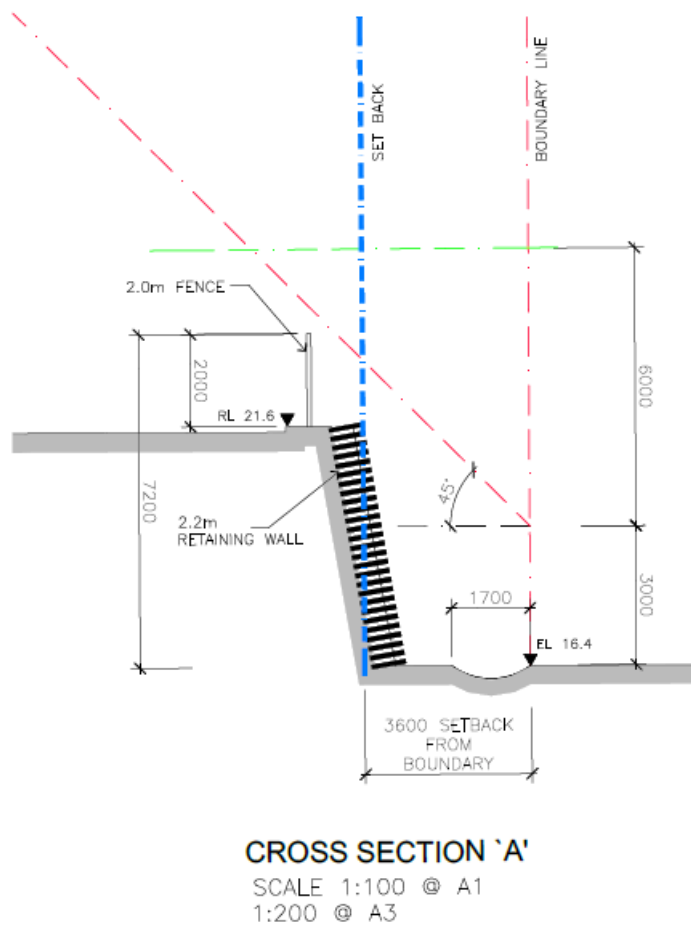
Figure 7 – Residential property to rear of site (shown in red)



That these effects are often matters to address at the interface of commercial and residential zones. The District Plan also acknowledges this common potential conflict between activities with the requirement for additional amenity planting and appropriate daylight controls for separation of building bulk and intensive activities from their residential neighbours. In this regard, the proposed development layout complies with these interface controls in all respects, and as clarified below.

The proposed building and the retaining wall surrounding the loading and servicing area all comply with the height to boundary control that applies to the boundary, as illustrated in the following section:

Figure 8 – Rear boundary section



The proposal involves extensive landscape planting along the boundary in common with the residential zone as illustrated on the drawings in Appendices 3 and 4, and as summarised below:

- Five specimen Titoki trees line the service vehicle driveway, and screen the building and service yard from the property at 15 Selby St, contributing to the screening already afforded by the boundary planting on that property.
- Grasses similar to those proposed on the Great South Road frontage are proposed along the northern boundary of the site, including the interim 'end' of Wellington Street. Given the presence of an overland flow path that conveys stormwater runoff from Wellington Street along the boundary, it is not possible to plant any additional specimen trees along this portion of the site.
- However, the loading area will be retained by a 5m high MSE wall, which itself will be planted with muehlenbeckia and creepers that over time will present a soft, landscaped face to the boundary.



FORME
PLANNING



The landscape architect has prepared detailed Planting and Maintenance Specifications (Appendix 4) to ensure that the installation and ongoing maintenance of the MSE wall planting in particular is appropriately carried out, so as to achieve efficient and effective softening and screening as intended at this residential interface.

Turning to the building design itself, the structure comprises no more than 7.6m in height and is located 20m (at its closest point) from the boundary to the north, providing sufficient separation to assist in reducing the appearance of bulk from residentially zoned properties. The façade has been designed using a variety of materials and colours to “break-up” the perceived bulk, and the Countdown branding is dark green for the majority of the façade, particularly along the rear, such that its colour is recessive in nature and further contributes to reducing the scale and massing of the proposed building.

The single sign proposed facing the residential zone will not be illuminated after hours (between 10pm and 7am) and the proposed development overall will comply with the District Plan's lux levels so as to avoid light spill and associated impact on residential amenity. As noted, the Applicant will accept a condition of consent in this respect.

Turning finally to the operation of the activity, the anticipated noise generation has been modelled and assessed by Marshall Day Acoustics who conclude in their report (Appendix 9) that the supermarket will operate with full compliance of noise standards, and further, given the existing ambient noise, that any increase in noise from the existing situation is likely to be unappreciable by residential neighbours to the north. Some noise increase may be experienced by Business zoned properties to the east, however the noise is still expected to comply with the standards such that no adverse effects beyond the permitted baseline arise.

Marshall Day Acoustics propose acoustic mitigation measures to ensure compliance, and to ensure that adverse effects on residential amenity are not experienced, as follows:

- Goods delivery, loading dock use and waste collection limited to 7am to 10pm (i.e. daytime hours)
- Use of LPG or electric forklifts and lift stackers
- Use of broadband reversing alarms
- Mechanical plant L_w and location to be determined in consultation with an acoustic engineer at detailed design stage and likely to be located centrally on the building's roof to minimise noise generation experience beyond the site
- Acoustic screening of the loading and servicing area by way of a 2m high, close-boarded timber fence, as illustrated in Appendix 9.

For the avoidance of doubt, the Applicant endorses these mitigation measures and will accept them as conditions of consent.

Finally, construction noise has been assessed and it is assumed that, given there is not likely to be a requirement for noisy construction activities like rock breaking or blasting, compliance with the relevant construction noise standards (NZS 6803:1999) can be readily achieved. It is common practice for conditions of consent to include construction noise and vibration management plans, alongside construction traffic management plans. It is appropriate that these management

plans are prepared following grant of consent, since the contractor is generally best placed to confirm construction methodology, likely programme and potential hazards to be addressed. The Applicant will also accept a condition of consent requiring the provision of contact details of the construction management team on-site to surrounding neighbours, and the provision of advance notification that various and potentially noisy activities will be occurring on-site. In addition, standard hours of construction constrain noisy works to daytime hours and only Monday – Saturday. These are all acceptable restrictions from the Applicant’s perspective and can be conditioned to ensure adverse effects from the temporary activity of construction are avoided or mitigated to the fullest extent possible.

For the above reasons, it is considered that the commercial interface has been sensitively and attractively designed to soften the bulk and intensity of the proposed development, and with particular regard to the subject site’s location at the Business – Residential zone boundary.

I consider that the proposal results in less than minor adverse effects on residential amenity, subject to the proposed mitigation measures to be adopted via conditions of consent.

7.3 Traffic, Parking and Access Effects

The proposal involves the construction of a supermarket car park comprising 146 on-site parking spaces, and 8 parallel parking spaces on Wellington Street. Within the car park there are 4 accessible spaces and 5 parent spaces. The aisle widths and dimensions exceed Council standards and achieve a safe, accessible and convenient parking resource.

Two crossings are proposed from Wellington Street, the southernmost being solely for customer vehicle access and the northernmost crossing being for customer access, and for access to the service yard by service vehicles.

The accompanying Traffic Assessment (Appendix 6) assesses the effects of the proposed development in terms of traffic generation, safety and ease of access, parking demand and supply and overall effects on the transport network. It concludes:

- The proposed supermarket activity will generate up to approximately 318 vehicles per hour at peak times. Of these, approximately one third of the trips are expected to be drawn from pass-by traffic. Even accepting existing or forecast capacity issues on the network, it is understood that the traffic generated by the supermarket can be

accommodated without detrimental adverse effects and further, that the trips translate to an average of about one additional vehicle movement per minute;

- The amount of parking is assessed as being appropriate for the nature and scale of the proposed activity and the car park has a clear and coherent layout;
- Loading and servicing have been appropriately provided for to accommodate the supermarket's demand; and
- Overall, that the proposed supermarket can be accommodated from a transportation perspective, with effects that can be appropriately managed and mitigated.

Overall, the proposal is considered to result in no more than minor adverse effects on the operation and safety of the surrounding road network.

7.4 Infrastructure Effects

7.4.1 Stormwater Discharge

The Stormwater Report (Appendix 8) explains that the potential stormwater runoff effects arising from the additional impervious surface area that is proposed to be constructed will be appropriately managed on-site (via treatment and subsequent detention) to pre-development levels to ensure that the proposal will not result in adverse effects on either the public network or the wider environment.

Further, the proposed management strategy incorporates low-impact and on-site measures to treat and convey stormwater so as to avoid adverse effects on the receiving aquatic environment, including:

- Swale and potential tree pits within Wellington Street;
- Dry basin for temporary detention within Council property prior to stormwater discharging to Helenslee Stream;
- Recharge opportunities for roof water from the supermarket building within the car park and into the landscaped garden along the frontage for runoff from the canopy.

Having regard to the above and the assessment provided in the Stormwater Report, it is considered that the proposal will result in less than minor adverse effects in respect of stormwater.

7.4.2 Wastewater Discharge

The Infrastructure Assessment confirms that the public wastewater network has sufficient capacity to accommodate the proposal without resulting in adverse effects on the capacity of the network.

7.4.3 Water Supply

The Infrastructure Assessment confirms that the public reticulated water network has sufficient capacity to accommodate the proposal without resulting in adverse effects on the demand of the network.

Overall, the proposed development results in less than minor adverse effects on surrounding public infrastructure and can be serviced without detriment to the wider environment and capacity of public networks, including in respect of stormwater.

7.5 Natural Hazards

The proposed site is located partially within a floodplain (in the northern corner). Therefore, there is potential for off-site and downstream (and upstream) effects arising from the displacement of flood waters, including overland flow arising from the proposed development.

However, the floodplain is largely undisturbed, with earthworks and fill occurring outside the affected area of the site, including the proposed retaining wall. Further, a suitable strategy has been developed to convey and manage stormwater from the site, including Wellington Street, to the Helenslee Stream, even in infrequent storm events, without adverse effects or causing flooding on any properties beyond the subject site.

Finally, the Stormwater Report (Appendix 8) concludes:

The proposed development will not cause or exacerbate flooding in the adjacent or downstream properties.

The site has been the subject of a Detailed Site Investigation in respect of potential contamination and a Geotechnical Report in respect of the potential for compressible or expanding soils. These reports accompany the application (Appendices 12 and 13 respectively) and conclude that the proposal does not exacerbate either of these potential hazards and that the site is suitable for the proposed development.

No other hazards are known to be present on the site and therefore are not assessed further.

7.6 Construction Effects

The Infrastructure Assessment sets out the cut to fill plan of earthworks across the site, and the erosion and sediment control measures that are required to be in place prior to the commencement of land disturbance. The proposed range of control measures will ensure silt and sediment will be contained within the boundary of the site, avoiding off-site effects on adjacent properties and within the road reserve. In addition to the sediment and erosion plans, the applicant is willing to accept an appropriately worded condition requiring the preparation and provision of a Construction Management Plan ("CMP") to ensure that the short term and temporary effects of the construction process are appropriately managed, with specific regard to residential amenity and business continuity for other commercial activities.

As an early indication of works and duration, the initial site preparations and bulk earthworks would optimally commence at the beginning of the earthworks season and are expected to take approximately 3 - 4 months, with an initial additional phase of 6 – 8 weeks for pre-loading.

The construction of the supermarket sub-grade, its vertical construction and the site works and forming of Wellington Street together could take a period of 7 – 8 months. As noted, the final construction methodology and associated programme can only be confirmed once works contractors are appointed and will be wrapped up into the proposed CMP.

The proposal comprises construction on land that is not known to result in the need for noisy construction methodologies such as rock blasting or drilling. As such, the building can be constructed in a manner that will not exceed the maximum permitted noise standards set out within the District Plan.

While construction vehicles will be required to access the site, the volume or frequency of vehicles will not be out of the ordinary for a development of this scale within the Business zone and the potential effects arising from construction vehicles on the road environment can be appropriately managed by a typical Construction Traffic Management Plan ("CTMP"). The applicant is willing to accept an appropriately worded condition requiring the preparation and provision of a CTMP prior to the commencement of works.

Overall, it is considered that with the proposed management plans and sediment and erosion measures in place, the proposal will not result in adverse effects upon the amenity of adjacent residential properties or on the road reserve.

7.7 Positive Effects

It is my assessment that the proposed development will have the following positive effects:

- 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;
- The resultant reduction in travel time for Pokeno residents to fulfil their grocery needs and a more sustainable travel pattern;
- The activity will be a new employer in the area, both during construction and when operational. Supermarkets of this size typically employ 80 – 100 staff, being a mix of full- time and part-time employees;
- The proposed supermarket will contribute to the economic development of Pokeno town centre as a catalyst for investment, as well as the provision of an attractive and otherwise lacking public amenity space that further interacts and supports the use and attractiveness of the town centre;
- 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; and
- 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.

8 Public Notification Assessment

8.1 Legislative Tests

Section 95A of the Resource Management Act 1991 ("RMA") specifies the steps the Council is to follow to determine whether an application is to be publicly notified. These are addressed in statutory order below.

Step 1: Mandatory public notification is required in certain circumstances

Step 1 requires public notification where this is requested by the applicant, or the application involves the exchange of recreation reserved land under s15A of the Reserves Act 1977.

In this circumstance, the applicant requests public notification. Therefore, the following statutory steps are not required to be further addressed or considered.

Step 2: If not required by step 1, public notification precluded in certain circumstances

Step 2 describes that public notification is precluded where all applicable rules and NES preclude public notification; or where the application is for a controlled activity; a residential activity or subdivision activity with restricted discretionary or discretionary activity status; or a prescribed activity under section 360H(1)(a)(i).

This step does apply in this instance, particularly given the applicant's request for public notification under step 1 above.

Step 3: If not precluded by step 2, public notification required in certain circumstances

Step 3 describes that where public notification is not precluded by step 2, it is required if the applicable rules or NES require public notification, or if the activity is likely to have adverse effects on the environment that are more than minor.

Section 7 of this report assesses the actual and potential adverse effects of the proposal on the environment where it was concluded that the proposal will not result in adverse effects that are more than minor. Regardless, in this instance, the applicant has requested public notification under step 1 above.

Step 4: Public notification in special circumstances

If an application is not required to be publicly notified as a result of any of the previous steps, then the council is required to determine whether special circumstances exist that warrant it being publicly notified.

On the basis of the above, there is no need to determine whether special circumstances exist since the applicant seeks public notification of this application.

8.2 Public Notification Conclusion

Having undertaken the section 95A public notification tests, the following conclusions are reached:

- Under step 1, public notification is mandatory as the applicant has requested public notification;
- Under step 2, public notification is not precluded;
- Under step 3, public notification is not considered to be required as a result of potential adverse effects but regardless it has been requested by the applicant; and
- Under step 4, there is no need to determine special circumstances.

Therefore, based on the request by the applicant under step 1, public notification is required.

9 Limited Notification Assessment

9.1 Legislative Tests

Under Section 95B, if the Council does not publicly notify an application, it must decide (under sections 95B(1)-(10)) if there are any reasons to limited notify.

In this circumstance, the applicant requests public notification and therefore there is no need to consider further the statutory steps for limited notification.

Notwithstanding, I have made an assessment of the immediately adjoining properties in undertaking the preceding assessment of effects and conclude as follows:

- The nearest (and only) sensitive property is located at 15 Selby Street and is zoned Residential, accommodating one single-storey dwelling. The potential for effects on residential amenity has been comprehensively addressed in the preceding assessment and I conclude that the supermarket results in less than minor adverse effects in this regard. To this end, I do not consider that the neighbouring residential property is adversely affected by the proposal;
- Immediately adjoining properties to the east and west are zoned Business. The proposed supermarket is typical of commercial activities anticipated by this zone, and it does not infringe any performance standards or any development standards relating to boundary controls or neighbouring site amenity, in terms of height, building to boundary or amenity planting (noting the latter in fact only applies to the northern boundary). For these reasons, I do not consider the adjacent Business zoned properties are adversely affected by the proposal;
- Properties opposite the site on Great South Road are also zoned Business and comprise one to two storey commercial activities, including retail, food and beverage and commercial services. While the outlook for these properties will change from a rural setting to that of a developed urban site, I do not consider this change to represent an adverse effect. Further, I consider the proposal to present an attractive public plaza area, canopy and garden opposite these commercial properties will contribute to improving the urban streetscape amenity in their vicinity and to further developing the centre as it is anticipated. The businesses opposite the site may be concerned over the perceived loss of public parking along the site frontage, which patrons of those businesses

frequent. However, as clarified, those parking spaces are not lawfully established in that they straddle the site boundary and the road reserve and are not therefore owned or able to be preserved by the Council. Their removal from the existing environment is therefore not, in my opinion, a valid consideration in respect of adverse effects on opposite businesses. For these reasons, and considering the supermarket activity is a permitted activity in respect of the Business zone and could reasonably be anticipated on the site, I do not consider these properties are adversely affected by the proposed development; and

- The only other activity in the immediate vicinity is Great South Road itself, which as a collector road, is within the District Council's jurisdiction. The accompanying Transport Assessment (Appendix 6) concludes that the existing traffic network is not affected by the proposed supermarket in terms of efficiency, function and safety to a more than minor degree and to this end, I do not consider it results in any adversely affected persons in respect of traffic matters.

Turning to the potential for specific adversely affected persons beyond those immediately adjoining the site, the Council has confirmed that Ngati Tamaoho and Huakina Development Trust have rohe in this locale and suggested that consultation with these iwi occur to confirm whether or not the proposal is considered to give rise to adverse effects on mana whenua values. Details of consultation with these iwi are provided at Section 11 of this report.

Having regard to the above assessment and the preceding assessment of effects in Section 7 of this report, I conclude that the proposal gives rise to no adversely affected persons.

10 Policy Framework

10.1 National Policy Statements

The National Policy Statement on Urban Development Capacity (“NPS-UDC”) was released on 3 November 2016 and directs local authorities to provide sufficient development capacity in their resource management plans to meet demands in housing and business growth. The NPS-UDC acknowledges that sufficient development capacity is critical to ensuring urban land can be developed efficiently to meet community needs. Further, the NPS acknowledges the importance of commercial feasibility and commercial viability when taking account of whether certain developments can occur in certain locations.

In the context of Pokeno, the Waikato District is identified as being a “High-Growth Area” and therefore the Council is required to implement all policies in the NPS in terms of monitoring and providing sufficient land capacity for all activities.

Further, the site is zoned (under both the operative District Plan and the recently notified Proposed District Plan) as being suitable for commercial activity, such as that proposed.

In this regard, the proposal is considered to be consistent with the NPS-UDC and further, does not preclude the Council’s ability to deliver on its obligations under the NPS-UDC, but rather enables them in an indirect fashion, no doubt catalysing growth in the town centre of Pokeno.

10.2 National Environmental Standards

The purpose of the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (“NES – Contamination”) is to provide a nationally consistent approach to the assessment and management of contaminants in soil for the protection of human health.

The NES does not include a policy framework to guide the assessment of applications, however, it does identify the matters that will be taken into account when a controlled or restricted discretionary activity consent is required under the NES.

In this case, the accompanying Detailed Site Investigation concludes, following a desktop review and site sampling in accordance with the Regulations, that the NES – Contamination does not

apply, and further, the concentrations of contaminants detected are well below the background concentrations for the site.

To this end, no further assessment under the NES – Contamination is required.

10.3 Regional Policy Statement and Regional Plan

The Regional Policy Statement of relevance is the Waikato Regional Policy Statement, which was made operative in 2016. The proposal is not considered to be of regional significance such that no further assessment under this document is made.

The Regional Plan of relevance to this application is the Waikato Regional Plan – Land and Soil, and Water Modules, under which consent is required as a discretionary activity for earthworks and stormwater discharge. A separate resource consent application has been made to the Regional Council and will be processed alongside this application.

10.4 Waikato District Plan

The proposed development requires resource consent under the District Plan as a Discretionary activity. Accordingly, the related objectives and policies require consideration.

10.4.1 Objectives and Policies for Business Activities

Having regard to the objectives and policies that are contained within the District Plan, the following are considered to be of particular relevance to the proposal:

Objective 19.4.1 Business Activity Areas

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, and only allow business activities out of these areas where any adverse effects can be appropriately and effectively addressed.

Policies

2. *That business (and other) activities be permitted within the zone primarily by way of compliance with performance standards which address specific or quantifiable effects, rather than conformity with activity or land use types.*

4. *That the Act's general duty regarding adverse effects and ongoing monitoring be used to deal with those effects which are generally not of primary concern in Business areas (such as dust, vermin, flies, birds, refuse, unpiped discharges, and spray drift).*
5. *That the development of sites for business and other activities be such as will ensure a standard of access, parking, loading, building development, and amenity that will safeguard:*
 - *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 not zoned Business;*
 - *pedestrian safety and convenience, particularly in the defined business centres.*

Comment

The proposal to accommodate a commercial activity in the Business zone is consistent with the Objective above, and the preceding assessment has confirmed 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 effects, such that it is consistent with policy 4. Further, the proposal has been deemed in the Transport Assessment to ensure that access, parking, loading and pedestrian amenity will be appropriately provided for so as to achieve parts of policy 5. The remainder of matters listed in policy 5 are also suitably addressed by the proposal as follows:

- the proposed plaza space along the site's frontage with Great South Road contributes to the pleasantness of the streetscape, providing for pedestrian safety and convenience;
- that same plaza and the provision for vehicle access only from Wellington Street will ensure the proposal does not adversely affect the main function and character of Great South Road as a collector route;
- Parts 37A and 40A are not applicable to this proposal;
- The safety and pleasantness of adjacent properties has been assessed in the preceding assessment of effects, with particular regard given to the residential interface to the rear, and it concludes that the resultant amenity effects are less than minor owing to the store operation, orientation, boundary treatment and overall site and building design.

Policy 2 suggests that business activities within Business activity areas are permitted where they comply with performance standards "which address specific or quantifiable effects" rather than being able to rely on the zone's anticipated character and use, i.e. business in Business zones. The proposal complies with all performance standards of relevance to the site, noting these address noise, odour, vibration, light spill and maintaining amenity planting. These matters are

comprehensively addressed in the preceding assessment of effects or in accompanying expert reports. Further, the development complies with the following *development* standards:

- Building height relative to boundaries (29.5.1)
- Height within Business centres (29.5.2)
- Driveways (29.5.5)
- Parking spaces (29.5.6)
- Loading spaces (29.5.7)
- Vehicle crossings and driveways (29.5.8)
- Outdoor storage areas (29.5.10)
- Amenity planting on certain properties (29.5.11)

In this way, I consider that the proposal is consistent with the Objective that deals generally with Business activities.

Objective 19.4.2 Business Centres

To support the defined business 'centres' of Tuakau and Pokeno as the foci of pedestrian-oriented retailing and allied business activities for the district.

Policies

1. *That the business centre of Tuakau and Pokeno be defined (on planning maps) for the purpose of applying development Rules which are intended to:*
 - *maintain and improve pedestrian shopper amenity and convenience;*
 - *ensure adequate on-site parking and loading provision; and*
 - *safeguard the character of the built environment.*
2. *That a lesser parking standard apply within the centre of the zone in recognition of:*
 - *the public parking and service lane 'resources' in these areas;*
 - *the greater difficulty of accommodating vehicles on the smaller sites which are common in these areas;*
 - *the likelihood that vehicle movements will actually detract from the pleasantness of shopping for pedestrians;*
 - *the need to encourage a greater intensity of development in the centres for the sake of diversity and efficient land consumption; and that applications to reduce or waive the parking requirement be considered in terms of these reasons.*

3. *That the defined business centres be used by the Council, when appropriate, for the application of other, non-regulatory methods of achieving this Objective.*
4. *That the amenities and the infrastructural resources of the various parts of the Business Zone be improved or upgraded in consultation with affected communities; that Council encourages and facilitates the preparation of comprehensive centre plans which form the basis of annual decision making on capital allocations.*
5. *That the full range of business, community and recreational activities be provided for in central areas subject to the potential they have for generating adverse effects.*
6. *That the movement function and the visual appeal of the key roads serving the Business Zone be protected and enhanced.*
7. *That Council monitors the rate of development in the business centres, the numbers of private parking spaces, the occupancy of public parking areas, and the traffic counts on key roads.*
8. *That Council investigates initiatives to effect joint developments with the private sector for Council land within the centres where such proposals would clearly be in the long term interests of that centre or the district.*

Comment

Some of the above policies are more applicable to Council's obligations in fulfilling the District Plan's aspirations for the district's settlements, however the over-arching objective is relevant to development in Pokeno, particularly from the "pedestrian oriented retailing and allied business activities" perspective. The proposal is to construct and operate a supermarket within an existing and developing centre, encouraging new development and investment, and supporting existing commercial activities. Further, the proposed plaza space will positively contribute to the pedestrian environment in the heart of the town centre and along a key frontage, facilitating and improving links across both sides of the busy and heavily-trafficked Great South Road.

The proposal represents part of that full range of business activities to be provided in central areas, subject to assessment and mitigation of effects, as has been completed and having regard to policies 5 and 6 above, does so in a way that does not adversely affect the movement function of, and indeed positively contributes to the visual appeal of, key roads, in this case Great South Road.

The provision of parking for the supermarket is consistent with the District Plan rules for the zone and activity and will also contribute to the provision of additional on-street parking along Wellington Street. Existing parking partially located in the Great South Road reserve and over the site boundary is in fact not legal or lawfully established and will ultimately be removed to accommodate development of the site, and beyond the site, provision for the public plaza amenity area.

For the above reasons, the proposal is considered to be consistent with, and indeed to achieve the intended Objective and its policies for development in identified Business Centres.

Objective 19.4.3 Adverse Effects

To protect the Residential Zone and other sensitive areas or resources from the adverse effects of business activities.

Policies

2. *Business activities, wherever located, must respect the rights of other land users and activities to clean air, and must ensure that the best practicable options are used to avoid or mitigate for any air-borne waste emissions which might detract from or be injurious to people or activities on other sites nearby or in the surrounding locality; this includes 'fugitive' emissions or discharges that come from the ground (such as dust), or stored materials, machinery or other ancillary activities or site areas. Activities that have difficulty in maintaining acceptable standards may have to consider relocating so as to achieve appropriate separation distances from sensitive land uses.*
3. *To monitor the effects of business activities on residential areas, particularly traffic and noise, and to:*
 - *revise the provisions of the zone if residential amenities are not adequately protected, and*
 - *investigate roading design changes for individual stretches of road where through-traffic associated with business activities is having an adverse impact.*

Comment

The proposal to construct and operate a supermarket on the subject site is a permitted activity, subject to compliance with various development and performance standards, many of which seek to respond directly to the intended outcome of the above Objective (to manage effects at the interface of Business and Residential zones). Supermarkets do not give rise to industrial-style

effects as referenced in policy 2 above in terms of air discharge or waste emissions, however they do require management to avoid nuisance effects on residential neighbours, both during construction and operation. These matters have been canvassed in the preceding assessment of effects and it concludes that adverse effects on residential amenity are less than minor. In this regard, I consider the proposal is consistent with the Objective and policies regarding adverse effects.

Overall, the proposal is consistent with the anticipated outcomes for Business Activities across the district, and specifically within centres, as listed in Chapter 19 of the District Plan.

10.4.2 Objectives and Policies for Pokeno Structure Plan Area (Chapter 54)

The following objectives and policies relate to development in the Pokeno Structure Plan area. The vision established in 2008 in that structure plan is to encourage the compact, contained growth of the Pokeno settlement, as a recognised centre within a rural setting.

Objective

To achieve subdivision and development within the Pokeno Structure Plan Area which:

- (a) Accommodates its share of the district's projected population growth;*
- (b) Maintains a compact and contained urban form;*
- (c) Maintains the quality, function and integrity of the adjoining rural environment;*
- (d) Makes provision for a choice of living environments, commercial, social and community facilities and employment opportunities;*
- (e) Does not undermine the potential for urban intensification, provides a range of densities and supports and integrated multimodal (private vehicles, public transport, walking and cycling) transport system;*
- (f) Enables the expansion of Pokeno into a more sustainable and self-sufficient town that provides for the social, cultural and economic well-being of its residents; and*
- (g) is accompanied by the co-ordinated provision of infrastructure.*

The proposal is consistent with the above Objective given it 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) co-ordinated infrastructure and servicing, including construction of Council's paper road. Further, the proposed supermarket will enable Pokeno to be more sustainable and self-sufficient in comparison to the status quo where residents need to travel further afield for grocery shopping.

Objective

To achieve development which maintains locally significant landforms and vegetation and maintains or enhances water quality and identified watercourses.

The proposal does not adversely impact any significant landform or vegetation and maintains the water quality of the nearest watercourse, being Helenslee Stream, in the manner prescribed in the preceding assessment of effects and in the accompanying Civil Engineering Infrastructure and Stormwater Reports (Appendices 7 and 8).

Objective

To achieve subdivision and development which maintains or enhances identified elements of the existing amenity values and character of Pokeno village and the surroundings.

The Structure Plan identifies Pokeno as having a contained urban form in a rural setting and that its growth areas each have their own amenity values and character. These identified elements are listed in the Structure Plan as: specific features on the structure plan; zoning; scheduling where relevant; and, subdivision and land use rules and assessment criteria.

In this case, the site is identified as Business zone, in the town centre and the proposed activity is anticipated therefore. The land use rules and assessment criteria seek to achieve a “main street” or “high street” style retail frontage along Great South Road, requiring buildings to the boundary with that frontage; verandahs; glazing and activation, and precluding direct vehicle access.

The proposed development and site layout take a different approach – complying with the preclusion of vehicle access, with all access provided via Wellington Street. Further, a verandah is proposed along the frontage, comprising 28m in length and varying in coverage from 5.5m to 2.5m in depth. The verandah extends over the site frontage to provide weather coverage for pedestrians traversing along the footpath as well as those people choosing to inhabit the space within the plaza area.

However, the proposal does not achieve the frontage control that requires buildings to the front boundary and with activation via glazing along the full site frontage. Rather, the proposal adopts a landscape-led design to site layout, enabling an attractive and useable extension to the public realm of the footpath and Great South Road as a pedestrian corridor. Further, the proposed supermarket activity is constrained by its operational and functional requirements which are often at odds with urban design criteria that seek active frontages, for the following reasons:

- From an operational perspective, the servicing and loading area is appropriately 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, providing a distinct back of house zone so as to avoid safety effects on customers arising from heavy vehicle movements, forklifts manoeuvring, large loads and other potential hazards;
- Further, the loading area is most efficiently then located adjacent the back of house area within the supermarket building, which invariably places the checkouts or public face of the building to the other side of the store (in terms of practicality and established retail psychology). If the store was to locate on the site frontage, then car parking and loading areas would intermingle at the rear, reducing the safety and efficiency of the store's servicing and general operation;
- The 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 invariably results in what in urban design parlance is labelled as "blank walls". In this case, only the western elevation to an adjoining Business zone is "blank", i.e. lacking apertures or windows, and this could eventually be completely built out on the adjacent site. 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 building design is still consistent with the intended outcomes of the Plan in presenting attractive and inviting faces to the public realm, albeit separated by parking and/or planting; and
- 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. This approach invariably leads to a layout whereby the supermarket building is separated from the site frontage by car parking.

Taking into account the operational and functional requirements, and considering the extensive and high-quality extension to the public realm proposed as an alternative to the District Plan building frontage controls, I consider the proposal is generally consistent with the above Objective. Further, the success of the proposal in urban design terms is comprehensively addressed in the accompanying Urban Design Assessment (Appendix 5).

Objective

To achieve subdivision and development which provides a high standard of amenity, walkability, safety and convenience and contributes to the creation of a positive sense of place and identity.

The proposal is considered to achieve the above Objective, and positively contributes to a sense of place and identity, immediately through the provision of the public amenity space and more generally or locally, through the provision of a sought-after commercial service being a supermarket for the centre of Pokeno.

The proposal is also considered to result in a safe and convenient environment for pedestrians and motorists alike, and will contribute in delivering the expected environmental results in the Pokeno Structure Plan, specifically those listed as follows:

- *Commercial activities, social and community facilities are provided within a compact and contained urban form*
- *The town centre is functional, viable and vibrant with a high standard of amenity.*

Overall, the proposal is generally consistent with the objectives and associated policies of the Pokeno Structure Plan (Chapter 54 of the District Plan) and in my view contributes towards achieving the expected environmental results of that Structure Plan.

10.4.3 Other Objectives and Policies

The provisions that relate to the enabling or associated works that facilitate construction of the supermarket and its operation are found in the following Chapters – Natural Hazards in Chapter 7, Transportation in Chapter 9 and Signs and Earthworks in Chapter 15.

Commentary on each of these matters is provided below.

Natural Hazards

- The proposal has been assessed in respect of the site's potential for flooding (Appendix 8) in the northern corner and in respect of potentially unstable soils (Appendix 12). The expert reports conclude that the site is suitable for development as proposed and will not result in adverse effects on neighbouring properties, nor upstream or downstream of the site. These matters therefore address the Objectives at 7.2.2 of the Plan, and the associated Policies at 7.2.3.

Transportation

- The accompanying Transport Assessment (Appendix 6) identifies that the proposal is acceptable in transportation terms and does not result in adverse effects on the existing network in terms of generation, access or safety, nor on Great South Road's function as a collector road. The matters in Objectives at 9.3 of the Plan are therefore addressed and the proposal is consistent with those provisions.

Signs

- Signs are provided for in the objectives listed at 15.4.1.2 of the Plan insofar as they do not result in adverse visual effects on amenity values of surrounding environments, and to ensure they do not result in threats to community health and safety and the safe and efficient functioning of the road network. The proposal includes one free-standing pylon sign on the Great South Road frontage, similar in scale to that previously consented for the Fresh Choice supermarket, and designed in a manner that results in no adverse effects on traffic safety, but rather provides clear wayfinding for motorists. Further, the signs on the building are standard corporate branding, of a scale and in character with the bulk and design of the proposed building. The building setback contributes to reducing any potential adverse visual effects from public places and these effects have been fully canvassed in the preceding assessment of effects which concluded the proposal as a whole, and including the proposed signage, would not result in unacceptable adverse effects on the amenity values of the surrounding environment. For these reasons, the proposal is considered to be consistent with the provisions relevant to signage.

Earthworks

- Objective 15.5.1.1 seeks to ensure that earthworks do not result in adverse effects on heritage, water quality, significant infrastructure and adjoining properties. The preceding assessment of effects confirms this is the case on the subject site and further, that appropriate conditions of consent can ensure any potential adverse effects are appropriately mitigated. The proposal is therefore consistent with this objective and its associated policies.

Overall, the proposal is consistent with the objectives and associated policies relevant to natural hazards, transportation, signs and earthworks.

10.5 Assessment Criteria

By virtue of its overall activity status as a Discretionary activity, the Council is not restricted in its discretion in assessing the application, and pursuant to section 104 of the RMA, must consider all of the matters for assessment listed in section 104(1).

Notwithstanding, the District Plan has identified various assessment criteria of relevance and in my view, these matters can serve as useful guidance in assessing the application. These are listed below, having regard to the preceding assessment of effects and statutory analysis of applicable objectives and policies.

Business Zone Criteria for Discretionary Activities (Chapter 29.7B)

The following matters are listed:

- a) The assessment criteria for Restricted Discretionary Activities (Rule 29.7A);*
- b) The matters identified in Part 53 of the plan;*
- c) Whether any adverse effects on the environment will be satisfactorily avoided, remedied or mitigated;*
- d) Whether the DEVELOPMENT is consistent with the objectives and policies for a structure plan area;*
- e) Any other relevant matter under section 104 of the Resource Management Act 1991.*

The referenced criteria at 29.7A of the District Plan include the above matters and the Design Assessment Criteria in Appendix 29.2. The following comments are made in respect of the above:

- Part 53 of the District Plan sets out general assessment criteria and a framework against which all applications for restricted discretionary, discretionary and non-complying activities should be assessed. A thorough assessment follows in the table below;
- The potential adverse effects of the proposed development have been comprehensively assessed in section 7 of this report and I conclude that overall, the proposal results in no more than minor adverse effects in respect of traffic matters and less than minor adverse effects in respect of all other matters;
- The objectives and policies have been comprehensively assessed in the preceding section of this assessment and again, I conclude that the proposal is generally consistent with the Pokeno Structure Plan and positively contributes towards achieving its expected environmental results;
- The Design Assessment Criteria are comprehensively addressed in the accompanying Urban Design Assessment at Appendix 5 and it concludes the proposal achieves the overall intent of the relevant design-related criteria. Further, Appendix 29.2 acknowledges that there will be proposals that do not achieve “absolute accordance with all criteria”. In these circumstances, the Applicant is asked to demonstrate;
 - Whether site constraints inhibit the ability to address the criterion – this is not relevant in this case with respect to the frontage controls along Great South Road;
 - How the intention of the criterion is met by the proposal – this has been comprehensively assessed in the Urban Design Assessment and the preceding assessment of effects, which both conclude that the public plaza amenity area achieves inhabitability, enclosure and high-quality pedestrian amenity in a manner that differs from the District Plan requirement for buildings and a verandah but nevertheless achieves a positive outcome for the streetscape;

- Whether the proposal represents a better design solution than suggested by the criterion – as above, this is a different design solution and one that in my opinion works to achieve the intent of the criterion without compromising the operational and functional requirements of the proposed supermarket activity (elaborated upon in section 10.4.2 of this report); and
- No other matters are considered relevant to this proposal.

Assessment Criteria in Part 53 of the District Plan

Criterion	Comment
How the proposed activity will affect: People in the neighbourhood and, where relevant, the wider community – including any socio-economic and cultural effects. In particular, whether the activity will: • conflict with the cultural and social values of the community, including those of tangata whenua; or • detract from the amenity values of the surrounding area; or • adversely affect the convenience, health or safety of people in the neighbourhood or wider community: Including transportation, road safety, risks associated with the use of hazardous substances or hazardous installations and any other adverse effect on the physical or psychological health and well-being of people; or • adversely affect the local economy or impose a financial burden on the wider community in terms of creating a demand for services or infrastructure; or • affect employment in the neighbourhood or wider community.	The proposal is considered to positively affect people in the neighbourhood and the wider community via the provision of a supermarket within Pokeno, a service which residents have hitherto been required to travel further afield to access, to Pukekohe and beyond. In this way, the proposal is considered to positively affect the convenience and health of the community, and to positively contribute to the local economy, including through additional employment opportunities. Further, the proposal can be accommodated in terms of existing infrastructure capacity without detriment to the environment or the ability of public networks to service the community. Finally, the Applicant has consulted local iwi regarding tangata whenua values and details of that consultation are provided in Section 11 of this report.

The physical attributes of the locality, including landscape. In particular, whether the activity will: • detract from the visual qualities of the surrounding area; or • visually compromise significant landscapes and natural features. Including landforms, ridge lines, trees or bush, wetlands, lakes and rivers and the outstanding natural features listed in Schedule 5A; or • visually compromise the natural character of the coastal environment; • compromise the feature, physical process or function, education or scientific value of any geopreservation site identified in Schedule 5B.	The proposal is to be located on a site zoned Business and within an existing urban settlement. No significant landscapes, waterbodies nor features of natural (including geopreservation) significance are present on the site. In this regard, the proposal is not considered to adversely affect any significant physical attributes of the locality. This includes consideration of proposed stormwater discharge to Helenslee Stream, which the accompanying Stormwater Report (Appendix 8) confirms will be appropriately treated, detained and released so as to avoid adverse effects on water quality and the aquatic receiving environment.
Ecosystems, including effects on plants and animals. In particular, whether the activity will either directly or indirectly: • result in the damage or removal of indigenous vegetation; or • result in the damage or destruction of any habitat of indigenous animals, whether terrestrial or aquatic; or • otherwise compromise the functioning of any ecological system, including the outstanding natural features listed in Schedule 5A.	The proposal results in no damage or removal of indigenous vegetation, with none present on the site. The matters raised above in respect of Helenslee Stream are relevant to this criterion also.
Natural and physical resources. In particular, whether the activity will:	The site is identified as being subject to potential flooding (in the northern corner) and potentially unstable soil. Both hazards

• cause, accelerate, or contribute to natural hazards including inundation, instability or erosion; or • cause or contribute to VERSATILE LAND being lost or degraded through such activities as: - erosion; - excavation or recontouring; - extensive building or hard-stand coverage; or - the effects of subdivision; or • result in the degradation of air or water resources; or • have any adverse impact on existing structural resources. Including roads, proposed and existing network and utility facilities including water and sewage reticulation and supply or treatment facilities, power and telephone reticulation and the physical infrastructure (in terms of buildings, processing and supply facilities) associated with other existing activities; or • compromise tangata whenua's traditional access to resources that are of spiritual, cultural and historical significance to them; or • damage or destroy any known archaeological or historical sites; or • result in the unnecessary depletion of non-renewable energy resources; or	have been the subject of expert assessments which conclude the site is suitable for the proposed development and will not exacerbate hazards on or beyond the site. Further, the Geotechnical Report (Appendix 12) did not identify the site as being “versatile land” and it is acknowledged that its Business zoning would more than likely preclude productive activities on the site. The proposal is not considered to result in the degradation of air or water resources for the reasons set out in the preceding assessment of effects and as supported by various expert reports. It is noted that no air discharge or other discharge (beyond treated stormwater) will arise from the proposed activity. Effects on tangata whenua and traditional practices have been the subject of consultation with iwi and the details of that consultation are recorded in Section 11 of this report. The site is not known to accommodate any archaeological or historic sites. The Applicant would accept standard accidental discovery protocols as a condition of consent during earthworks and other site preparatory works. The proposal is not considered to otherwise compromise the potential of non-renewable or other resources to be used by future generations, including mineral resources.
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• otherwise compromise the potential of particular resources to be used, by future generations, for activities that directly rely upon those resources; • render unusable significant mineral resources which have the potential to be commercially extracted.	
The environment, in terms of any discharge of contaminants. In particular, whether the activity will: • result in any discharge of contaminants, including noise, that are or are likely to be noxious, dangerous, offensive, or objectionable to such an extent that they will have or are likely to have an adverse effect on the environment; and • whether any proposed methods for the treatment and/or disposal of contaminants generated by the activity are likely to be effective.	As noted above, the only discharge to arise from the proposed development is of treated stormwater, which has been assessed to result in less than minor adverse effects on the environment, having particular regard to the health and well-being of the receiving environment of Helenslee Stream.
The effect on the public services the Council is responsible for in the locality or district and which the residents, occupants, users, or operators of the developed area would make use of, generate a need for, or have an impact on (and for which 'contributions' in terms of section 108 of the Resource Management Act or 'development contributions' in terms of section 199 of the Local Government Act may be appropriate or necessary. Refer to Council's development contributions policy).	The proposal can be accommodated in terms of existing infrastructure capacity without detriment to the environment or the ability of public networks to service the community. Further, developer agreements will likely be required between Council and the Applicant to apportion costs and scopes of work in respect of constructing Wellington Street and any associated services.

Signs Assessment Criteria (Section 15.4.4)

These criteria reference compliance with the standards, which are comprehensively assessed in the accompanying rule compliance check at Appendix 11. The proposed signs on the building comply in all respects, while the proposed pylon sign on the street frontage exceeds the permitted 2m height. The effects of this taller than permitted pylon sign have been considered in the round with the proposal as a whole in respect of urban design and landscape and visual effects in the preceding assessment and in the accompanying Urban Design Assessment (Appendix 5).

Therefore, it is considered the criteria in 15.4.4 of the District Plan have been assessed and further, the proposed signage is considered to be acceptable relative to these matters of assessment.

Earthworks Assessment Criteria (Section 15.5.3)

The matters listed in this section of the District Plan are extensive but in my view are already addressed in the preceding assessment of effects and in the Engineering Infrastructure Report (Appendix 7).

Having regard to the preceding assessment, I consider that the proposed development is generally consistent with the District Plan assessment criteria of relevance.

10.6 Proposed District Plan

The PDP was notified in July 2018. Given a summary of submissions has not yet been notified and further submissions have not yet been sought, the statutory weight afforded to the PDP in respect of this application is limited. Further, no chapters of relevance have immediate legal effect. Therefore, only the objectives and policies are considered in the following assessment.

Provision	Comment
4.1.6 Policy – Commercial and industrial activities (a) Provide for commercial and industrial development in the following zones; (i) Business Town Centre; (ii) Business; (iii) Industrial; and	The proposal is consistent with this policy since it accommodates a commercial activity on a site proposed to be zoned Business Town Centre in the PDP.

Provision	Comment
(iv) Heavy Industrial. (b) Industry is only to be located in identified Industrial Zones and the industrial strategic growth nodes of: (i) Tuakau; (ii) Pokeno; (iii) Huntly; and (iv) Horotiu.	
4.1.7 Objective – Character of Towns Development in the Residential, Village, Industrial and Business zones is attractive, connected and reflects the existing character of towns	The proposal is considered consistent with this strategic objective in that the proposal is attractive (in a modern design with high-quality landscaping) and well connected, being centrally located in Pokeno town centre. The extent to which the supermarket reflects the existing character of the town centre is debatable however, as it will comprise a larger scale commercial activity than otherwise exhibited in Pokeno. Notwithstanding, the proposed design is considered to integrate well with the existing character of the centre and will encourage further investment and development that may also be consistent with the proposed development in terms of scale and design.
4.1.8 Policy – Integration and connectivity (a) Ensure effective integration within and between new developments and existing areas, including in relation to public open space networks and infrastructure by; (i) Providing good access to facilities and services by a range of transport modes through the provision of integrated networks	The proposal is generally consistent with this policy through the provision of legible and convenient pedestrian and vehicular access to the site. Further, the proposal incorporates the public plaza amenity area that extends and enhances the pedestrian environment along Great South Road, by providing an

Provision	Comment
of roads, public transport, cycle, and pedestrian routes; (ii) Providing a range of supporting local community facilities and services for residents' daily needs; (iii) Setting aside land for neighbourhood centres and parks identified in town specific Master Plans or Structure Plans, to enable their future development; and (iv) Applying the following design guidelines and town centre character statements to influence the manner in which development occurs; A. Residential Subdivision Guidelines (Appendix 3.1); B. Multi Unit Development Guide (Appendix 3.4); C. Town Centre Guidelines (Appendix 3.3)	attractive landscaped space for community use. The proposal does not strictly conform to the Town Centre Guidelines referenced as these seek to reinforce the main street style frontage that the proposed supermarket does not comply with. The preceding assessment and accompanying Urban Design Assessment (Appendix 5) have comprehensively addressed this matter.
4.1.11 Policy – Pokeno (a) Pokeno is developed to ensure; (i) Subdivision, land use and development of new growth areas does not compromise the potential further growth and development of the town; (ii) Walking and cycling networks are integrated with the existing urban area; and (iii) Reverse sensitivity effects from the strategic transport infrastructure networks are avoided or minimised.	The proposal is consistent with this policy since it represents business growth within the established town centre and the accompanying Engineering Infrastructure Report (Appendix 7) has confirmed the scheme can be serviced without detriment to the capacity of the existing public networks nor on the wider environment. The proposal's central location and provision for pedestrians and cyclists ensures it is consistent with subclause (a)(ii) also. The proposal is not sensitive to and in fact relies upon the convenient access to the strategy transport infrastructure network

Provision	Comment
	afforded by Great South Road and the State Highway network beyond.
4.5.1 Objective – Commercial function and purpose (a) Commercial activity is focussed within a differentiation of commercial zones and development (comprising the Business Town Centre Zone, the Business Zone, the Business Zone Tamahere and neighbourhood centres).	The proposal is consistent with this objective since it uses Business Town Centre zoned land appropriately for a business activity (noting however that the rules that hang off this objective in the PDP seek to make supermarkets a non-complying activity in the Business Town Centre zone. This is a matter that the Applicant has made a submission on and does not support).
4.5.2 Policy – Commercial function and purpose (a) Commercial activity develops in a way that: (i) Ensures the business town centre within each town is maintained as the primary focal point for retail, administration, commercial services and civic functions; (ii) Provides for larger scale commercial activities within the Business Zone; (iii) Provides for small scale convenience retail and community activities within the Business Zone Tamahere and neighbourhood centres.	The proposal does not preclude the development of Pokeno town centre in accordance with this policy, noting however that subclause (a)(iii) applies only to Tamahere.
4.5.3 Policy - Commercial purpose: Business Town Centre Zone (a) The role of the business town centres in Raglan, Huntly, Ngaruawahia, Te Kauwhata, Pokeno and Tuakau is strengthened by ensuring that: (i) They are recognised and maintained as the primary retail, administration, commercial service and civic centre for each town; and (ii) The scale of commercial activities supports their continued viability as the primary retail,	As above, the proposal does not preclude fulfilment of this policy for Pokeno as a focus for primary retail and civic activities. Indeed, the proposed supermarket will support and enhance the town centre's vitality and amenity, thereby ensuring its continued viability.

Provision	Comment
administration and commercial service centre for each town; and (iii) Enhances their vitality and amenity while providing for a range of commercial and community activities and facilities.	
4.5.9 Policy – Employment opportunities: Business Town Centre Zone and Business Zone (a) Commercial development within the Business Town Centre Zone and Business Zone increases employment opportunities within the district.	This policy recognises the importance of both the Business Town Centre and Business zones to encourage and increase employment opportunities. It is considered that the supermarket proposal achieves exactly that, directly and indirectly.
4.5.10 Policy – Retail: Business Town Centre Zone and Business Zone (a) Locate small scale retail activities within the Business Town Centre Zone and discourage large scale activities from establishing within the Business Town Centre Zone. (b) Locate large scale retail and commercial activities to within the Business Zone.	The proposal is not consistent with this policy as it seeks to locate a large scale supermarket activity on a site zoned Business Town Centre.
4.5.12 Objective - Business Town Centre - Character (a) The commercial and mixed use character of Raglan, Huntly, Ngaruawahia, Te Kauwhata, Pokeno and Tuakau town centres is maintained and enhanced. (b) The Business Town Centre Zone is promoted as a community focal point. (c) Development of town centres is designed in a functional and attractive manner serving the needs of the community.	The proposal is considered to achieve the intention of this objective and further, as described above, the design is a direct result of seeking to achieve the District Plan's desire for an active frontage alongside a supermarket's operational and functional requirements.
4.5.13 Policy – Town Centre built form (a) The scale and form of new development in the Business Town Centre Zone is to:	The proposal is generally consistent with this policy since it "ticks the boxes" of subclauses (a)(i), (ii), (iii) and (vi). The supermarket does not increase the prominence of buildings on

Provision	Comment
(i) provide for a safe, accessible, compact and attractive town centre environment; (ii) facilitate the integration of retail shopping, administration and commercial services, residential, civic and community activities; (iii) reflect the role and character of the business town centre; (iv) increase the prominence of buildings on street corners; (v) maintain a low rise built form and small scale, pedestrian focussed retail activities; and (vi) manage adverse effects on the surrounding environment, particularly at the interface with residential areas.	street corner nor maintain a low-rise built form, albeit it does address the corner through a landscaped element and provide a vertical marking on the corner in the form of the proposed pylon sign. Further, the supermarket building is located towards the rear of the site such that its scale (albeit compliant with the operative district plan's maximum height limit) has limited visual impact on the streetscape, and is attractively landscaped along the frontage to soften the views.
4.5.18 Policy – Pokeno Town Centre (a) Development maintains and enhances the role of the Pokeno Town Centre by: (i) Maintaining wide footpaths, prioritising and providing for pedestrian movement and safety; (ii) Maintaining a pedestrian focus by discouraging vehicle access across footpaths; (iii) Providing for an appropriate building scale with narrow frontages; and (iv) Protecting and enhancing the character of existing buildings through new built form being consistent with the outcomes of the Town Centre Character Statement for Pokeno Town Centre (Appendix 10.4), in particular by: A. Providing transparent façades and window displays at ground level; B. Providing continuous suspended verandahs sheltering footpaths;	The proposal delivers a significant improvement on the status quo in respect of pedestrian amenity along the sit frontage. Currently it is occupied by angled parking that straddles the site boundary and beyond which is located a very narrow cobbled footpath, which is overhung by parked cars. The proposal does not include any vehicle access over the proposed pedestrian frontage of Great South Road, rather the vehicle crossings are located off the proposed Wellington Street, which itself will comprise a footpath for pedestrians along the supermarket side of the road reserve, augmented by street landscaping. The dimensions and large scale of the site does not lend itself to the provision of narrow building frontages. Further, the proposal does not strictly accord with the outcomes of Appendix 10.4 of the PDP in respect of its desire to see development to the street boundary in a manner that incorporates

Provision	Comment
C. Providing parking, loading and storage where rear access to buildings exists; D. Encouraging the preservation and promotion of cultural features. E. Promoting active street frontages by developing up to the street boundary; and F. Ensuring built form is consistent with Waikato District Council Pokeno Town Centre Architectural Form, Materials and Signage Design Guide, and in particular section 6 (Architectural Style, Materials and Appearance).	transparent facades, continuous suspended verandahs, etc. Notwithstanding, the proposal does achieve an active and attractive frontage by way of a landscaped amenity area and it has been concluded in the accompanying Urban Design Assessment (Appendix 5) that this is an alternative, and equally successful outcome to the PDP intentions. Further, the scheme does incorporate approximately 28m of verandah coverage, which reflects in part the intention of the frontage provisions.
4.5.20 Policy – Pedestrian frontages: active street frontages – Business Town Centre Zone (a) Provide for active street frontages in the design or redesign of buildings, and avoid car parking and accessways on sites within the pedestrian frontage area of the Business Town Centre zones to enable the maintenance of: (i) Passive surveillance; (ii) Continuous verandahs; (iii) Display windows and building façades; (iv) Pedestrian safety; and (v) Buildings located up to the street boundary.	The response above to 4.5.18 is equally applicable to this policy.
4.5.22 Policy – Landscaping - Business Town Centre Zone (a) Within the Business Town Centre Zone and outside of the pedestrian frontage areas, ensure that landscaping contributes to the adjacent streetscape.	The proposal is consistent with this policy in that it delivers an attractive landscaped frontage to the streetscape.
4.5.23 Policy – Height: Business Town Centre Zone	The proposed height and setback are considered to be complementary with the

Provision	Comment
(a) Ensure the height of new buildings is complementary to, and promotes, the existing character of the business town centre within each town.	character of the town centre such that the proposal is consistent with this policy.
4.5.24 Policy – New buildings: Business Town Centre Zone (a) New buildings within the Business Town Centre Zone are consistent with the Waikato District Council Urban Design Guidelines Town Centres (Appendix 3.3), and in particular: (i) Responds to the specific site characteristics and wider street and town context; (ii) Promotes architectural form, building features and placement; (iii) The design of buildings contributes to vibrancy, character and commercial viability of the town centre; (iv) Provides landscape and open space design that responds to the characteristics and qualities of the area; (v) Minimises visual and amenity impacts of accessways and parking facilities; and	Refer Urban Design Assessment (Appendix 5) and preceding assessment of effects.
4.5.30 Objective – Business Zone and Business Town Centre Zones – Amenity (a) The amenity values of residential activities within, and activities in, adjoining zones are protected from the adverse effects of developments and activities in the Business and Business Town Centres Zones.	The proposal has been extensively assessed in respect to its sensitive design to the residential interface to the north and the preceding assessment of effects concludes that the proposal results in less than minor adverse effects on residential amenity. Landscaping, acoustic screening and other mitigation measures, as well as the proposed design and operation of the store are considered to assist in mitigating such effects to the fullest extent possible. The proposal is therefore consistent with this objective.

Provision	Comment
4.5.36 Policy – Signage (a) In the Business Town Centre and Business Zone provide for: (i) The establishment of signs where they are associated with the activity carried out on the site on which they are located; (ii) Public information signs that are of benefit to community well-being; and (iii) Establishment of signage to support the commercial function and vibrancy of the zones with controls on the size, location, appearance and number of signs to ensure they do not detract from the visual amenity of the surrounding environment.	The proposal and its intended façade and free-standing signage are considered to be consistent with this policy.
4.5.41 Policy - Earthworks (a) Ensure that the adverse effects of earthworks in the Business Town Centre Zone and Business Zone on adjoining properties and water bodies, are managed to minimise the adverse effects and sediment of dust and stormwater runoff.	The effects of the required earthworks have been assessed in the preceding assessment of effects which concludes, with support from the accompanying Engineering Infrastructure Report (Appendix 7) that the potential for adverse effects in terms of erosion and sediment control, effects on stormwater quality and any other nuisance effects can be appropriately mitigated through conditions. The proposal is therefore consistent with this policy.

Given the broad strategic outcomes for Pokeno are similar in the PDP as to the operative District Plan, there is no weighting exercise required. Notwithstanding, for the reasons noted above, the operative provisions continue to have greater weight.

Overall, it is my assessment that the proposal is not contrary to the relevant objectives and policies of the PDP and indeed is generally consistent with those provisions and anticipated outcomes.

10.7 Overall Statutory Conclusions

Overall, it is my assessment that the proposal is acceptable having regard to all relevant provisions of the District Plan and to the objectives and policies of the PDP, noting the limited weight to be given to the latter.

11 Consultation

11.1 Consultation with Council

Waikato District Council

The Applicant and its team attended a series of pre-application meetings with the Council throughout the pre-application period, seeking, and responding to feedback on the scheme. In addition, the Applicant undertook to supply draft reports of the expert assessments to aide in processing and review of the application. Council officers consulted include:

- Kevin Stokes (strategic liaison)
- Jason Wright (planning team leader)
- Michelle Carmine (planning consultant)
- Lauren White (urban design consultant)
- David Bastion (development engineer)
- Naomi McMinn (traffic engineering consultant).

Waikato Regional Council

The Applicant's planner and civil engineer met with Brian Richmond and Richard Duirs at Waikato Regional Council on 17 April to discuss the imminent regional consent application, which is required for the proposal to address earthworks, stormwater discharge and cleanfill importation. The stormwater strategy was discussed in detail and feedback provided by Council officers, which has been considered and incorporated into the proposal, where possible. In particular, the Regional Council identified the applicability of new guidelines for stormwater management, including use of a low-impact design matrix to determine ways in which the proposal can manage stormwater runoff at source, and maintain, and where possible enhance, water quality beyond the site. These matters have been addressed in detail in the Stormwater Report (Appendix 8).

11.2 Neighbour Consultation

The applicant has discussed the proposal generally with all owners and occupiers of the identified adjacent properties (see Figure 101 overleaf):

Figure 11: Immediately adjoining properties



Address	Owner / Occupier
60 – 62 Great South Road	Alan Mackintosh
26 / 26A Market Street	M Coll, K Norgrove, B Abley
15 Selby Street	Kim Langrish
40 – 42 Great South Road	Leng Hout Kit
44 Great South Road	Linda Chan, Tha Mao

A copy of the correspondence provided to the respective owners/occupiers is appended within Appendix 10. In general, the consultation confirmed overall support for the scheme, with some localised amendments proposed and adopted in this application.

11.3 Iwi Consultation

On 1 April, Woolworths provided a copy of the following information, in draft format, to Ngati Tamaoho Trust and Huakina Development Trust, having been advised by the Council that these

organisations would potentially be interested in the proposed development and have mana whenua in the location of the site:

- A site plan;
- Civil engineering infrastructure report; and
- Stormwater assessment.

Lucie Rutherford of Ngati Tamaoho responded with interest and requested a site visit meeting to discuss stormwater matters in particular. This site visit meeting occurred on 9 April 2019 and was attended by Ms Rutherford, the author of this report and the Applicant's civil engineers, Mr Mike Smith and Mr Shane Piper.

Ms Rutherford sought opportunities for groundwater recharge and increased on-site and low-impact stormwater management design measures. These requests were in line with those sought by the Regional Council and have been adopted where possible into the scheme, as outlined in sections 4 and 7 of this report. An updated stormwater management strategy has been provided to Ngati Tamaoho for consideration and a response will be forwarded to the Council once available.

To date, no response has been received from the Huakina Development Trust.

12 Other Matters

Waikato District Council's Blueprint

The Council recently notified a draft “Blueprint” strategy document for Pokeno, as part of a series of Blueprint strategies for key settlements within the District.

The District-wide Blueprint is intended to inform and guide investment from the Long-Term Plan to achieve a series of initiatives, grouped within the Blueprint into themes including identity, nature, iwi, communities, growth, economy, transport, infrastructure and governance.

Each settlement is then the subject of a local area blueprint. The identified initiatives for Pokeno include:

Figure 11: Blueprint excerpt - Pokeno

Proposed initiatives for Pokeno

Theme	NO.	Initiatives	Priority	Theme	NO.	Initiatives	Priority
Identity	PO1.1	Build a strong identity based on the river corridor, and the unique qualities of the local area (refer to DW1.1 to 1.4). For Pokeno, recognise the position as the gateway to the north and the Waikato, and consider the dairy industry, markets, ice cream, and bacon.	Refer	Transport	PO7.1	Investigate establishing wider transport links with employment areas, Tuakau and SH1. Consider a new underpass and / or bypass.	Medium
Communities	PO4.1	Consider the need for a sports park. Consider whether Munro Reserve can be improved for this or whether the park in the western growth area can be expanded (1).	Medium		PO7.2	Work with the truck stop owner to address community concerns.	High
	PO4.2	Establish a library and community facilities.	Medium		PO7.3	Refer to the District-wide initiatives for the promotion of passenger transport services, including opportunities for commuters.	Refer
	PO4.3	Work with MOE to provide adequate schooling facilities for the current and future population.	High		PO7.4	Create a Park and Ride for public transport.	Medium
Growth	PO5.1	Consider support residential expansion (2).	Medium	Infrastructure	PO8.1	Resolve waste water and water reticulation issues (refer to District-wide proposals).	Refer
	PO5.2	Consider supporting the Village Zone expansion (3).	Medium				
Economy	PO6.1	Prepare for the production of a town centre strategy a detailed retail needs calculation, preliminary transport and open space options (4).	High				
	PO6.2	Produce a town centre strategy that reconciles the current and future retail, employment, community facility, and open space needs.	High				
	PO6.3	Establish an Advanced Food Processing Cluster.	High				
	PO6.4	Identify if, how much, and where, possible additional employment land for office development is needed beyond the zoning in the Proposed District Plan.	High				
	PO6.5	Identify if, how much, and where, possible additional employment land for retail development is needed beyond the zoning in the Proposed District Plan.	High				

The proposal is considered to be consistent with the growth and economic initiatives, providing a commercial service, and in an area identify for commercial activity, that is otherwise not available in the growing settlement.

13 Conclusion

In considering whether to approve the application, the Council is required to give effect to Part 2 of the RMA and any relevant provisions of any national policy statements, national environmental standards, regional policy statements, regional plans and district plans. The Council is also required to have regard to the effects of the proposal on the environment.

It is my opinion that, in respect of those matters that are relevant to the proposal:

1. The proposal will give effect to the purpose and principles of the RMA for the reasons outlined in section 6 of this AEE.
2. The proposal is acceptable having regard to the relevant objectives and policies of the Waikato District Plan (and the PDP) for the reasons outlined in section 10.
3. The adverse effects of the proposal will be less than minor and with the mitigation proposed in the preceding assessment (and therefore forming part of the application) are considered to be acceptable.
4. No persons are considered to be adversely affected by the proposed development, having regard to the mitigation measures proposed and outlined in this application.
5. The proposal is considered to result in positive effects as follows:
 - 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;
 - The resultant reduction in travel time for Pokeno residents to fulfil their grocery needs and a more sustainable travel pattern;
 - The activity will be a new employer in the area, both during construction and when operational. Supermarkets of this size typically employ 80 - 100 staff, being a mix of full- time and part-time employees;
 - The proposed supermarket will contribute to the economic development of Pokeno town centre as a catalyst for investment, as well as the provision of an attractive and otherwise lacking public amenity space that further interacts and supports the use and attractiveness of the town centre;
 - 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; and

- 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.

Based on the above, it is my opinion that the proposal is worthy of being granted resource consent.



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