
Open Meeting

To	Independent Commissioner
Prepared By	Michelle Carmine – Consultant Planner, Element Planning
Date	28th October 2020
Approved By	Wade Hill – Consents Team Leader
Application	LUC0427/19
Applicant	Quattro Property Holdings Limited

Experience and Qualifications of Reporting Officer

I have been engaged by Waikato District Council to provide an evaluation and recommendation on an application by Quattro Property Ltd to construct and operate a Retail Centre at 561 Horotiu Road. I am a Director and Principal Planner at Element Planning Ltd. I hold a Bachelor of Science in Earth Science from The University of Waikato. I have 14 years' experience as a Resource Management Practitioner with a specific focus on resource consenting within the Local Government environment. Previous roles held include: Senior Planner at Rodney District Council, Principal Planner at Auckland Council and Consents Team Leader at Waikato District Council. I am a qualified Hearings Commissioner.

Executive Summary

This report has been prepared pursuant to s.42A of the Resource Management Act 1991 (RMA) and provides an assessment of the proposal in accordance with the relevant matters specified in the RMA.

Proposal

The commercial development comprises a single level building with a floor area of 1,290m². The building will comprise seven retail tenancies, including a hairdresser, pizza shop, superette and a number of other small-scale retail outlets. Tenancy sizes are as follows: 1 x 80m², 3 x 100m², 2x 120m² and 1 x450m². A seven metre high free standing sign is proposed along with 39 car parking spaces, including two accessible spaces. A landscaping/planting plan has been provided. An area of 3670m² of earthworks, with cut volume of 5872m³ and fill volume of 6239m³ are proposed. All cut material will be removed from the site and the fill volume will be imported. Wastewater and Water supply will be onsite, as no reticulated network is present in Te Kowhai.

District Plan Provisions

The proposal is located in the Country Living Zone under the Operative Plan (ODP) and Business Zone under the Proposed Plan (PDP), there are no rules with legal effect under the PDP.

The proposal is unable to comply with the “type of activity” rule under the ODP as it is a commercial activity in the Country Living zone and fails to meet a number of performance standards and development controls (building coverage, signage, noise, traffic movements, access and setbacks). The proposal is a Discretionary Activity under the Operative Plan.

Submissions

25 Submissions were received in relation to this proposal. Two in support, one neutral and 22 in opposition. Five submitters have indicated they wish to be heard. One submitter (submission #5) has identified themselves as a Trade Competitor but considers themselves directly affected by the proposal. In Summary, the prevalent topics of concern relate to whether the town has enough demand to cater for the additional shops, concerns relating to shops being left untenanted and character and amenity effects associated with the design of the proposal not fitting with the character of the village.

Status of the Two Plans

The Waikato District Council currently has two District Plan frameworks: the Operative Plan and the Proposed Plan. It is important that I provide initial context on the status of the plans. Currently the Proposed Plan is at Notification/Hearings stage and no decisions have

been released on any part of the plan. Only the objectives and policies and the rules that meet section 86B(3) have legal effect at this stage. There are no rules with legal effect triggered by this proposal. This incomplete framework means that a full assessment cannot be carried out against the PDP. As a result of this, my report below contains only one recommendation against the Operative District Plan (this incorporates an assessment of the PDP Objectives and policies that do have legal effect).

Recommendations

The following report provides an assessment of the proposal against the requirements of section 104 and 104B of the Act, including the actual and potential effects of the proposed activity on the environment, an assessment of the relevant plan provisions, all other relevant matters and Part 2 matters. The report contains a recommendation to the Commissioner on whether or not consent should be granted, evaluating all of the evidence presented at the time of report writing.

In light of the evaluation below, it is my recommendation that the application be DECLINED under the Operative District Plan for the following reasons:

The reasons I have come to this conclusion can be summarised as follows:

- In my conclusion on actual and potential effects under section 104(1)(a) I have found:
 - (i) That there will be effects on Character and Amenity that have not been sufficiently mitigated.
 - (ii) The economic assessment provided demonstrates there is no retail demand for some years to come and no guarantee when that will occur due to lack of reticulation in the area. Meaning there is the potential for shops to be left vacant for some time yet.
 - (iii) The lack of retail demand, limits the positive economic benefits of the proposal which I have found are not enough to balance out the adverse effects found on character and amenity of the locality and the village.

- (iv) I do not consider enough detail has been provided in relation to the servicing on site to address the effects associated with the tanks and any conflicts with the activities or mitigation proposed.
 - (v) I am concerned that the proposal will not comply with the daytime noise limits on a Sunday. Effects in relation to this apparent infringement have yet to be addressed.
- In my conclusion on relevant plan provisions under section 104(1)(b) I have concluded that:
 - (i) the NPSUD or the NESCS are not relevant considerations,
 - (ii) the proposal is inconsistent with the Regional Policy Statement
 - (iii) consistent with the Waikato-Tainui Raupatu (Waikato River) Settlement Claims Act 2010.
 - (iv) The provisions of the Operative District Plan have been assessed where it is concluded that the proposal is inconsistent with the Objectives and Policies of the Plan. Although the proposal is within the bounds of a defined growth area, the proposal seeks through the scale and nature of the activities to effectively create a town centre on the northern periphery of the village. This in turn has the potential to lead to growth pressure outside the urban boundaries of the village. The directive objectives and policies pertaining to Amenity Values have not been met by the proposal. I have found that the development does not align with the vision for rural villages set out in Chapter 1 of the Plan.
 - (v) I have found the proposal to be inconsistent with the Proposed District Plan Objectives and Policies. These seek to encourage large format commercial activities and discourage small scale retail within the Business Zone. I find weighting between the two plan provisions somewhat arbitrary because the proposal is inconsistent with both the Operative and Proposed Plans despite the proposed zone change from Country Living to Business.
- Under section 104(c) Other Matters I have found that:
 - (i) The proposal is partially consistent with the non statutory Future Proof Strategy 2017 in that it is located within the bounds of the urban area.

However due to the nature and location of the activity proposed, the proposal will lead to pressure to intensify development of the surrounding rural and country living land.

- (ii) The proposal is inconsistent with the non statutory documents such as Waikato 2070 and the Structure Plan, which do not identify establishment of a town centre in or near the location of the subject site within the next 50 years.
 - (iii) The proposal will undermine the Integrity of the District Plan.
- In light of the above I consider Part 2 of the RMA would be better met through the decline of this consent application than the granting.

Submission Strike Out Recommendation

I have also made a recommendation to strike out submission #5 as the submitter is a Trade Competitor who has not identified any direct effects on themselves. Submission #15 also requires further investigation as to whether it can be accepted as a valid submission.

I will review my recommendations following the filing of evidence and will advise before or at the hearing whether there is any change to my recommendation as a result of the pre exchanged evidence or evidence presented at the hearing.

The conclusions reached and recommendations made in this report are not binding on the Commissioner and it should not be assumed that the Commissioner will reach the same conclusions or decision after having considered all of the evidence. If the Commissioner does not agree with my assessment under section 104(1) and considers that the proposal can be granted, I have provided a set of recommended conditions of consent for reference that will continue to be worked through with the applicant with the hope that an agreed set can be tabled prior to or at the hearing.

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1.0 INTRODUCTION

Pursuant to s88 of the Resource Management Act 1991 (the Act), Quattro Properties Ltd (the Applicant) has applied for land use resource consent to construct and operate a retail complex in the Country Living Zone at 561 Horotiu Road, Te Kowhai.

1.1 Summary of Site and Planning Information

Applicant:	Quattro Property Holdings Limited
Property Address:	561 Horotiu Road TE KOWHAI
Legal Description:	LOT 28 DP 522977 comprised in Record of Title 831028
Site Area:	5029m ²
Operative Plan	Waikato District Plan (Waikato Section) 2013 (ODP)
Proposed Plan	Proposed Waikato District Plan (Notified Version 2018) Stage 1 and 2. (PDP) Variations 1 and 2 of Stage 1 of the Proposed Waikato District Plan
Activity Status:	Operative District Plan: Discretionary Proposed District Plan: N/A (activity status rules does not have legal effect)
Zoning:	Operative District Plan: Country Living Zone Proposed District Plan: Business Zone
Policy Area:	Operative District Plan: Waikato River Catchment Proposed District Plan: Airport Obstacle

	Limitation Surface, Waikato River Catchment
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1.2 Proposal

Activity

Section 3 of the application outlines the proposal as follows:

The commercial development comprises a single level building with a floor area of 1,290m² generally following the northern and eastern boundaries. The building will comprise seven retail tenancies, including a hairdresser, pizza shop, superette and a number of other small-scale retail outlets.

The takeaway outlet will have an outdoor seating area to the north of the building and will be for the exclusive use of patrons. For the purposes of this application, no outlet will be licensed under the Sale and Supply of Alcohol Act, however, such elements are not intended to be precluded in the future, subject to further consent processes.

The external façade will comprise a mixture of concrete and slatted timber weatherboard finishes. Generous landscaped areas are proposed along the road frontage, within the car parking area and along the rear boundary for the site.

This is evident in the architectural visualisations included in the application, and shown in Figure 1 below:



Figure 1 – Architectural visualisation of development

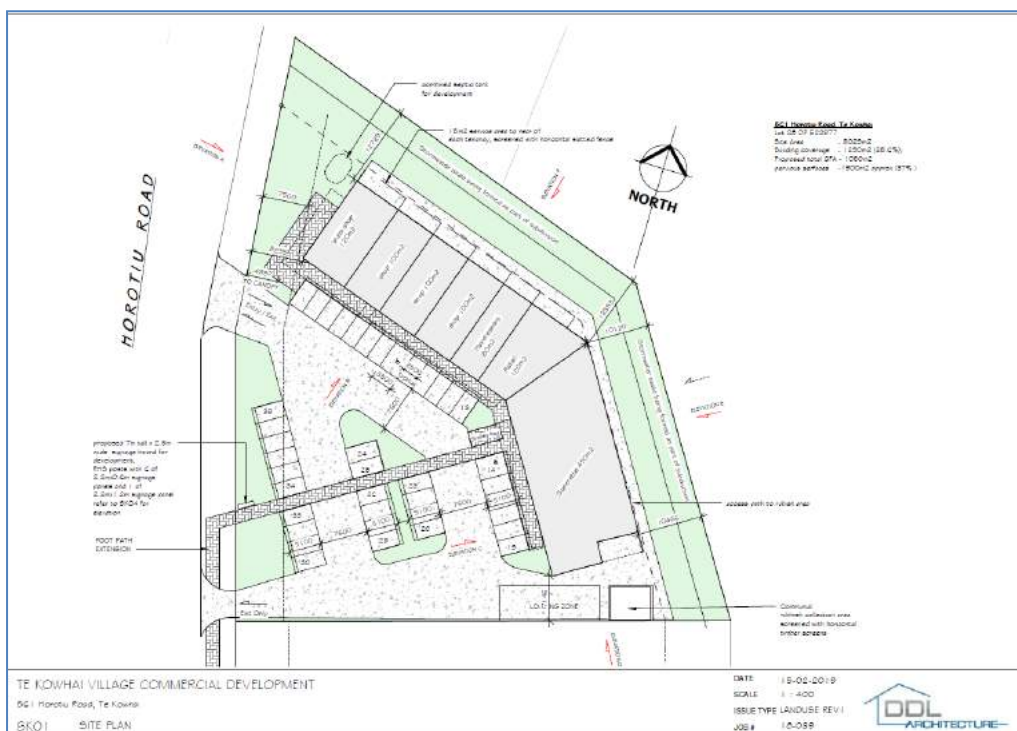


Figure 2 – Site plan

I add to this description the Tenancy sizes which are as follows: 1 x 80m² 3 x 100m² 2x 120m² and 1 x450m².

Signage

The proposal includes one 7m high freestanding structure comprising 7 signs. Section 3 of the application includes a description of the sign as follows:

A freestanding sign, comprising a maximum height of 7m and a width of 205mm, is proposed to be located between the northern and southern vehicle entrances. The sign has been designed to avoid disrupting sightlines, by providing signage boards no lower than 2.05m above ground level. The proposed signage comprises several sandwich boards, with six being 2.2m x 600mm and one being 2.2m x 1.2m. The overall area of [Freestanding] signage is 10.56m². Refer to Figure 9 as follows which illustrates the proposed signage.

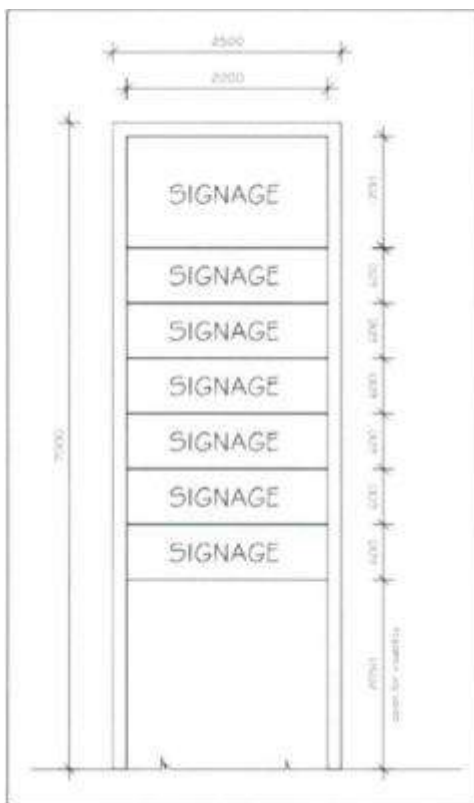


Figure 3 – Elevation of proposed signage board

Signage will also be attached to each tenancy in order to identify the activities occurring on the site within each tenancy. No information has been given on the size of this signage in the application, however indicative locations are shown on the elevation plans for the building. This is in addition to the 10.56m² free standing signage.

Traffic

Vehicle access is proposed via two entrances off Horotiu Road. Section 3.0 of the Application confirms that *'the northernmost crossing will be entry and exit, allowing for two-way flow. The southern crossing is an exit only and will primarily cater for service vehicles to allow for more efficient onsite manoeuvring for heavy goods vehicles.'*

Approximately 984-1,388 vehicle movements per day are anticipated to be generated by the proposal. The proposal is supported by an Integrated Transportation Assessment prepared by CKL which provides an assessment on the transportation effects.

Parking and loading

Car parking and loading spaces are proposed between the building and Horotiu Road boundary. Section 3.0 confirms that:

All carparking associated within the commercial activity will be located to west of the building, nearest the Horotiu Road boundary. 39 car parking spaces will be provided, including two accessible spaces. Sufficient space has been provided onsite to provide the required 4 bicycle spaces to cater for the activity. One loading lane has been provided along the southern boundary, nearest a communal refuse area. The loading zone is located nearest the superette, which is likely to have the highest loading demand. Nonetheless, all other outlets will have access to the area.

Pedestrian Access

The proposal includes extension of the existing footpath near the café and pedestrian access on the site as shown above in Figure 2. This is to allow for an interconnection between the subject site and the consented café to the south.

Noise

A noise assessment has been provided with the application prepared by Earcon Acoustics Ltd dated May 2019. This assessment addresses potential noise created from car park noise, people and takeaways, refuse collection, mechanical plant noise and predicated noise levels. The noise assessment has applied the Country Living Zone standards. Further Information was provided by Earcon Acoustics on the 14th April 2020 to clarify the noise effects during the night time. Noise will not comply on the Southern boundary with 571 Horotiu Road (church café).

Hours of operation

The application seeks the following hours of operation for each respective outlet seven days a week (Monday to Sunday):

- Takeaway / pizza outlet – 10am to 10pm
- Retail and hairdressers - 8am to 6pm
- Superette - 7am to 10pm

Servicing

There is no public reticulation available in Te Kowhai for wastewater, water supply and stormwater. Therefore it is proposed to manage the three waters on site. The proposal has been supported by a Three Waters Management Plan prepared by Wainui Environmental, and outlines the following:

Wastewater

Wastewater will be disposed of via an advanced secondary treatment system with disposal to ground via a conventional bed. The volume of effluent expected to be generated by the commercial activity has been estimated to be 3m³, which complies with the permitted thresholds of the Waikato Regional Plan (refer to Rule 3.5.7.6 of the Waikato Regional Plan).

Stormwater

Stormwater management is by way of an underground soakage system. A 10m wide easement in gross is located over the drain which runs along the northern and eastern boundaries. This drain is part of the Waikato Regional Council drainage network. The swale will convey all secondary overland flow during storm events that exceed the design loading of the soakage system, as will be the case with development of all lots within this subdivision.

Water

Water supply will be provided via two 25,000L water tanks which will be partially or fully buried. The Three Waters Management Plan estimates 2000L/day of potable water when the development is operating at full capacity.

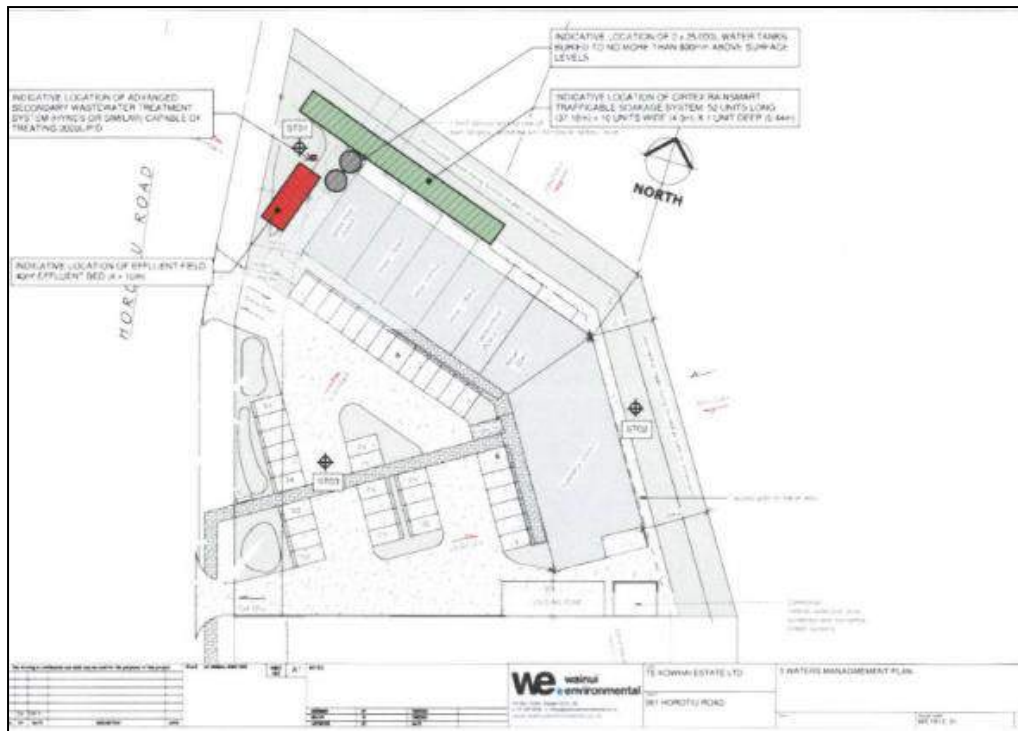


Figure 4 - Location of proposed onsite servicing.

Earthworks and Construction

The earthworks plan shows 3670m² of earthworks, with cut volume of 5872m³ and fill volume of 6239m³. All cut material will be removed from the site and the fill volume will be imported. The applicant proposes erosion and sediment controls to be installed prior to earthworks which includes a silt fence along the edge of the drain and a stabilised construction entrance. As well as a buffer between the earthworks and the drain. The controls will remain in place throughout the works. It is estimated that approximately 600 truck movements will occur across approximately 43 working days. The applicant has not provided information on the length of time that construction will occur over.

Rubbish

A communal rubbish collection area is proposed to be located along the southern boundary (near the loading zone).

The full application documents and all further information is set out in **Appendix A** of this report.

1.3 Description of Site

Subject site and directly surrounding area

The 5029m² subject site is located at 561 Horotiu Road, Te Kowhai within the Country Living Zone.

I visited the site on the 25th February 2020. The site is generally flat in topography, in pasture/grass and contains the Waikato Regional Council stormwater drain which runs along the northern and eastern boundary.

The site has frontage to Horotiu Road, but has no existing formed vehicle entrance to the site. The frontage has no kerb and channelling or footpath which both stop just south of the application site, at the newly established café site.

The café site directly adjoining to the south is also zoned Country Living, it contains an untenanted café and gift shop within a relocated church and numerous water tanks as well as a formed and marked out parking area and post and rail fencing.

To the north is a single dwelling located on a Country Living zoned site, this forms the edge of the Te Kowhai urban area and is where the 50km town entrance signs are located, beyond the adjoining site to the north is rural land.

Behind the subject site (to the east) is Country Living zoned land currently undergoing subdivision with the construction of new dwellings and local roads.

To the west on the opposite side of Horotiu Road are established Country Living dwellings/lots with vegetative screening and a slip access from Horotiu Road to serve dwellings, a wide Right of Way access adjoins Horotiu Road opposite the site, this access serves additional Country Living dwellings located to the rear of Horotiu Road.

Te Kowhai Village

The character of the Te Kowhai township is what I would describe as a small rural village settlement. The town is mostly made up of 70s style residential mixed with newer country

living residential (rural residential). Currently the village has no defined town centre and instead consists of a scattering of a small number of commercial activities along the main road (Horotiu Road). There are currently only three small sites zoned for Commercial activities with activities that could be established on these sites limited by the size of the parcels and area zoned. The largest being 1406m² and housing the current mechanic/garage.



Image 1: Existing garage zoned commercial

The other two commercial sites are located along side each other in separate ownership. 656 Horotiu Road (1258m²) is occupied by the Te Kowhai food centre and post box facility and neighbouring site 654 Horotiu Road (1102m²) contains an existing dwelling currently not developed as commercial property but zoned for it.



Image 2: Existing FoodMart and Post box and Dwelling zoned Commercial

On Country Living land to the southern outskirts of the town is an existing produce shop and a bakery/café that has recently established in an existing building.



Image 3: Fruit and Vege store to the left and Bakery to the right (Te Kowhai Village Café).

The area directly surrounding the subject site is synonymous with the character described above that exists throughout the village.

1.4 Legal Interests

The following relevant interests are registered on the Record of Title:

- 11132886.3 Consent Notice – this relates to the soils and site assessment report for foundation design and wastewater disposal. At the time of building consent, the recommendations are to be adhered to. This consent notice also requires restrictions and recommendations of the stormwater management plan are complied with. The Consent notice has provision for alternative reports to be approved by Council in writing. The Land Development has confirmed the proposal complies with the consent notice.
- Subject to a right (in gross) to drain water over part marked T on DP 522977 in favour of Waikato Regional Council.
- The easements created by Easement Instrument 11132886.4 are subject to Section 243(2) RMA 1991
- Land Covenant in Covenant Instrument 11294173.9. This covenant is a private covenant and restricted the use of the property to rural residential

purpose or any other purpose permitted by the plan with some exceptions. The close board fences proposed would not meet the covenant provisions. Any compliance issues with the covenant are between the applicant and the Covenanter. It is however noted that the applicant has provided written approval from Te Kowhai Estate Limited for the RMA matters so it is assumed that if they had issues with covenant compliance they would have withheld their written approval.

None of these interests restrict the proposal from proceeding from an RMA perspective

2.0 PROCESS MATTERS

2.1 Key Dates

A summary of key dates for this application are as follows:

Date	Description	Working days
23/05/19	Application lodged under Section 88 of the Resource Management Act 1991 (RMA)	01
05/06/19	Revised application accepted under Section 88 of the RMA.	09
29/04/20	Section 37 doubled timeframes under special circumstances	17
13/05/20	Public Notification Decision made	26
13/05/20	All processing put on hold waiting on a fixed fee under s37(6)	26
20/08/20	Public Notification	26
17/09/20	Submissions Closed	46

2.2 Technical Comments

As part of my evaluation I have engaged various technical experts to review the applicant's

application and advise me on aspects of the proposal in relation to Engineering, Transportation, Acoustics and Economics.

Acoustics

Mr Matt Cottle from Marshall Day Acoustics took over review of the acoustic report and provided final comment on the 20th April 2020. Prior to Mr Cottle taking over the acoustic review Mr James Bell- Booth was the acoustic reviewer and provided an initial report dated 22 July 2019. The acoustic reviews and communications are set out in **Appendix B**.

Mr Cottle is an Associate with Marshall Day Acoustics. He has a Master of Design Science (Audio and Acoustics) qualification from the University of Sydney, New South Wales, Australia. He is a current member of the Acoustical Society of New Zealand.

Mr Cottle has more than 13 years' experience in acoustic consulting in both Australia and New Zealand, specialising in environmental / industrial noise and vibration control and three-dimensional computer noise modelling.

Traffic Engineering

Mr Vinish Prakash from Gray Matter Traffic Engineering reviewed the application in reference to the traffic effects. A report was provided on the 26 September 2019. Further clarification and updated recommendations were provided by Mr Alastair Black by way of email on the 8th April 2020. The report and email updates and correspondence are attached as **Appendix C**.

Mr Vinish holds a Bachelor of Engineering Technology degree (Civil, 2014) from the Waikato Institute of Technology (WINTERC). And is a Member of Engineering New Zealand. He has worked in the civil/transportation field for 6 years.

Land Development Engineering

Mr James Templeton – Land Development Engineer for Waikato District Council reviewed the application and provided initial draft comment on the notification report. An updated report has been provided on the 22 October 2020 with recommended conditions. The updated report is attached as **Appendix D**

Mr Templeton lists his qualifications and experience as follows;

Qualification: NZCE (Civil)

Experience: 13+ years in Highways and Roading (Operations, Asset Management
Project Management)

5 years (Land Development)

Economics

Mr Derek Foy from Market Economics was engaged post notification to assist with analyzing the economic effects of the proposal. His report is attached as **Appendix E**

Mr Foy is Associate Director of Market Economics Limited, an independent research consultancy. He holds the qualifications of a BSc in Geography and an LLB from the University of Auckland. He has 20 years consulting and project experience, working for commercial and public sector clients. Mr Foy specialises in retail analysis, assessment of demand and markets, the form and function of urban economies, the preparation of forecasts, and evaluation of outcomes and effects.

3.0 STATUS OF ACTIVITY

3.1 Waikato District Plan – Waikato Section

Rule #	Rule Name	Status of Activity	Comment
27.10	Type of Activity	Discretionary	The proposal is for a commercial development within the Country Living Zone.
27.16	Access, vehicle entrance, parking, loading and maneuvering space	Restricted Discretionary Activity	The proposed vehicle entrances are unable to comply with sightlines and separation distances Aisle width for maneuvering space for carparks does not comply with the required 8.7m with 7.5m-7.8m proposed. Loading spaces – only 1 proposed where 3

			are required.
27.17	Vehicle Movements	Discretionary	The proposal will result in approximately 984-1388 vehicle movements per day when the zone allows 30 per day.
27.18	Noise	Discretionary	The proposal will infringe daytime noise standard on the southern boundary with the church café at 557 Horotiu Road by 5dBA. However I have questions on whether the proposal complies on a Sunday that remain unanswered.
27.24	Earthworks	Discretionary	The proposal involves approximately 5872m ³ of cut to waste and 6239m ³ of imported fill over an area of 3670m ² . If additional tanks are required for servicing then additional earthworks will be needed that have not been applied for.
27.36	Signs – advertising signs	Discretionary	The proposed freestanding sign has a total combined height of 7m and width of 2.5m with the signage component being 4.8m height by 2.2m width. The total area of the free standing signage is 10.56m ² . In addition there will be signage on each tenancy as shown on the elevation plans.
27.37	Signs – effects on traffic	Discretionary	Each tenancy will have an advertising board which exceeds the number of characters and symbols permitted.
27.47	Building Coverage	Discretionary	The proposal results in a total Building coverage of 25.5% (1290m ²) when 10% is allowed (502.9m ²)
27.48	Building Setbacks – allotments 1050m ² or	Discretionary	The proposed building is setback a minimum of 10m from the eastern boundaries and 7.1m from the southern boundary where 12m is required.

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Overall the proposal is a Discretionary Activity. Except for the noise matter yet to be worked through, I adopt the District Plan assessments set out in the application documents.

There are no rules in the Proposed District Plan that have legal effect.

4.0 NOTIFICATION AND SUBMISSIONS RECEIVED

4.1 Notification Decision

A notification decision was made on the 13th May 2020 to publicly notify the application. The decision concluded that there were likely to be or would be adverse effects in relation to Character and Amenity. Aside from publicly notifying the application, direct notice was served on the owners and occupiers of 12 properties within the vicinity of the site as well as those parties required to be served notice under Regulation 10 of the RMA. The list of the 12 properties served direct notice is set out below:

Ref	Property Address	Legal Description	Owners	Submission Made?
1	557 Horotiu Road TE KOWHAI	PT DP 21971 BLK XI NEWCASTLE SD	Mary C Bowen & Dianne Bowen	No
2	560 C Horotiu Road TE KOWHAI	LOT 1 DPS 82272	Clive I Dyson & Dianne F Clarke	No
3	560 B Horotiu Road TE KOWHAI	LOT 2 DPS 82272	Edward C Stocks & Andrea L Stocks & Patricia Ann Stocks & JW Trustees Limited	Yes
4	560 A Horotiu Road TE KOWHAI	LOT 3 DPS 82272	Richard C Burke & Desmond P P Chia	No
5	564 A Horotiu Road	LOT 4 DPS 82272	Brett I Findsen	No

	TE KOWHAI			
6	564 B Horotiu Road TE KOWHAI	LOT 5 DPS 82272	David W Bennett & Joanna L Bennett & BPA Trustee Limited	No
7	564 C Horotiu Road TE KOWHAI	LOT 6 DPS 82272	Arnold C Trigg & Dianne H Trigg	No
8	564 D Horotiu Road TE KOWHAI	LOT 7 DPS 82272 SUBJ TO ESMT DP 471756	Max Ravlich & Amanda Ravlich	Yes
9	8 Westvale Lane TE KOWHAI	LOT 1 DP 323466 BLK XI NEWCASTLE SD	Tait R Mitchell & Linda J Mitchell	No
10	578 Horotiu Road TE KOWHAI	LOT 1 DPS 5232 BLK XI NEWCASTLE SD	Gaynor J Stevens	No
11	577 Horotiu Road TE KOWHAI	LOT 2 DPS 17990 BLK XI NEWCASTLE SD	Martha P Novoa Hernandez	No
12	575 Horotiu Road TE KOWHAI	LOT 1 DPS 17990	Jeffrey H T Stewart & Elizabeth M Stewart	Yes

4.2 Submissions Received

25 Submissions have been received and can be found in **Appendix F**.

Two submissions support the proposal (#3 and #4), one is neutral (#20), and 22 submissions are in opposition to the proposal. Five parties have requested that they are heard at the hearing. (#2, #5, #15, #16 and #25)

Submission Number	Name	Address	For/Against	To Be Heard
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I	Vandghie & Michiel Badenhorst	650B Horotiu Road RD 8 Hamilton 3288	Against	No
2	Delwyn Brunt	39 Crawford Road Te Kowhai	Against	Yes
3	Amanda & Jack Schaaake	694B Horotiu Road RD 8 Te Kowhai	For	No
4	Heritage New Zealand Pouhere Taonga	PO Box 1339 Tauranga 3141	For	No
5	Shoring Tang	656 Horotiu Road RD 8 Hamilton 3288	Against	Yes
6	Jaimee Brunt	69 Limmer Road RD 8 Hamilton 3288	Against	No
7	Jennifer Kaye de Boer	166 Crawford Road RD 8 Hamilton 3288	Against	No
8	Tait Russell Mitchell	8 Westvale Lane RD 8 Hamilton 3288	Against	No
9	Andrea Julie Cadwallader	96 Crawford Road RD 8 Hamilton 3288	Against	No
10	Judith Gallagher	958 Horotiu Road RD 8 Hamilton 3288	Against	No
II	Julian Scott Stone	484 Horotiu Road RD 8 Hamilton 3288	Against	No

12	Amy Spitzer	14 Coombes Road RD 8 Hamilton 3288	Against	No
13	Catherine Heather Shaw	663 Te Kowhai Road RD 8 Hamilton 3288	Against	No
14	Amanda Ravlich	564D Horotiu Road RD 8 Hamilton 3288	Against	No
15	Tao Liu	656B Horotiu Road RD 8 Hamilton 3288	Against	Yes
16	Edward & Andrea Stocks	560B Horotiu Road RD 8 Hamilton 3288	Against	Yes
17	Sara Gavin	570B Te Kowhai Road RD 8 Hamilton 3288	Against	No
18	Michelle and Damian Max	Horotiu Road RD 8 Hamilton 3288	Against	No
19	Peter Douglas Scott	13 Westvale Lane RD 8 Hamilton 3288	Against	No
20	Pauline Kaye Hendrikse	509 Horotiu Road RD 8 Hamilton 3288	Neutral	No
21	Nadine Anne Stewart	165 Fullerton Road RD 8 Hamilton 3288	Against	No
22	Fay Kay	726 Te Kowhai Road RD 8 Hamilton 3288	Against	No

23	Nienke van der Helm	13 Duck Road RD 8 Hamilton 3288	Against	No
24	Jeffery Hugh Tasman Stewart	575 Horotiu Road RD 8 Hamilton 3288	Against	No
25	Marshall & Kristine Stead	703B Te Kowhai Road RD 8 Hamilton 3288	Against	Yes

Submissions can be summarised as follows:

Submission Summary	Point	Submission Number	My Response
<u>Economic</u> - Concern on what effect this proposal will have on the existing shops and/or lack of demand for more shops.		#1 #2 #3 #5 #6 #7 #8 #9 #10 #11 #12 #13 #14 #15 #16 #17 #18 #19 #23 #24 #25	Addressed within my assessment of effects and Plan provisions.
<u>Character, Amenity and Built Form</u> - The design/aesthetics of the proposal does not fit within the character of the township/village and/or immediate locality.		#1 #2 #5 #7 #9 #10 #11 #12 #13 #14 #16 #17 #18 #19 #21 #23 #25	Addressed within my assessment of actual and potential effects and Plan provisions.
Noise		#8 #14 #20	Acoustic Engineers have assessed and concluded acceptable – I have outstanding questions on Sunday Day noise.

Traffic Safety and numbers	#8 #14 #19 #24	Traffic Engineers have assessed and concluded acceptable
Infrastructure and Flooding	#19	Council LDE addresses this matter in his report.
Archaeology – accidental discovery protocol condition requested	#4	Condition recommended
Location – shops in the wrong place	#12 #14 #19 #20 (conditional), #22 #24	Addressed within my assessment of effects, plan provisions and other matters
Social Impacts	#14 #16 #19 #24	Addressed within my assessment of effects.

4.3 Late Submissions

All submissions were lodged within the submission timeframe.

4.4 Trade Competition Matters

One party has identified themselves to be a Trade Competitor. This is Submission #5 Mr Shoring Tang. Based on the address provided I am assuming that the Business Mr Tang operates is the FoodMart Dairy shown in Image 2 within the site descriptions above. Mr Tang considers that there will be direct effects on them. The submission fails to describe what those direct effects are. The submission notes the following reasons why they do not support the proposal:

- Not enough foot traffic to support the development
- The Base shopping mall is close
- Water tanks and septic tanks will affect amenity of the village.
- The development will become a ghost town

In my opinion these matters relate to indirect effects on the submitter and cannot be considered direct environmental effects.

As the location of this submitter is some distance away (850m linear distance) at 656 Horotiu Road, Te Kowhai. I am of the view that the only direct effects that can be identified on this party are those that relate to Trade Competition effects. Unless the submitter can provide additional evidence as to how they are directly affected during the pre exchange of evidence it is my recommendation that the submission should be struck out.

I note that submission #15 comes from the same site currently zoned Business in the Operative District Plan. (656B Horotiu Road, Te Kowhai) The Submitter Mr Tao Liu does not identify themselves as a Trade Competitor. It is my view that based on the address of the submitter there is real potential for this submission to have been undertaken on behalf of Submitter #5. The matters raised in this submission relate to:

Concern that the population in Te Kowhai will not support the commercial shops at the moment.

I recommend this matter is further investigated by the Commissioner to understand whether submission #15 is a valid submission.

Both submitters # 5 and #15 wish to be heard.

Many of the other submissions raise concern regarding having empty shops within the town, and the effect this will have on the town. This matter is discussed further in my effect's assessment under Economics Effects.

5.0 SECTION 104 CONSIDERATIONS

This section of the report outlines the statutory framework of the Resource Management Act 1991 under which the assessment of the application will be undertaken.

5.1 Section 104

Matters to be considered by the Council when assessing an application for resource consent under s104 of the Act include, subject to Part 2, any actual and potential effects on the environment, any relevant objectives, policies, rules or other provisions of a Plan or Proposed Plan and any other matters considered necessary (i.e. under s104(1)(c)).

The following sections of this report will assess the proposal's effects on the environment and against any relevant objectives, policies of the relevant National Policy Statements, Waikato District Plan (Waikato Section), the Operative and Proposed Regional Policy Statement and the Regional Plan and other relevant regulations and other matters considered necessary.

5.2 Permitted Baseline

Section 104(2) contains the statutory definition of the permitted baseline. This section specifies that when forming an opinion with regard to the actual and potential effects on the environment of allowing the activity, the consent authority may disregard an adverse effect of the activity on the environment if a national environmental standard or the plan permits an activity with that effect. Application of the permitted baseline is a matter of discretion for the consent authority. If it is applied, permitted effects cannot then be taken into account when assessing the effects of a particular resource consent application. The baseline has been defined by case law as being non-fanciful (credible) activities that could be permitted as of right by the District Plan. I will address the permitted baseline further in Section 6.0 below.

5.3 Part 2 Matters

All of the above considerations under section 104 are subject to Part 2 of the Act – purpose and principles (sections 5, 6, 7 and 8). The key matter when considering this application will be the Act's single purpose as set out in section 5, which is to promote the sustainable management of the natural and physical resources.

A full discussion and assessment of all Part 2 matters and a final overall judgement of whether the proposal promotes this part of the Act is set out in later sections of this report.

EVALUATIVE ANALYSIS

6.0 RULES PERMITTED BY THE PLAN

Section 104(2) states that *“When forming an opinion for the purposes of subsection (1)(a), a consent authority may disregard an adverse effect of the activity on the environment if a national environmental standard or the plan permits an activity with that effect.”*

Application of the permitted baseline is a matter of discretion for the consent authority. If it is applied, permitted effects cannot then be taken into account when assessing the effects of a particular resource consent application on a person. The baseline has been defined by case law as being non-fanciful (credible) activities that could be permitted as of right by the District Plan.

As the focus of the permitted baseline test is on the *effects* of permitted activities, it is necessary to first identify credible permitted activities in the Country Living Zone (CLZ) and then assess whether any of the permitted effects are comparable to the effects of the proposal.

As a permitted activity the following are examples of what could be carried out in the Country Living Zone:

- One Residential Dwelling and one Dependent Persons dwelling that complies with all other effects and building rules
- A childcare facility for up to 10 children that complies with all effects and building rules
- A Commercial Activity as a Home Occupation made up of 40m² within an existing dwelling with no more than 2 people employed who live off site with no customers after 7pm.

A selection of Effects and Building rules are as follows:

- Up to 30 Traffic movements a day

- Earthworks up to 100m³
- One sign up to 3 metres in height and 1m²
- Building Coverage (including required parking spaces) does not exceed 10%, in this case this equates to 502.9m²
- Gross floor area for accessory buildings does not exceed 80m²
- Yard setbacks of 7.5metre from the road boundary and 12 metres from other boundaries.

In my opinion when comparing the scale and nature of the activities proposed to those activities listed above it is clear that the effects resulting in the proposed activity are not comparable to those that could be appropriated by right. I therefore do not consider it a useful assessment to apply the permitted baseline in this case to my assessment of effects.

7.0 EXISTING ENVIRONMENT

Case law has held that the 'environment' upon which the effects are to be assessed is the existing and the reasonably foreseeable future environment (that is, the future state of the environment as it might be modified by permitted activities under the District Plan and unimplemented resource consents, where it appears likely that these consents will be implemented).

7.1 Current Environment

The current existing environment has been described in the site description analysis in section 1.3 of this report.

7.2 Unimplemented Consents

Subdivision Consent SUB0007/20 was granted on the 13th October 2020 to the land adjoining the subject site to the east. The subdivision granted 19 Rural Residential allotments at sizes ranging from 3000m² to 3450m² and proposes to vest road in Council. The road is already physically formed through a previous proposed subdivision however had not vested under the previous subdivision as the applicant applied for SUB0007/20 to increase densities in line with the proposed Village Zone rather than the Country Living Zone.



Figure 5: Approved Scheme Plan for SUB0007/20

There are no other unimplemented Resource Consents within the vicinity that I am aware of.

8.0 ASSESSMENT OF EFFECTS ON THE ENVIRONMENT– SI04(I)(a)

As the proposal is a Discretionary Activity, my assessment of effects is not restricted to any particular matters.

The actual and potential effects of the land use activities on the environment are those effects relating to:

- Positive Effects
- Character Effects
- Economic Effects
- Acoustic Effects
- Transportation Network and Parking Effects

- Servicing Effects
- Earthworks and Construction Effects.

Where relevant, the assessment below identifies whether actual and potential effects can be avoided, remedied or mitigated with the use of appropriate conditions of consent. The presence of any draft conditions is not a predetermination of a recommendation or decision to grant the application. They are simply set out to be of assistance to all parties, in particular the Hearing Commissioner, should they conclude that the application be granted subject to conditions.

8.1 Positive Effects

Section 3 of the RMA defines the meaning of effects to include positive effects and it is entirely appropriate to consider whether a proposal creates positive effects on the environment (which includes people and communities). Positive effects that result from a proposal can be balanced against any adverse effects and may outweigh such adverse effects and enable a conclusion to be made for a proposal to be approved.

The positive effects of the proposal are set out below:

- The construction of the proposed site will temporarily contribute to the economy through the provision of construction jobs. However no further information has been provided from the applicant to quantify this.
- If tenanted, the proposal will result in increased choice of retail for the residents of Te Kowhai.
- If tenanted, the proposal provides additional opportunity for social interaction within the community.

The long term benefits of the proposal are reliant on demand for retail being satisfied. This will be discussed in more detail within my section on Economic effects below.

8.2 Character Effects

“Local character is the distinctive identity of a particular place that results from the interaction of many factors - built form, landscape, history, people and their activities.” (Ref: *Summary of the value of urban design: The economic, environmental and social benefits of urban design. Ministry for the Environment, June 2005.*)

Built Form

One of the common themes raised in submissions is the concern regarding whether the built form appropriately fits with the character of the Te Kowhai Village.

The Te Kowhai village is a mix of building styles – and that partly makes up its character however, it is my view that the predominant character (and potentially that aspired to by submitters) is generated from the more traditional styles best illustrated by the church buildings, the hall and to some extent the school. Steeply pitched metal roofs, gables, painted weatherboard etc. In my opinion the proposed building does little to reflect/respect the village character. I am in agreement with the submitters that due to the roofline, scale and size as well as the tilt slabs used, that the character and built form of the proposal is more akin to a more densely populated urban set of shops than that of a small rural village.

In addition to the building itself when you also add in the signage proposed, both on the buildings and the seven metre high freestanding signage board, as well as the expanse of the parking and access areas, this combination of features shows little in the way of reflecting the existing character of the village or the Country Living Zone, in which the proposal is located. There are no other examples in the village where a set of attached shops at the scale proposed is evident.

I do not consider that some built form in this location would be out of place, the site is within the boundaries of the Te Kowhai village area where you would expect to see more densely populated built form within the 50km speed zones. It is evident that any structure within this site fills a logical gap in the urban form. The back drop to the east of the proposal is proposed to be more densely populated than typically seen in the Country Living Zone with approval of allotments down to 3000m².

It is the size, scale and design and associated curtilage of the proposal that in my view does not reflect the character of the village as a whole or the character of the immediate area.

Evidently there is a business activity approved within the relocated church to the south. However in my view the built form, scale and size of this fits more with existing character, the building is much smaller in footprint with the pitched roof and weatherboard materials complementing the character of the village.

Landscape

The applicant has provided a Landscape and Visual assessment from a Qualified Landscape Architect Ms Jo Soanes dated 14 February 2020 and attached in **Appendix A**. I have read Ms Soanes report and I accept some of her findings, however I do have concerns regarding the reliance in her reporting that places weight on the Proposed District Plan provisions and the presumption of change of zoning to the proposed site. In light of my concerns I asked the applicant's agent as to whether they could provide confirmation that findings held in the report were not in reliance of the PDP zone change and were derived solely within the context of the zoning provided for in the Operative District Plan. The agent was unable to provide this confirmation from the Landscape Architect. I have set out the matters for contention below:

Landscape Character Effects

I accept Ms Soanes sections 5.1.1 and 5.1.2. However when assessing the Magnitude of Change under section 5.1.3 Ms Soanes relies heavily on the Proposed District Plan changes to rezone the land and concludes that *"the proposed retail development will not significantly alter the broader landform patterns of the wider area, it will sit within the changing rural residential landscape signalled by the proposed rezoning of the area under the PDP from Country living to future Business Zone."*

She goes onto note that: *"Within the Site the development will introduce a complete land use change from currently rural residential (country living) to commercial. The proposal will form a permanent change to the Site for some time with changes to the land use and landcover for the carparking, building development and associated landscape planting. The magnitude of change to the Site itself is low, due to the permitted residential development to proposed commercial, and therefore the integration of quality landscape planting and boundary treatments to reflect the Te Kowhai village character is recommended."*

It is my view that the magnitude of change cannot be described as low because the proposed rezoning has no certainty of occurring and no weight can be applied to this matter at this stage in the process. The scale of the proposal results in seven attached commercial buildings with a total floor area of 1290m², the application also proposes 10.3m² of commercial freestanding signage at 7 metres in height and formed carparking to provide for 30 spaces. There is currently no such activity that is comparable within the Te Kowhai town when taking into account both the scale of the built form combined with the nature and intensities of the activities proposed. While the café directly to the south of the site has significantly more parking spaces for their activity (45 spaces), the activities on site are limited to one café and one gift shop with a building footprint of 398m². I do not consider the scale and intensity of the activities on the adjoining site to be comparable to that on the subject site. Due to the size of the existing Business zoned land, no such activity of a similar nature would be able to establish in the near future as a permitted activity, on land already zoned Business within the town.

Visual Effects

Under section 5.2 of her report Ms Soanes assesses the visual effects of the proposal. I accept section 5.2.1 of her report where she described the visual catchment. Section 5.2.2 addresses visual sensitivity from the immediate environment and sections 5.2.3.1 and 5.2.3.2 address magnitude of change from the immediate environment,

Section 5.2.3.3 addresses magnitude of change from transient views from Horotiu Road. Ms Soanes concludes:

“that due to the changing rural environment and the subdivision development within Te Kowhai and surrounding area, the magnitude of change for transient views from Horotiu Road is considered very low.”

I am concerned that this assessment again relies on the PDP rezoning matters to come to these conclusions and therefore the conclusions on visual effects described in section 5.2.4 cannot be relied upon. The CLZ allows for one residential dwelling on a 5000m² section with limits on signage. Although the site will be filling a gap in a line of existing development and the subdivision granted behind allows rural residential development down to 3000m², it is my view that the scale and intensity of the proposal including the seven attached retail

units, the close board fencing on the eastern and northern boundaries, expansive carparking and all associated signage, creates a bulk form well beyond the activities which are generally established within a Country Living Zone.

Ms Soanes recommends a number of mitigation measures to integrate the development into the landscape. Key recommendations include:

- Kowhai specimen trees along the road frontage
- Native planting and low hedging to provide partial screening of the carparking
- Planting to assist in screening water tanks and effluent field
- Timber boundary fencing (stained a dark colour) and planting along the north and east boundary to screen rear of development for 557 Horotiu Road and future rural residential development and
- Timber rail fence along the road boundary to tie into the adjacent Café Church development and wider Te Kowhai rural character.

It is my view that while the proposed landscaping features such as post and rail fencing and Kowhai trees will help soften the proposal into the landscape, they do not mitigate the scale and design of the built form itself.

The applicant offers no further assessment or mitigation from an architect or urban designer on the proposed built form and how it interrelates to the existing character of the village or the Country Living zone.

Social Coherence

I would like to add an additional aspect of Character and Amenity into consideration. It is my opinion that the social coherence and sense of place that is found within the Village also contribute to overall character and amenity values. Chapter 11 of the Operative District Plan (Social, Cultural and Economic Wellbeing) can provide some context and guidance to this effects assessment. Chapter 11 notes:

Development that does not correspond with, or respect the context of, the place and the established

development pattern can cause towns, villages, neighbourhoods and localities to lose social coherence and a sense of place, resulting in loss of social and cultural wellbeing. This in turn directly affects the amenity of the town.

The proposal if tenanted will result in a significant increase in traffic numbers and members of public occupying the site than one would anticipate, would be associated with the amenity values of an area dominated by rural residential dwellings.

The scale and nature of the activities proposed will result in effectively creating a town centre for Te Kowhai within the Country Living Zone, on the periphery of the town. This is away from the existing Business Zone activities, the town hall, school and existing and future residentially zoned areas. It is my opinion that establishment of what will effectively be a town centre into the Country Living Zone, on the northern outskirts of the town will erode the potential for solidifying the existing community cohesion. I do recognise that currently due to the existing layout and zonings the town has little in the way of a defined town centre and this is discussed in my economic section in direct relation to the shops. However, on visiting the site and wider area, it is evident that the focal points of the town are located within the School, and Town hall area where it was my observation that the community congregate. This is in my experience unusual, as normally social and community cohesion is most evident around existing businesses and shops.

Conclusions on Character

The AEE lodged by the applicants Planner Ms Jodie Hansen relies on the rezoning of the land to Business to form conclusions that the effects on character are less than minor and therefore acceptable. Further to this assessment, the applicant has commissioned a Landscape Assessment (at the request of the Council Planner dealing with the application at the time), this has been relied upon by the applicants agent to solidify their view that Character effects are entirety acceptable provided the mitigation undertaken by Ms Soanes is implemented.

My view is that Character is made up of so much more than just Landscape and Visual effects. It is my opinion that the proposal will be detrimental to the effects on the character of the Te Kowhai Village as a whole and the immediate environment surrounding the site because:

- The built form does not respect and/or respond to the existing character of the immediate surrounding area or the Village as a whole.

- The Landscape Architect has relied on the Proposed District Plan rezoning that has no legal effect to conclude that the landscape and visual effects are satisfactory, and I do not consider that is the correct approach when undertaking an Operative District Plan assessment.
- The establishment of what will effectively become the town centre for Te Kowhai on the northern periphery of the village, will erode the ability to solidify the existing community cohesion that is more established in other areas of the village.
- The proposal (including the additional comings and goings of people and vehicles) will, when combined with the neighbouring church café site, result in a change of dominant use from Rural Residential Living to Commercial use. As the zoning is Country Living on the northern edges of the town, I find this unacceptable.

In conclusions having regard to the considerations discussed above I am of the view that the character effects of this proposal are likely to be detrimental to the character of Te Kowhai Village and the Country Living Zone in this location. Residents of the Village have sent a clear message through submissions that the proposal does not align with their aspirations for the character of the Village. The effects of the proposal in terms of character are in my opinion not acceptable.

8.3 Economic Effects

There are numerous submissions that raise concerns regarding whether there is sufficient population demand to warrant the proposed size of the shops proposed. In response to this I engaged Mr Derek Foy from Market Economics to provide expert opinion and address the concerns raised. There was also concern that the location of the proposal will “draw away” from the existing shops and cause these to close. Mr Foy’s full Economic assessment can be found in **Appendix E**.

Retail Demand

Mr Foy has concluded as follows:

Our assessment has shown that Te Kowhai is a very small retail market now, and will remain so into the future. The amount of retail/hospitality space in the town is broadly consistent with the

amount of space that is sustainable. It will be around 2028 before the new growth cells anticipated in Waikato 2070 begin to be developed, and residential growth increases local retail demand to a point where additional local retail supply is sustainable. Prior to 2028 at the earliest, any additional retail and hospitality space would be likely to result in the closure or much reduced viability of Te Kowhai's few retail/hospitality businesses.

The analysis undertaken by Mr Foy demonstrates that there is no need for additional retail supply at present and there is a strong reliance on the growth cells within Waikato 2070 plan being implemented to create additional demand for retail space. At this point in time it is unknown as to the likelihood of the timeframes identified in Waikato 2070 being enacted. Waikato 2070 increases the density of residential areas above that which are proposed under the PDP. There is no certainty that these additional residential areas identified in Waikato 2070 will start to develop by 2028 or that rezoning of the identified areas in the PDP would occur by this date to the medium residential density necessary to provide the additional demands. The village of Te Kowhai remains unserved by reticulated wastewater and water supply meaning that infrastructure servicing would need to occur prior to the approval of single density housing indicated in Waikato 2070. I asked the Development Engineer Mr James Templeton to explore with Watercare what the future plans for reticulated infrastructure are for the Te Kowhai area. At present there are no adopted plans to provide publicly reticulated wastewater and water supply for Te Kowhai. The draft LTP proposes to set aside funding for the years 2028/29 and 2029/30 for a rising main and pumping station to service Te Kowhai with a Wastewater network and allow further residential growth. However this is only draft and a decision on this is yet to be made by Council, it could be that Council decide that this is not the place where growth money will be spent and the figure is removed from the LTP.

I can only conclude that if constructed within the 5 years that the applicant has to give effect to the consent, there is a strong likelihood that most of the shops will be left untenable for a number of years due to lack of demand.

This is due to the lack of certainty on the future development of Te Kowhai to increase the population demand to a level that would sustain the proposed commercial development from an economic perspective.

It is my opinion that the likelihood of long term vacancies of the retail space (should consent be granted) is high. This has the potential to impact the amenity of the directly surrounding

area, and the overall amenity of the town as you arrive and leave through the northern gateway to Te Kowhai. Vacant shops will also have the potential to impact on the sense of pride and place and community cohesion aspired to by the community. I share the submitters concerns that the lack of retail demand will potentially lead to adverse amenity effects on the village and directly surrounding area through vacancies of retail space.

The lack of demand identified and uncertainty on when intensification will occur within the Te Kowhai residential areas erodes the positive effects identified earlier in my report (with the exception of economic benefits during construction) because these benefits were on the reliance that the complex would be tenanted with high occupancy rates. Further to this I observe that the Church Café, directly to the south of the site has been advertising for a tenant since at least December 2019, (as observed from Google Street view) and to my knowledge is yet to be tenanted.

Effects on Existing Shops

Mr Foy has concluded that if the new shops are tenanted it is likely that this will have a direct impact on the existing shops within Te Kowhai.

He states:

*“..the creation of additional retail or hospitality space in Te Kowhai (over and above the activities identified in section **Error! Reference source not found.**) would be likely to result in either much of that space remaining vacant or the closure of existing businesses. However, we are not clear as to the implications of any such potential closures in the case of Te Kowhai. Generally in resource management case law in New Zealand, a concern with distributional effects arises because:*

- new retail/commercial activities can generate trade competition effects on existing businesses.*
- while those direct (trade competition) effects are not able to be considered as effects under the RMA, the (indirect) effects flowing from those direct effects are able to be taken into consideration in evaluating the merits of a proposal.*

- *Those indirect effects include effects on the viability and vitality of centres, and the ability for centres to continue to function as strategically valuable community assets that play an important role in providing for the needs of communities.”*

However, in the case of Te Kowhai, there is no centre zone to be concerned about effects on. The very limited commercial zones are restricted to three separate Business spot zones, each accommodating a single business, with a fourth business location at the site of the Te Kowhai Village café. Of those four locations:

- *The automotive workshop, a type of activity that is not usually included in retail impact assessments, nor likely to be affected by the proposed development from the current application which is unlikely to contain any automotive presence.*
- *The grocery store is a single business and therefore does not constitute a centre as discussed in the District Plan. It cannot be said that a standalone store plays any role in consolidating activity (section 6.3.3 of the Plan), nor that it has a social coherence or sense of place (objective 11.2.1).*
- *The café consented for the site adjacent (to the south) of the application Site would likely benefit from co-location of additional retail activities, although any disbenefit would be limited to trade competition effects, and not generate flow-on effects of any consequence for community wellbeing and functional amenity.*
- *The Te Kowhai Village café on Horotiu Road is not zoned Business, and so in our opinion it is questionable how much regard should be had to avoiding effects on it.*

Given the standalone and non-centre, non-clustered nature of these four activities, it is to our mind questionable how much the District Plan would (or could, under the constraints of RMA case law on indirect effects) seek to avoid indirect effects on them. While our assessment indicates it is likely that some of those businesses could close, or shift to reduced operating hours as a result of the trade competition generated by the proposed development, those effects would be mostly limited to trade competition effects, and therefore be precluded from consideration when evaluating the merits of the application. That is perhaps a technical matter for the planning assessment to consider.

Mr Foy has set out an accurate description of the existing shops.

I consider that regard can and should be had to the Te Kowhai Village Café/Bakery and fruit and vegetable shop as these businesses are a legitimate part of the established existing environment therefore any indirect effects on these businesses can be considered.

However, I do not think this alters much in terms of the conclusions reached. I agree with Mr Foy that the resource management implications of any such closures are limited by the current scattered nature of the town's existing businesses, the absence of any clusters of economic activity in the identified "town centre gateway", and the inability to consider trade competition when assessing the merits of an application.

If the new complex is tenanted then it appears likely that existing shops will close, but due to the scattered nature of the existing shops, it is my view that the effects on amenity and community sense of pride and place will be less adverse than if the proposed new shops remain untenanted and the existing shops remained. This is because the proposal is a consolidated set of seven shops so many empty shops will be more noticeable. Mr Foy has noted that closure of the existing shops will have some accessibility effects on the residents of the southern area. I agree that this will be the case. In part this would be offset by those in the north now having greater accessibility. However, the growth for the town has been earmarked within the southern areas, so in the long term the location would have the potential to adversely affect accessibility to what will become a quasi town centre. One could argue that due to the total size of Te Kowhai, the proposed complex would still be only located approximately 1km from the southern most residential areas. The Village has established footpaths and enough parking is provided on the site. However I am of the view that accessibility should be viewed in the context of the Village size and characteristics and that a town centre is typically located in the centre of the town. When taking account of these matters, it is my view that accessibility will be adversely affected.

In conclusion the lack of retail demand demonstrated and the uncertainty around when this demand will eventuate, has the potential to contribute to adverse amenity effects on the village, by leaving shops potentially vacant for a long period of time. The conclusions by Mr Foy sums up the economic effects nicely:

"In summary, we consider the proposed development to be much larger than would be sustainable in the current township of Te Kowhai, and the better part of a decade ahead of demand. The Site is

poorly located with reference to Te Kowhai's future growth areas."

I accept Mr Foy's overall findings. I note that on the basis of these, the potential positive benefits such as job creation (referenced in section 8.1 of my report), that would normally be expected from a retail development such as the proposed, may not arise from the current application. This is due to the low current levels of demand that are unlikely to increase materially for more than five years.

8.4 Acoustic Effects

The proposal for retail, takeaways, superette and associated traffic movements has potential to result in adverse noise effects, particularly when located near residential activities. The applicant has provided an Acoustic Assessment by Earcon and this has been reviewed by Mr Mat Cottle from Marshall Day Acoustics.

Mr Cottle requested further information be provided to understand the current background noise levels during the evening and night time period. The request for this information coincided with the Level 4 lockdown period required due to Covid-19 Pandemic. Mr Cottle has commented as follows:

We previously requested commentary from Earcon around predicted night-time noise levels and associated effects. The intent of our request was to focus on all outdoor plant which may operate continuously such as, as noted in Earcon's original assessment: "...external heat pump units, extractor fans and chillers may produce noise originating from ground level along the eastern side of the building..." rather than any breakout noise from inside tenancies.

Nonetheless, Earcon have provided night-time predictions from mechanical plant anticipated to operate continuously. A level of 33dB LA10 has been predicted by Earcon for both 557 Horotiu Road and Lot 4000 DP 527122.

The predicted level of 33dB LA10 is similar to the existing albeit, predicted, night-time ambient noise level from traffic movements on Horotiu Road (Earcon predict 31dB LAeq / 34dB LA10 at the

eastern boundary). We consider sound from operating mechanical services may be audible, particularly during breaks in traffic.

However, based on the above we consider noise will be reasonable and will not result in adverse night-time effects. Our conclusion is the same for evening operation.

Mr Cottle considers that there are however some additional Best Practicable Options that could be undertaken to further screen the service areas behind each shop. He has recommended that instead of the slated screens that a 1.8m high acoustic fence around each service area is implemented. On asking for comment from the applicants agent Mr Chris Dillon as to whether the applicant would implement this measure they have agreed to do this in an email dated 21st April 2020 and note the following in relation to the visual effects of changing from slated to solid fencing:

“I think the change from slated to solid fencing around the service areas of each tenancy will be ok, as they are setback from the rear boundary, and because of the presence of the proposed 1.8m timber fence that will be erected along the northern and eastern boundaries as set out in the Landscape Plans, effectively screening the service areas from view from most vantage points outside the site.”

Mr Cottle has also recommended an acoustic screen between the church café site and the subject site to mitigate the noise infringement in this location, however as the owners have provided written approval I do not consider this to be necessary as any infringement of noise along this boundary can be disregarded. Further to this the landscaping plan seeks to facilitate interconnection between the café site and the subject site.

One question I have in this space, which I have been unable to obtain confirmation on from the Council engaged Acoustic engineer at the time of writing my report. Is whether the proposal complies during the day on a Sunday? The predictions provided by Earcon for the cumulative daytime noise measured at numerous receiver properties are over the 40dBAL₁₀ limit set for Sunday during the daytime. I have set these out below for ease of reference:

Location	Predicted noise level - Day (L_{A10} dB)			
	Vehicles	Plants	Takeaway	Cumulative
557 Horotiu Rd	34	42	42	45
571 Horotiu Rd	55	34	30	55
Lot 4000 DP 527122	<25	40	24	40
560C Horotiu Rd	36	32	34	38
560A Horotiu Rd	41	34	40	44
564A Horotiu Rd	42	34	39	44
8 Westvale Lane	43	31	31	43

Table 2 - Daytime noise levels

Figure 6: Cumulative predicted Noise level during the day.



Figure 7: Sites considered as sensitive receivers.

Based on my reading of the report, the proposal will not comply with the daytime noise on a Sunday at several of the surrounding properties. Only 571 Horotiu Road (church Café) has given written approval and can be disregarded. Of the properties above, only the owner of 8 Westvale Lane has made a submission in opposition (#8). Given the cumulative noise levels at 571, I would be interested to know whether the proposal complies at the site south of this 575 Horotiu Road.

This matter around whether the site complies on a Sunday is a matter I invite the applicants planner and acoustic engineer to address and clarify in their pre circulated evidence so that

it is clear whether the proposal meets the Sunday daytime limits at the receiver properties listed in their calculations. Aside from the Sunday daytime noise considerations. I am satisfied that the acoustic effects can be managed and that due to the level of road noise experienced in this location there will not be such a change in noise levels that will be so noticeable as to alter the amenity values associated with the acoustic effects.

8.5 Transportation Network and Parking Effects

A review of the Integrated Traffic Assessment undertaken by CKL has been undertaken by Gray Matter dated 26 September 2019. With further clarifications and recommendations in email correspondence dated 8th April 2020 and recommended conditions updated on 23rd October 2020.

The review concludes the following in relation to Parking, Loading and Manoeuvring and cycle parks:

Parking

The proposal includes 36 parking spaces, the District Plan requires 33. There is a surplus of 3 parking spaces. The parking spaces will typically be 2.5m wide with 5.1m stall depth. The further information request shows manoeuvring space as 7.7m (previously shown as 7.6m) which complies with the District Plan. Two accessible parking spaces are provided on site. One space is located near the superette, the other near the general retail activities. The location of the accessible parking spaces appear reasonable. There appears to be sufficient parking on site to cater for parking demand.

Loading

The ITA states that three loading spaces are required under the District Plan, only one loading spaces is provided on site. The loading space is approximately 16m x 5.5m and located on the southeast side of the site directly in line with the exit only vehicle crossing.

Servicing at the supermarket is likely to be more frequent and require larger vehicles when compared to the other activities on site. One loading space provided on site is likely to be sufficient for servicing the site.

Manoeuvring

The parking spaces comply with District Plan manoeuvring width requirements. There does not appear to be significant issues related to vehicle manoeuvring into or out of parking spaces.

Following our further information request swept paths have been provided for a semi-trailer entering the site parking within the loading space and exiting the site via the exit only vehicle crossing. We note that the required clearance (300mm) for the swept paths is not shown on the drawings. There are some locations where it appears that adequate clearance may not be achieved and damage to the kerbs within the site may result. We recommend providing minimum 300mm clearance from vehicle body to kerbs.

Cycle Parking

The District Plan requires four cycle parking spaces. No parking spaces are shown on the plans. The ITA states that there is sufficient space on site to provide cycle parking spaces. We recommend that cycle parking spaces are provided in accordance with the District Plan.

I accept the findings and recommendations in relation to the above matters. I conclude that (if the consent is granted), conditions of consent as per the recommendations noted above can adequately manage effects to ensure that traffic safety and function in relation to the above matters will be no more than minor.

Access

The proposal includes two vehicle crossings, all access will be via the northern vehicle crossing with a secondary vehicle crossing for exit only movements.

The Traffic review has commented as follows:

North Vehicle Crossing

The vehicle crossing is located approximately 130m from the Ngaruawahia Road / Horotiu Road intersection and will be approximately 12.5m wide at the edge of seal. The vehicle crossing effectively forms a crossroads intersection with the opposite residential crossing servicing approximately three residential dwellings (approximately 30 veh/day).

The ITA states that the vehicle crossing fails due to non-compliant separation and visibility. We note that this is based on a posted speed of 100km/h. The posted speed has since changed to 50km/h

which requires 90m visibility at the vehicle crossing. There appears to be sufficient visibility in both directions. The required separation between accesses reduces from 100m to 15m.

South Vehicle Crossing

The southern vehicle crossing is shown on the plans as 4m wide at the property boundary and approximately 11m wide at Horotiu Road. There appears to be sufficient visibility at the vehicle crossing for a 50km/h speed.

Council's Traffic Engineer team from Gray Matter raised concerns as to whether the second crossing was necessary and considered that mitigation was required to address safety effects. On subsequent discussions with the applicant Traffic Engineer Judith Makinson it was agreed between Ms Makinson and Mr Black from Gray Matter that the following would address the concerns of having two vehicle crossings.

The following mitigation measures are proposed to be provided within the detailed design proposed condition:

- *Installation of right turn bay/break in the flush median at the main site access (2 way crossing) and continuous flush median along the site frontage to be provided. This will be amendments to road markings only and no seal widening will be required.*
- *The above road markings can be subject to a consent condition requiring detailed design, approval by WDC and installation before the site is operational.*
- *With the continuous flush median in place, and appropriate signage the second exit only crossing for service vehicles can be retained.*

Based on the above mitigation measures accepted by Mr Black and Mr Prakash, I conclude that the effects on access and traffic safety will be no more than minor and acceptable under section 104(1)a.

Traffic Efficiency and Roding Network

Section 7.3.1 of the applicants ITA estimates that Horotiu Road carries around 4,200vpd, with the proposal likely to increase traffic demands by some 984vpd to 1,388vpd in the

vicinity of the subject site.

Whilst the estimated generation of vehicles from the proposal is proportionately high compared to the existing anticipated volumes, Horotiu Road was previously State Highway 39 and therefore designed to carry a larger capacity than the existing 4,200vph. Typical traffic lane capacity is between 800vph and 1,200vph therefore assuming a worst case of 800vph capacity and assessing the likely future demand as being some 690vph (i.e. 504vph existing + 186vph development traffic) it is clear that the overall traffic demand is less than the capacity of a single traffic lane. As such, the effects of the proposed development are considered to be less than minor.

The review undertaken by Gray Matter states: The SIDRA modelling provided indicates that the additional traffic is unlikely to result in adverse efficiency effects on Horotiu Road. There does not appear to be significant issues relating to capacity or traffic efficiency on Horotiu Road.

On the basis of the opinions above I conclude that the actual and potential effects on efficiency and the road network will be no more than minor and are acceptable under section 104(1)a.

8.6 Onsite Servicing - Stormwater Management. Water Supply and Wastewater

Three Waters

There is no public reticulation available in Te Kowhai for wastewater, water supply and stormwater. Therefore it is proposed to manage the three waters on site. The proposal has been supported by a Three Waters Management Plan prepared by Wainui Environmental, and outlines the following:

Stormwater

Stormwater management is by way of an underground soakage system. A 10m wide easement in gross is located over the drain which runs along the northern and eastern boundaries. This drain is

part of the Waikato Regional Council drainage network. The swale will convey all secondary overland flow during storm events that exceed the design loading of the soakage system, as will be the case with development of all lots within this subdivision.

The Council Land Development Engineer Mr James Templeton has reviewed the report and comments as follows:

The Three water report states “All roof and runoff from the proposed carpark and other handstand areas shall be conveyed to an underground soakage system.” The statement is incorrect as the roof supply will need to provide for water tank supply.

Pre-treatment is necessary before entering the soakage system.

I have asked Mr Templeton to help me understand the flooding implications of the proposal. Mr Templeton is satisfied that the flooding assessment undertaken by the applicant's Engineer addresses the necessary requirements in relation to flooding matters. The stormwater has been designed to ensure that there are no downstream flooding effects. Mr Templeton has now confirmed that it is in fact likely that a Regional Consent will be needed for undertaking earthworks within a flood plain area and that through the Regional Council consenting requirements any displacement of flood water affecting downstream flooding will need to be addressed. Unfortunately, as this has only come to light very close to pre circulation dates I have been unable to explore this matter further with the applicant or Regional Council. I invite the applicant to confirm the status and requirements of their regional consenting requirements in their pre circulated evident. I consider a clear understanding of the consenting requirements at both Regional and District levels allows for best practice integrated resource management decision making.

Wastewater

Wastewater will be disposed of via an advanced secondary treatment system with disposal to ground via a conventional bed. The volume of effluent expected to be generated by the commercial activity has been estimated to be 3m³, which complies with the permitted thresholds of the Waikato Regional Plan (refer to Rule 3.5.7.6 of the Waikato Regional Plan).

The Council Land Development Engineer Mr James Templeton has reviewed the report and comments as follows:

The site is limited with available open spaces for an EDA that is separated adequately from the Stormwater Management devices. The wastewater field should also include a 50% reserve area for disposal and this has not been detailed on the plans. The final arrangement could be adjusted within the site with further considerations at detailed design stage.

Water Supply

Water supply will be provided via two 25,000L water tanks which will be partially or fully buried. The Three Waters Management Plan estimates 2000L/day of potable water when the development is operating at full capacity.

Mr Templeton has reviewed the proposal and notes that “the assumptions for water supply will require further investigation at detailed design stage to further establish the number of total water tanks required to provide adequate supply as well as adequate firefighting storage capacity.” He notes that as a last resort this could be provided underneath the carpark.

Findings on Servicing

Mr Templeton proposes that the applicant can prove the assumptions made for the water supply and wastewater disposal at detailed design stage as a condition of consent. Typically, I would agree with this approach. However, I do have some concerns in relation to this particular proposal leaving the detail until condition stage. The site has a number of limitations restricting the location of the servicing. The wastewater disposal field and reserve area is shown to be located in close proximity to the outdoor seating area and appears to be in conflict with the Landscaping Plan provided by Ms Soanes. In my view, further detail should be provided to show that the wastewater system and required reserve area can be provided within the limitations of the site, while avoiding conflicts with the proposed landscaping mitigation. In terms of water supply, the number of actual tanks on the site are yet to be confirmed and the requirement for tanks for firefighting supply have also not been confirmed at this stage.

The Three waters report notes that the café facility next door has 180m³ of water for firefighting purposes and it may be possible to enter into a shared arrangement for the supply. No such arrangement has been forthcoming to date and if such an arrangement cannot be made I question where the firefighting water supply tanks will be located and what the effects of these will be?

Due to the limitations on the site and the visual effects these tanks can have and the fact that based on the neighbouring site (approximately 8 partially buried tanks), the number of tanks is not going to be insignificant. I do not consider that there is enough information from a planning perspective to draw conclusions on the effects of the onsite servicing. If tanks are to be buried due to lack of space or to reduce visual effects, then the earthworks figures will need updating to reflect this.

8.7 Earthworks and Construction Effects

The earthworks plan shows 3670m² of earthworks with cut volume of 5872m³ and fill volume of 6239m³. All cut material will be removed from the site and the fill volume will be imported. The applicant proposes erosion and sediment controls to be installed prior to earthworks which includes a silt fence along the edge of the drain and a stabilised construction entrance. As well as a buffer between the earthworks and the drain. The controls will remain in place throughout the works.

It is estimated that approximately 605 truckloads of material in total will be removed and imported to the site. This is assuming the use of double truck and trailer units to remove the cut material from the site and import the fill volume. Earthworks will be completed over approximately 43 days assuming a total of 14 trucks per day. This ensures that the traffic movements for earthworks are undertaken within the permitted maximum movements of 30 per day.

Sediment and Erosion control measures can be implemented for the site and a temporary traffic management plan can be conditioned to ensure that trucks arriving and leaving the site removing and importing material can be managed to ensure less than minor effects on traffic safety. No assessment has been done by the Acoustic Engineers on whether the

proposal will meet the Construction Noise effects however a condition requiring a Construction Noise Management Plan can address this matter to ensure compliance with the rules.

8.8 Conclusion on Actual and Potential Effects s104(1)a

My assessment above identifies that there are adverse effects on the character of the village. The development is at a scale larger than any other Business development within the Village effectively creating a town centre for the village of Te Kowhai on the northern outskirts of town. The addition of the economic effects identified by Mr Foy that show that the demand is very low for retail and the likelihood of empty shops is high. This in turn has the potential to also affect amenity and character of the village. The lack of certainty around when the retail demand will be created provides no further comfort or assurance that these effects will be short term. As a result of these findings there is a lack of positive economic benefits identified that often in a case like this would help to offset the adverse effects. The effects on the Transportation effects and Acoustic effects have been satisfied. I have some concern as to the appropriateness in this case to leave details of servicing to conditions stage if consent is granted.

I conclude based on the matters raised in the sections above that overall the adverse Character effects cannot be avoided, remedied or mitigated against in this case.

9.0 RELEVANT PLAN PROVISIONS – S104(1)(b)

In accordance with section 104(1)(b) of the RMA, the following assessment considers the proposed retail complex in terms of relevant provisions of policy statements and plans. The focus is to establish if the proposal is consistent with the objectives and policies of relevant plans in addition to consideration of issues, environmental outcomes, rules, explanations and reasons.

9.1 National Policy Statements

9.1.1 Urban Development 2020

This National Policy Statement on Urban Development 2020 (NPS-UD) came into effect on the 20 August 2020.

The NPS-UD 2020 recognises the national significance of:

- having well-functioning urban environments that enable all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future
- providing sufficient development capacity to meet the different needs of people and communities.

The NPS-UD 2020 requires councils to plan well for growth and ensure a well-functioning urban environment for all people, communities and future generations.

This includes:

- ensuring urban development occurs in a way that takes into account the principles of the Treaty of Waitangi (te Tiriti o Waitangi)
- ensuring that plans make room for growth both 'up' and 'out', and that rules are not unnecessarily constraining growth
- developing, monitoring and maintaining an evidence base about demand, supply and prices for housing and land to inform planning decisions
- aligning and coordinating planning across urban areas.

The NPS-UD 2020 contains objectives and policies that councils must give effect to in their resource management decisions.

Section 1.3 of the NPS-UD sets out when the NPS applies.

- all local authorities that have all or part of an urban environment within their district or region (ie, tier 1, 2 and 3 local authorities); and
- planning decisions by any local authority that affect an urban environment.

Urban Environment is defined in the NPS-UD as:

- a) *urban environment means any area of land (regardless of size, and irrespective of local authority or statistical boundaries) that: is, or is intended to be, predominantly urban in character; and*
- b) *is, or is intended to be, part of a housing and labour market of at least 10,000 people*

In this case the Village of Te Kowhai does not meet the definition of urban environment. It is expected to grow to a population of 4000 in the next 50 years as set out in Waikato 2070. The NPS- UD is therefore not a relevant consideration for this proposal.

There are no other National Policy Statements that I consider relevant.

9.2 National Environmental Standards

9.2.1 National Environmental Standard for Managing Contaminants in Soil to Protect Human Health

Regulation 5(5) of the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NES) describes a change in land use as an activity to which the NES applies where an activity that can be found on the Ministry for the Environment Hazardous Activities and Industries List (HAIL) has occurred.

Regulation 6 of the NES specifies that an applicant must establish if any HAIL activities have occurred on the subject site. The applicant can do this by adopting one of two methodologies:

1. Review of all relevant council records including dangerous goods files, property files, registers, databases, resource consent databases, records available from Regional Council;
2. Preliminary Site Investigation undertaken by a suitably qualified and experienced practitioner in accordance with the current Ministry for the Environment's Contaminated Land Management Guidelines No. 1 Reporting on Contaminated Sites in New Zealand.

In this case the underlying subdivision assessed the site and concluded that the site is not a HAIL site and as such the proposal is not triggered under the NES.

9.2.2 Other NES

The NES for Fresh water and the NES for Air Quality have not been assessed as both of these are relevant to the Regional Authority rather than the Territorial Authority. I do not consider assessments against these standards would be of use to the Commissioners decision making process.

9.3 Waikato Regional Policy Statement

The Waikato Regional Policy Statement (RPS) provides an overview of the significant resource management issues of the region and puts in place objectives, policies and methods to achieve integrated management of the natural and physical resources of the region.

The Waikato Regional Policy Statement became operative on the 20 May 2016.

Set out below are the relevant objectives and policies from the Waikato Regional Policy Statement and assessments of this proposal in relation to them.

The relevant Objectives and Policies are set out below:

- Objective 3.12 Built Environment

Development of the built environment (including transport and other infrastructure) and associated land use occurs in an integrated, sustainable and planned manner which enables positive environmental, social, cultural and economic outcomes, including by:

- a) promoting positive indigenous biodiversity outcomes;*
- b) preserving and protecting natural character, and protecting outstanding natural features and landscapes from inappropriate subdivision, use, and development;*

- c) *integrating land use and infrastructure planning, including by ensuring that development of the built environment does not compromise the safe, efficient and effective operation of infrastructure corridors;*
- d) *integrating land use and water planning, including to ensure that sufficient water is available to support future planned growth;*
- e) *recognising and protecting the value and long-term benefits of regionally significant infrastructure;*
- f) *protecting access to identified significant mineral resources;*
- g) *minimising land use conflicts, including minimising potential for reverse sensitivity; h) anticipating and responding to changing land use pressures outside the Waikato region which may impact on the built environment within the region;*
- i) *providing for the development, operation, maintenance and upgrading of new and existing electricity transmission and renewable electricity generation activities including small and community scale generation;*
- j) *promoting a viable and vibrant central business district in Hamilton city, with a supporting network of sub-regional and town centres; and*
- k) *providing for a range of commercial development to support the social and economic wellbeing of the region.*

Whilst the proposal is within the urban limits of the town and within a defined growth area, I am concerned that the proposed land use does not occur in “*an integrated, sustainable and planned manner*”. The establishment of this scale of development undermines the planned development of the town as it stands in the Operative District Plan, as the proposal seeks to establish what will be effectively the town centre for Te Kowhai within the Country Living zone usually reserved for Large Lot residential living. The economic assessment undertaken demonstrates that due to the lack of demand there is little in the way of positive economic outcomes that would result from the establishment of this centre as demand is not present and relies on Waikato 2070 being given effect to by 2028. Whilst the proposal will provide for some additional choice and opportunity for social interaction/meeting places for the residents of the town. The location within the Country Living zone means that the centre is not centrally located to serve the residential areas, meaning that accessibility is affected.

- Chapter 6 - Built Environment - Policy 6.1

Subdivision, use and development of the built environment, including transport, occurs in a planned and co-ordinated manner which:

- a) has regard to the principles in section 6A;*
- b) recognises and addresses potential cumulative effects of subdivision, use and development;*
- c) is based on sufficient information to allow assessment of the potential long-term effects of subdivision, use and development; and*
- d) has regard to the existing built environment.*

I am satisfied that the proposal has regard for the principles set out in section 6A, which includes establishing within existing urban areas and not compromising the infrastructure and traffic infrastructure. However, the number of shops proposed in this location and the scale of the activity would serve more as a town centre than a set of neighbourhood shops to service the immediate area, particularly when considering the population of the town. Typically in the long term, densities decrease out from the town centre. Based on this, demand and pressure to intensify the areas directly surrounding the retail complex will likely occur. This will move any growth pressure for the town north around the proposal, and into the nearby adjoining country living and rural areas. These areas of country living have been set aside to provide for rural/residential type living and avoid proliferation of rural residential living in the rural zone. The pressure to intensify these areas into more densely populated residential living, will likely in turn put pressure back on the rural zones by those persons seeking a more rural character than residential. The establishment of a town centre within the Country Living zone location will in my view lead to unplanned growth pressure and intensification demands around the proposed retail complex and will likely have the effect of undermining the spatial planning for the town of Te Kowhai but will not likely undermine the spatial planning of the region as a whole. The effects will be localised to Te Kowhai.

- Policy 6.16 Commercial development in the Future Proof area

Management of the built environment in the Future Proof area shall provide for varying levels of commercial development to meet the wider community's social and economic needs, primarily through the encouragement and consolidation of such activities in existing commercial centres, and predominantly in those centres identified in Table 6-4 (section 6D). Commercial development is to be managed to:

- a) *support and sustain the vitality and viability of existing commercial centres identified in Table 6-4 (section 6D);*
- b) *support and sustain existing physical resources, and ensure the continuing ability to make efficient use of, and undertake long-term planning and management for the transport network, and other public and private infrastructure resources including community facilities;*
- c) *recognise, maintain and enhance the Hamilton Central Business District as the primary commercial, civic and social centre of the Future Proof area, by:*
 - i) *encouraging the greatest diversity, scale and intensity of activities in the Hamilton Central Business District;*
 - ii) *managing development within areas outside the Central Business District to avoid adverse effects on the function, vitality or amenity of the Central Business District beyond those effects ordinarily associated with trade competition on trade competitors; and*
 - iii) *encouraging and supporting the enhancement of amenity values, particularly in areas where pedestrian activity is concentrated.*
- d) *recognise that in addition to retail activity, the Hamilton Central Business District and town centres outside Hamilton are also centres of administration, office and civic activity. These activities will not occur to any significant extent in Hamilton outside the Central Business District in order to maintain and enhance the Hamilton Central Business District as the primary commercial, civic and social centre;*
- e) *recognise, maintain and enhance the function of sub-regional commercial centres by:*
 - i) *maintaining and enhancing their role as centres primarily for retail activity; and*
 - ii) *recognising that the sub-regional centres have limited non-retail economic and social activities;*
- f) *maintain industrially zoned land for industrial activities unless it is ancillary to those industrial activities, while also recognising that specific types of commercial development may be appropriately located in industrially zoned land; and*
- g) *ensure new commercial centres are only developed where they are consistent with a) to f) of this policy. New centres will avoid adverse effects, both individually and cumulatively on:*
 - i) *the distribution, function and infrastructure associated with those centres identified in Table 6-4 (section 6D);*
 - ii) *people and communities who rely on those centres identified in Table 6-4 (section 6D) for their social and economic wellbeing, and require ease of access to such centres by a variety of transport modes;*
 - iii) *the efficiency, safety and function of the transportation network; and*

iv) the extent and character of industrial land and associated physical resources, including through the avoidance of reverse sensitivity effects.

The proposal is within an identified future proof urban area identified in Map 6D of the Regional Policy Statement. The subject site is located along a transportation corridor where development is expected to occur. The size of the development proposed will not significantly draw away business from the main town centres of Ngaruawahia or The Base. The proposal will therefore not impact the hierarchy of functions associated with the different town centres. The efficiency safety and function of the transportation network will be maintained. In this regard it is my opinion that the proposal is consistent with Policy 6.16 of the RPS.

9.3.1 Conclusion on the RPS

I am satisfied that the proposal is consistent with the overarching provisions of the Waikato Regional Policy Statement that seek to direct growth into the villages and towns and is consistent with Policy 6.16. I have found the proposal to be inconsistent with Objective 3.12 and Policy 6.1. The size and scale of the proposal will result in establishment of a set of small scale retail shops that will form a town centre for Te Kowhai. The location of this within the Country Living zone, on the periphery of the towns northern residential limits, will create unanticipated and unplanned growth pressure into the Country Living and Rural periphery that is beyond the boundaries of the identified growth area and “urban limits” of the town. For these reasons I consider that overall the proposal is inconsistent with the Regional Policy Statement due to the long term consequences of establishing a retail complex of this size and scale within the Country Living Zone.

9.4 Waikato Regional Plan

The Waikato Regional Plan contains policies and methods to manage the natural and physical resources of the Waikato region. The plan implements the Regional Policy Statement.

The applicant has stated that the proposal complies with the Regional Plan and no further analysis has been undertaken by myself in this regard.

9.5 Waikato-Tainui Raupatu (Waikato River) Settlement Claims Act 2010

9.5.1 Vision and strategy

The Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 was endorsed with the purpose of implementing co-management of the Waikato River. The overarching purpose of the Act is to restore and protect the health and wellbeing of the Waikato River for future generations. This Act has the same statutory standing as a Regional Policy Statement.

The subject site is located within the Waikato River Catchment. The applicant is proposing appropriate sediment and erosion control measures be implemented to ensure sediment does not enter the waterways. The activity is and will be undertaken in such a way that ensures there is no adverse effect on the Waikato River and its catchments. The proposal is therefore considered to be consistent with the relevant provisions of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010.

9.6 Operative Waikato District Plan (Waikato Section) 2013

Assessments of this proposal against the relevant Operative Waikato District Plan - Waikato Section is provided below.

9.6.1 Chapter I – Waikato District Resources and Pressures

Section I.6 of the District Plan sets out the aspirations for towns and villages and provides the context for what outcomes are anticipated.

I.6 Towns and Villages

The vision for the future of the towns and villages of the district is that:

1. *the amenity, quality of life and wellbeing of the residents and their communities will be maintained and improved*
2. *the environment will be safeguarded as development proceeds*
3. *urban forms of growth will be focused into existing towns and villages which will be consolidated in preference to new towns being created.*
4. *services will be provided for new residential development*
5. *a sense of place will be fostered, with urban design that complements both human scale and physical setting*
6. *business, industrial, and residential uses will be separated, except occupations that are carried out from home, which have acceptable effects on residential amenity*
7. *town centres will retain their social and commercial focus*
8. *historic heritage is protected from inappropriate subdivision, use and development*

Section I.6.5 sets out the anticipated outcomes for ‘rural villages.’

I.6.5 Rural Villages

The villages will be managed as part of the surrounding countryside. Limited provision is made for growth in business or industrial uses in most villages. An increase in residential use in key villages near Hamilton is promoted as a way of meeting some of the demand for larger residential allotments, while addressing the potential adverse effects of rural subdivision. Industry is expected to expand at Horotiu. Development of the Waikato Expressway will affect several towns and villages that are currently on State Highway 1. The diversion of traffic onto the expressway is expected to improve the residential amenity of some of these towns and villages and will contribute to the economic and social growth of the Waikato. It may mean some adverse economic effects on businesses within the district that cater to travellers.

The development of villages will be supported to enhance heritage and character.

The proposal is located within an existing village and therefore meets the premise that seeks to establish and locate urban form development within the defined growth areas, towns and village boundaries. However, the Plan seeks to maintain and improve amenity, and seeks to foster a sense of place through appropriate urban design for the setting. In this case the effects assessment undertaken above identifies concern with the effects on the character

and built form of the village. The economic assessment demonstrates there is little to no demand for additional retail space which is likely to result in vacant shops either existing or within the new complex.

A new sense of place could be fostered from the establishment of the proposal giving the community more opportunity for choice if the retail demand was there, however it is my view the location, combined with the scale of the proposal does not foster urban design that complements human scale and physical setting of the Village.

The proposal is of a size and scale that effectively creates a town centre for Te Kowhai on the northern outskirts of the town away from the existing community meeting points around the school and hall area and away from the identified potential growth areas to the south of the town (see section 10.5 below). It is my opinion that on balance this proposal will not meet the outcomes set out in the District Plan under Chapter 1.6 and 1.6.5.

9.6.2 Chapter 1A – Waikato District Growth Strategy

Chapter 1A of the District Plan identifies the overarching strategic direction of the plan and implements the Waikato District Growth Strategy and Future Proof.

Managing Growth Pressures:

The District Plan seeks to direct urban form development into Villages and Towns.

Objective 1A.2.1

Towns, villages and other defined growth areas are the focus of future residential, industrial and commercial development.

Policy 1A.2.2

Subdivision, use and development of an urban nature should occur within clearly defined boundaries of towns and villages rather than in rural areas.

Policy 1A.2.2A

Industrial and commercial activities that do not have a genuine functional connection with the rural land or soil resource and that do not require a rural setting should not locate in rural areas.

On face value the proposal is consistent with Objective IA.2.1 and associated policies because the development is within a village boundary and a defined growth area and the urban limits of the town. However, as I have already set out in my assessment under the RPS the proposal is of a size and scale that will form a town centre for Te Kowhai within the Country Living Zone where surrounding zones are predominately Country Living and the Rural Zone is located only 100-150m north of the site. It is my opinion that establishment of the proposal in this location will place unplanned pressure on the surrounding Country Living and Rural Zones to intensify in the long term. This would therefore undermine the northern urban limit of the town and establish pressure outside of the defined growth areas. It is my view that the consequences of establishing the proposal within the Country Living Zone in this location will result in long term inconsistencies with the Objectives and Policies above that seek to focus areas of growth into the village. However, despite their intention to avoid pressures on the rural land due to how these are written, the proposal will be consistent with the Objective and Policy.

Sustainable Settlements:

Objective IA.4.1 states: *Residential and rural residential areas achieve and maintain high amenity values.* (emphasis added)

Associated Policy IA.4.2 seeks that “*development in villages should be sympathetic to their existing character.*”

The Country Living zone is a rural residential area and Objective IA.4.1 requires the area to achieve and maintain high amenity values. In a rural residential area the rules of the plan around development controls set out the standards to achieve a high amenity value. In this case building coverage is over double the allowable coverage set out by the rules, vehicle movements are restricted by the rules to 30 per day with the proposal likely to increase traffic demands by some 984vpd to 1,388vpd in the vicinity of the subject site. This is a very large increase in traffic movements within an area currently zoned Country Living and has

the potential to create amenity effects associated with additional traffic, noise, comings and goings, headlight glare and cumulatively these effects associated with additional traffic being introduced to the immediate area will in my view impact on the amenity values currently enjoyed within the immediate vicinity.

As already discussed within my effects assessment it is my view that the built form proposed (signage, retail building and parking area) is not of a design and scale that complements the established or aspired village character of Te Kowhai. In my opinion the proposal is inconsistent with Objective and Policy IA.4.1 and IA.4.2. High amenity values will not be achieved or maintained to a level expected within the Country Living Zone and will be more at a level expected in a Town/Village Centre.

Objective IA.4.5 and associated Policies

Development patterns support the cost-effective maintenance, provision and efficient use of both existing and new infrastructure and services.

Servicing of the proposal will be via onsite measures as discussed within the effect's assessment above. It has been concluded that onsite servicing can provide for the level of development proposed. There are no future plans to connect Te Kowhai to Reticulated Water Supply or Wastewater at this stage. The roading network can cater for the amount of traffic proposed and the roading hierarchy will not be altered as a result of the proposal.

In conclusion I do not consider that the proposal will adversely affect servicing although there is the potential for retail of this density to create a greater demand for reticulated water supply and wastewater within the future, above that which would be created if a dwelling was to be established on the site. For example if the site was to run out of water during a drought there would be the potential for seven retailers to then lobby Council to provide reticulated infrastructure as opposed to one occupier of a dwelling if the site was development in keeping with the zone. This highlights the intensity of development proposed within the site however the district plan does not identify this common infrastructure planning issue through its objectives and policies. I am overall satisfied that the proposal is consistent with Objective IA.4.5 and associated policies.

9.6.3 Chapter 6 - Built Environment.

Scattered Development

Objective 6.2.1

Development that is connected or grouped around infrastructure.

Policy 6.2.2

Subdivision or development should be located, and have a density, scale and intensity, to ensure efficient use of land, public facilities and utilities.

Policy 6.2.3

Residential and business development should occur in current towns and villages in preference to isolated rural locations.

This Objective and associated Policies again touch on the need to establish development within the village urban limits and group around infrastructure. The same thinking, I have applied above also applies here. The density, scale and intensity of the proposal on the periphery of the Village and within the Country Living Zone is such that in my view it will promote intensification out from the proposal putting pressure into the northern edge of the town where growth areas are not identified. At this stage it is difficult to say what effect this would have on servicing and infrastructure as Te Kowhai Village has no reticulated infrastructure at present. However the long term growth pressure that will occur within the north means that the town will potentially sprawl in northern directions not anticipated, when growth is planned for south of the village. The more sprawl the higher the cost of infrastructure servicing.

The Transportation infrastructure is existing and has sufficient capacity to service the development.

Provision of Utilities Avoids Adverse Effects

Objective 6.6.1

Adverse effects of use and development are avoided by provision of wastewater and stormwater disposal, supply of water, energy and telecommunications.

Policy 6.6.4

The density and type of development should not exceed the capacity of the area to absorb the adverse effects of the development on amenity, water quality, stormwater runoff, ecological values, health or safety.

There are no reticulated services available in Te Kowhai, however the site can provide onsite services. Water tanks can be provided beneath ground to ensure they do not create an adverse visual effect on the neighbourhood. As I have discussed in my effect's assessment on servicing within section 8.6. I do not consider that I have enough information in relation to how the onsite servicing will be managed in relation to onsite tanks and conflicts with the landscaping mitigation in order to come to conclusions on the adverse effects of the development to address the amenity matters. I therefore come to no conclusions in regard to these matters.

9.6.4 Chapter 8: Land Transport Network

The integrated, safe, responsive and sustainable operation of the land transport network, particularly the road network, can be adversely affected by inappropriate design and construction, and connection between the network and adjoining land, as well as through the adverse effects of land use activities and subdivision.

The relevant objectives and policies under Chapter 8 are as follows:

Objective 8.2.1

An integrated, safe, responsive and sustainable land transport network is maintained, improved and protected.

Policy 8.2.2A

Subdivision, use and development should not compromise the road function as specified in the road hierarchy.

Policy 8.2.2B

Subdivision, use and development should be in a location and at a scale that

- (a) is consistent with the existing or planned capacity and design of the roading network, and*
- (aa) is consistent with the intended function of any roads that may be affected by the subdivision, use and development (roading hierarchy), and*
- (b) does not compromise the safety and efficiency of the roading network, and*
- (c) does not compromise the safety and efficiency of the railway network.*

Policy 8.2.3

The integrated, safe, responsive and sustainable operation of the land transport network should be promoted through:

- (a) carriageway, intersection and site design*
- (b) appropriate siting of and access for traffic generating activities*
- (c) traffic management, signage, road marking, lighting, and rest areas and parking as appropriate*
- (d) provision for pedestrians, cyclists and the disabled, including off road routes and connections including pedestrian malls*
- (e) provision of public transport*
- (f) provision for network utilities*
- (g) appropriate access for existing land uses*
- (h) railway crossing design.*

Policy 8.2.5

Subdivision, use and development should be located and designed to connect safely to an existing road.

Policy 8.2.5A

Land use activities should provide adequate on-site parking.

Policy 8.2.6

Buildings, structures, night lighting, glare, advertising signs, aerial distractions and vegetation should not compromise the safe and efficient operation of the land transport network, or obscure RAPID numbers.

The proposal has been assessed by the applicants Traffic Engineer and this assessment peer reviewed by a Council engaged Traffic Engineer. These findings are discussed in Section 8.5 of this report and demonstrate that the transportation network is sufficient to accommodate the effects on the traffic network.

9.6.5 Chapter 11- Social, Cultural and Economic Wellbeing

Chapter 11 of the Operative District Plan (Social, Cultural and Economic Wellbeing) states:

Development that does not correspond with, or respect the context of, the place and the established development pattern can cause towns, villages, neighbourhoods and localities to lose social coherence and a sense of place, resulting in loss of social and cultural wellbeing. This in turn directly affects the amenity of the town.

The Objectives and Policies are set out as follows:

Objective 11.2.1

Towns, villages, neighbourhoods and localities have social coherence and a sense of place.

Policies 11.2.2

Town centres should have a primary role as shopping, service and social centres.

11.2.3

The boundary between towns, villages and rural areas should be defined by a clear difference in development density, by natural features and open space.

11.2.4

Focal points in towns and villages, including natural and built features, should be retained and enhanced.

11.2.5

Social infrastructure such as open space, halls, libraries, schools and shopping areas should be located so that a social focus, identity and identifiable gathering space is provided to the community.

11.2.6

Activities should avoid breaking up community and neighbourhood coherence, having particular regard to the cumulative effects of activities.

Objective 11.2.7

Valued social and cultural characteristics of communities are retained.

Policy 11.2.14

Activities in villages should enhance their social character and reflect their importance to the district.

The economic assessment notes (and I agree) that the town of Te Kowhai has little in the way of defined town centre with business activities scattered adhoc along the length of the town's core residentially zoned area. However as discussed earlier in my report, on visiting the site there are several meeting points for the community with the School, Hall and tennis courts appearing to be focal social points of the town. Submitters may be better placed to comment on this, however the non statutory Structure Plan from 2017 undertaken through public consultation appears to support my observations. The scale and nature of the activities proposed will result in effectively creating a town centre for Te Kowhai within the Country Living Zone on the periphery of the town away from the existing Business Zone activities, the town hall, school and existing and future residentially zoned areas. It is my opinion that establishment of what will effectively be a town centre into the Country Living Zone on the northern outskirts of the town will erode the potential for solidifying the existing community coherence. The proposal is inconsistent with directive Objective 11.2.1 and 11.2.7 and inconsistent with non directive Policies 11.2.4, 11.2.6, 11.2.14. Overall I am of the view that the proposal is inconsistent with the provisions in Chapter 11.

9.6.6 Chapter 13 - Amenity Values

The relevant objectives under Chapter 13 are as follows:

Objective 13.2.1

Adverse effects of activities on amenity values are managed so that the qualities and character of the surrounding environment are not unreasonably compromised.

Policy 13.2.4

Adverse effects that cannot be contained on the site where they are generated must be remedied or mitigated.

My assessments above detail my opinions on character and the amenity effects of the lack of retail demand. I am not going to repeat those arguments here. The applicant has been provided with the economic assessment and have to date offered me no further counter argument or mitigation to address the concerns relating to lack of demand having amenity effects on the village. I do not consider that the landscaping mitigation proposed will manage the effects in a manner that the qualities and character of the surrounding environment are not unreasonably compromised. The effects in relation to Character will in my view affect the village as a whole. These adverse effects have not been remedied or mitigated as required by directive policy 13.2.4. The proposal is contrary to Objective 13.2.1 and Policy 13.2.4.

Objective 13.2.6

Amenity values of localities are maintained and enhanced.

Policy 13.2.7

Scale, intensity, timing and duration of effects of activities should be managed to be compatible with the amenity and character of the locality.

Policy 13.2.9

Activities sensitive to noise, dust, smoke, odour, spray drift, lighting, litter, electromagnetic radiation, vermin or traffic should locate in areas where local amenity values are not already compromised by those effects.

Policy 13.2.10

Activities with dissimilar effects or a dissimilar expectation of amenity should be separated where possible.

In relation to the above Objective and Policy set, I conclude that the Amenity Values of the existing area will not be maintained and enhanced. The establishment of the proposal will reduce the amenity values of the locality for the reasons I have set out in sections 8.1 (character), 8.2 (economics) and to some extent 8.3 (acoustic) of my report. The proposal is a retail complex within an area dominated by rural residential and residential living. The neighbouring café/gift shop that was granted beside the proposed site is of such a scale and design that it does not degrade the amenity values of the locality where-as this proposal does. The proposal is contrary with the above Objective and Policies 13.2.6 to Policy 13.210.

9.6.7 Conclusion on Objectives and Policies of the Operative District Plan (Waikato Section)

Whilst the proposal is located within a defined urban area and transportation network, and onsite servicing can be provided for the proposal. Due to the scale of the activity proposed, the proposal effectively creates a new town centre for Te Kowhai within the Country Living Zone. The intensification of the site on the northern periphery will place growth pressures on adjoining country living and rural zones located within the close vicinity of the site. As persons seek to establish activities close to the town centre. The amenity values of the locality will not be maintained and enhanced as a result of changing from rural residential to business/town centre. The proposal is inconsistent to the directive Objectives and Policies around Amenity Values and inconsistent with the directives and policies around Social, Cultural and Economic Wellbeing. As such, I consider that overall the proposal is inconsistent with the Objectives and Policies of the Operative District Plan (Waikato Section).

9.7 Proposed District Plan - Objectives and Policies

The court authority *Bayley v Manukau City Council* [1998] NZRMA 513 (Court of Appeal) sets out that when you have both an Operative Plan and a Proposed Plan (with rules that have legal effect) then you must undertake a dual assessment and reach conclusions on whether to grant or decline under each plan.

In this case there is an incomplete rule framework because the Business Zone rules under the PDP have no legal effect at this stage in the PDP process. This means that the dual assessment cannot be carried out under the PDP and only the Operative Plan assessment can be undertaken.

The Act however states that you must have regard for any Proposed Plan when coming to a conclusion under Section 104.

The Proposed District Plan (Notified Version 2018) was publicly notified in July 2018. In accordance with s86A(2) the Objectives and Policies, methods, reasons and issues set out in this plan have legal effect from that date. The Proposed District Plan rezones the site to Business Zone. The Business Zone rules of a plan have no legal effect under s86B of the RMA.

I have undertaken an assessment against the Objectives and Policies taking into account the methods, reasons and issues set out in the PDP.

9.7.1 Chapter 4 – Urban Environment

4.1.1 Objective – Strategic

(a) Liveable, thriving and connected communities that are sustainable, efficient and co-ordinated.

(b) National Policy Statement on Urban Development Capacity Minimum Targets

The minimum targets for sufficient, feasible development capacity for housing in the Waikato District area are met, in accordance with the requirements of the National Policy Statement on Urban Development Capacity 2016.

4.1.2 Objective Urban Growth and Development

Future settlement pattern is consolidated in and around existing towns and villages in the district

4.1.3 Policy - Location of development

(a) Subdivision and development of a residential, commercial and industrial nature is to occur within towns and villages where infrastructure and services can be efficiently and economically provided.

- (b) *Locate urban growth areas only where they are consistent with the [Future Proof Strategy Planning for Growth 2017](#).*

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*
 - (iv) Heavy Industrial.*

The proposed commercial development will occur within the boundaries of a village. I have discussed in other sections of this report that the proposal seeks to establish a series of small scale retail shops. Due to the number of shops and current lack of any competing town centre in Te Kowhai, the proposal will effectively become the town centre for Te Kowhai. This disrupts the future settlement pattern described under objective 4.1.2. As with any town centre, development will seek to intensify around the periphery. The Rural zone is within 100-150m to the north, this urban edge is not changing in the PDP. The establishment of this proposal will in the long term put growth pressure on areas not anticipated to develop. I therefore am of the view that the proposal is inconsistent with Strategic Objective 4.1.2.

Policy 4.1.3 does not specify whether the infrastructure mentioned is the public reticulated network or could be on site. (I understand that this has been recommended to be clarified through the PDP processes to mean public reticulated network). As it stands, the applicant has demonstrated that they can service the site through onsite wastewater and water supply. The proposal will be within the boundaries of the Future Proof Strategic Planning for Growth 2017. I am satisfied that the proposal will meet Policy 4.1.3.

4.1.7 Objective – Character of towns

- (a) *Development in the Residential, Village, Industrial and Business zones is attractive, connected and reflects the existing character of towns.*

As discussed in the assessment of effects I have concerns that the development effectively creates a town centre for Te Kowhai on the northern periphery of the town. Town centres are usually in the centre of town. There will be reduced accessibility to the residential areas to the south of the town, however due to the small size of Te Kowhai the parking and footpath networks mean that the proposal is connected. In terms of whether the development is attractive this is a very subjective assessment and best given in the context of the existing surrounding environment and character of the town. In the context of the Te Kowhai Village, I am of the opinion that the design does not reflect or respond to the existing character of the village. It is my view that the proposal is partially inconsistent with Objective 4.1.7.

4.5.1 Objective – Commercial function and purpose

- (a) *Commercial activity is focused within a differentiation of commercial zones and development (comprising the Business Town Centre Zone, the Business Zone, the Business Zone Tamahere and neighbourhood centres)*

4.5.4 Policy – Commercial purpose: Business Zone

- (a) *The role of the Business Zone is to support the local economy and the needs of businesses by:*
 - (i) *Providing for a wide range of commercial activities; and*
 - (ii) *Providing for commercial activities at a scale that supports the commercial viability of towns and villages; and*
 - (iii) *Ensuring that commercial activities complement and support the role of business town centres*

4.5.8 Policy – Role and function of the Business Zone

- (a) *Ensure the role of the Business zone is complementary to the Business Town Centre Zone by:*
 - (i) *Enabling a wide range of commercial activities including large format retail activities within the Business Zone; and*

- (ii) *Discouraging small scale retail activities, administration and commercial services within the Business Zone.*

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.*

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.*

To provide some context to the terms referenced in the above Objectives and Policies I have turned to the corresponding definitions in Chapter 13 of the PDP.

Retail activity: *Means the sale or hire of goods or services or equipment directly to the public.*

Commercial activity: *Means activities involving the sale or distribution of goods and services.*

The set of Objectives and Policies above seek to differentiate Business Town Centre Zones from Business Zones. In this case the proposal is in the Proposed Business Zone and seeks to establish small scale retail activities directly to the public. This type of development is discouraged in the Business Zone. Further to this, the economic assessment demonstrates that there is little demand for retail space, I therefore cannot conclude that the proposal will support the commercial viability of the village. Overall, I consider that the proposal is inconsistent with the above Objectives and Policies for the Business Zone.

4.5.25 Objective – Business Zone - Character

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

4.5.26 Policy – Landscaping of onsite parking areas – Business Zone

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

4.5.27 Policy – Front setback – Business Zone

- (a) *Ensure buildings within the Business Zone are designed and setback from roads by:*
- (i) *Retaining the predominant building setback within the street; and*
 - (ii) *Allowing sufficient space for the establishment of landscaping on the site.*

4.5.28 Policy – Height: Business Zone

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

The landscaping, setbacks and heights of the proposed built form and parking areas will not offend the Business Zone. The proposal is consistent with these policies.

4.5.29 Policy – New buildings: Business Zone

- (a) *New buildings within the Business Zone are consistent with the Waikato District Council Urban Design Guidelines Town Centres ([Appendix 3.3](#)), and in particular:*
- (i) *Responds to the specific site characteristics and wider street;*
 - (ii) *Promotes architectural form, building features and placement;*
 - (iii) *Provides landscape and open space design that responds to the characteristics and qualities of the area;*
 - (iv) *Minimises visual and amenity impacts of accessways and parking facilities; and*
 - (v) *Accommodates pedestrian access and safety.*

As discussed in my assessment of effects I do not consider that the proposed design and built form responds and respects the existing character of the directly surrounding area and wider Te Kowhai Village. However the Landscaping and fencing treatments proposed is expected to minimise the visual impacts of the parking facilities as discussed within the Landscape and Visual Report undertaken by Ms Soanes. The applicant has not provided an assessment of the Building against the Urban Design Guidelines Town Centres under Policy 4.5.29.

4.5.30 Objective – Business Zone and Business Town Centre Zones – Amenity

- I. *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.*

4.5.35 Policy – Noise

(a) Adverse effects of noise generated within the Business Town Centre and Business Zone on sensitive land uses are minimised by:

- (i) Ensuring that the maximum sound levels are compatible with the amenity values of adjacent Residential Zone or Village Zone;*
- (ii) Limiting the timing and duration of noise-generating activities, including construction and demolition activities;*
- (iii) Maintaining appropriate setback distances between high noise environments and sensitive land uses; and*
- (iv) Limiting the timing and duration of servicing and operation of commercial activities;*
- (v) Requiring acoustic insulation for dwellings within the Business Zone and Business Town Centre Zone.*

The acoustic engineers have concluded that the noise effects of the proposal are acceptable. There is a high level of traffic noise associated with the road that will mean acoustic effects are deemed reasonable. *The proposal is consistent with this Policy.*

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 conclusion of the Landscape Architect Ms Soanes concludes that in the context of the PDP the signage will not detract from the visual amenity of the surrounding environment. I agree that if the site was zoned Business for the context of this assessment that the signage would not detract from the visual amenity of the surrounding environment as the existing

environment and what is permitted by the plan would change the context of the surrounding environment.

4.5.37 Policy – Managing the adverse effects of signs

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

I am unsure at this stage whether the proposal will comply with the Sunday noise limits of the District Plan, landscaping and fencing is proposed to assist with reducing effects on neighbouring residential properties. However, I do not think that I can reach conclusions that they are protected from the amenity effects associated with establishment of a retail complex, more that effects are minimised through the mitigation.

The signage complies with the policy 4.5.37 and the traffic engineer has raised no concerns in relation to safety issues surrounding the sign.

9.7.2 Chapter 6 – Infrastructure and Energy

6.1.8 Objective – Infrastructure in the community and identified areas

- (a) *Infrastructure takes into account the qualities and characteristics of surrounding environments and community wellbeing.*

6.1.9 Policy - Environmental effects, community health, safety and amenity

- (a) *Require the development, operation, maintenance, repair, replacement, upgrading and removal of infrastructure and its associated structures to avoid, remedy or mitigate adverse effects on the environment, community health, safety and amenity.*

6.1.11 Policy – Undergrounding new infrastructure

(a) Encourage new infrastructure to be placed underground unless:

- (i) The adverse effects on the environment are greater than placing the infrastructure above ground;
- (ii) A natural or physical feature or structure renders underground placement impractical or undesirable; or
- (iii) There are significant operational, functional, technical, cultural or economic reasons that require the infrastructure to be above ground.

6.1.12 Policy – Co-location of compatible facilities

(a) Encourage compatible infrastructure to share location or facilities where operational advantages can be achieved or adverse effects are reduced.

6.1.16 Policy – Water conservation

(a) Encourage water conservation measures and, where appropriate, low impact stormwater design and facilities.

6.4.3 Policy – Infrastructure Location and Services

(a) Ensure subdivision, use and development are provided with infrastructure and services to a level that is appropriate to its location and intended use including:

- (i) Three waters (water, wastewater and stormwater supply);
- (ii) Telecommunication services;
- (iii) Electricity services; and
- (iv) Adequate water supply within urban areas for firefighting purposes.

As discussed in section 8.6 of my report, I have been unable to gain confirmation on how many tanks are necessary on the site and where these will be located in order to meet the firefighting requirements and the water supply. I am therefore apprehensive at this stage to draw conclusions on the Objectives and Policies surrounding Infrastructure and how this impacts on amenity effects.

9.7.3 Conclusions on Proposed District Plan with Legal Effect

The proposal fails to meet strategic directive 4.1.1 (a) set down by the PDP, and does not meet Strategic Objective 4.1.2. This is because the proposal disrupts the future settlement pattern through establishing a quasi town centre for Te Kowhai on the outskirts of the Village urban area. The proposal is inconsistent with the Zone specific Objectives and Policies of the PDP as the proposed Business Zone seeks to establish commercial activities and larger scale retail activities as opposed to the small scale retail activities proposed. Small scale retail activities are more appropriately located within Business Town Centre Zones. In this case Te Kowhai has no proposed Business Town Centre Zoning for additional small scale retail. One can assume because the Te Kowhai Village is deemed too small to command the supply of any additional small scale retail beyond that which already exists.

The economic assessment demonstrates that there is no retail demand at this point in time and therefore the contribution towards the local economy will be limited.

The proposal to establish small scale customer facing retail activities in the Business Zone is contrary and therefore inconsistent to the Objectives and Policies of the Plan as notified.

The direction taken by Council in the PDP Hearings

The hearing in relation to the Business Zone has been held and I have reviewed the Council Reporting Officers (Mr Alan Matherson) 42A assessments and rebuttal evidence. I note that some submissions seek to include “retail activities” within the Business Zone land. The recommendation from the Council Consultant Planner set down in the 42 Report was follows:

The submissions from Hugh Green Limited [392.3] and Van Den Brink Group [633.19] seek the addition of ‘Retail activity’. [into the business zone] However, the addition of this activity would be contrary to the policy direction (such as Policy 4.5.2(a)(i)), that seeks to direct retail activity to the Business Town Centre.

Further to this the Council sought in the 42A report to quantify the Commercial Activities sought on the Business Zone to tenancies of at least 500m² in floor area.

This positioning further supports that the establishment of small retail tenancies are not the

anticipated form of development within this proposed zone.

I also note that the definition of Retail Activities is proposed by Council to be amended. The proposal would still meet the proposed amended definition of 'retail activity'. The rebuttal evidence from Mr Matherson holds that there is a differentiation between retail activities and commercial activities and the Business Town Centre zone seeks to establish small retail activities while the Business Zone is for large scale retail and commercial activities.

The proposal is inconsistent with the Business Zone provisions that hold legal effect.

9.8 Conclusion on Relevant Plan Provisions under Section 104(1)(b)

The proposal is demonstrated to be inconsistent with the Regional Policy Statement.

In terms of the Operative District Plan, I have found in my analysis that the proposal is inconsistent with Objectives and Policies associated with Amenity as well as Social, Cultural and Economic wellbeing. The proposal is inconsistent with the outcomes and vision for Rural Villages listed within Chapter 1 of the Plan.

Under the Proposed District Plan I have found that the proposal is inconsistent with both the Strategic and the specific Objectives and Policies of the Business Zone.

Because the proposal is inconsistent with both the Operative and Proposed Plan provisions (despite a significant change in zoning from Country Living to Business), I consider that undertaking a weighting exercise between the two plans to be superfluous to requirements.

However, the applicant argues that weighting should be applied in favour of the PDP, so to assist the Commissioner I have set out the caselaw that might be helpful in this matter and how I view this can be applied to this specific case.

9.9 Weighting of the Plans under section 104(1)(b)

The most recent relevant case is that of *Willowridge Developments Limited v Queenstown Lakes District Council* [2018] NZEnvC 83.

In this case, the Court considered the objectives and policies of the operative and proposed plan together in one assessment and concluded that more weight should be given to the

operative district plan objectives and policies. This was on the basis that the proposed district plan's objectives and policies did not demonstrate a significant shift in Council policy. This case referenced the high court authority *Keystone Ridge Limited v Auckland Council* (AP24/01)

In the case of *Keystone Ridge* the courts found that weighting must be determined on case by case basis, taking into account:

- The Extent to which the proposed plan has been exposed to testing and independent decision making
- Possible injustice, but note the effect of s88(1A)
- Extent to which the new measure may implement a coherent pattern of objectives and policies in plan change/PDP

Of note is also *Mapara Preservation Society Inc. v Taupo District Council* (A083/

In this case substantive weight was given to new plan in early stages of Schedule One process (notified but submissions not heard) where the new plan:

- Represents a significant shift in Council policy (clear and deliberate change); or
- Introduces policy provisions to fill a vacuum or absence of policy in the district plan; and
- Is more likely to accord with Part 2

I have applied the concepts in these cases to this proposal and offer the following analysis:

The extent to which the Proposed Plan has been exposed to testing and independent decision making.

There is one specific submission in support of the rezoning (from the applicant) and no other submissions about this spot zone change. However, there are many submissions against the rules and provisions on the Business Zone and the interrelationship with the Business Zone Town Centre and what types of activities are suitable to be established within each Zone. I have discussed some of this above in my PDP objectives and policies

assessments. Until the decisions are made on the hearings in relation to the Business Zone we really do not know what this set of rules will look like. We do know that if the rebuttal evidence for the hearing on the zone change is adopted from Council the proposal will continue to be inconsistent with the Objectives and Policies of the PDP.

Further to this, submissions from Waikato Regional Council and Hamilton City Council raise concerns regarding the rezoning of land to Village Zone. The rezoning hearing is not due to start until March 2021 and Decisions for the Business Zone rules and the Rezoning's are not expected until later in 2021. The matters around which towns and villages are earmarked for growth and servicing is yet to be considered through the PDP processes. Large areas of land around Te Kowhai have been proposed to be rezoned Village which would allow rural residential development down to 3000m² in areas unserved by wastewater.

Whilst there are no specific submissions in opposition to the change of zoning to Business. If the rezoning hearings results in amendments to the size and scale of the Village zoned land which is a potential outcome based on submissions, this could have directly flow on effects to the size of the business zoned land needed. In my view this leaves this site rezoning in scope for change.

Has there been a significant policy shift?

The Proposed District Plan seeks to change the Zoning from Country Living to Business Zone. I have considered the question is a spot change in zoning considered a significant Policy shift? I do not consider that it was the courts intention to reference "a policy shift" to mean that every proposed zone change in a PDP received elevated status by weighting towards it over the operative zone. In this case the proposed zone change is a spot zone change that has not been referenced in any of the section 32 analysis undertaken for the PDP. The proposed zone change is not aligned with any previous structure planning document. I therefore cannot conclude that the policy shift is a clear and deliberate change, or particularly significant as it is a spot zone change.

The site which is located within the urban limits of the town under ODP, continues to be within the urban limits under the PDP. The strategic directions set out in the Operative Plan

and the Proposed plan around directing growth into urban areas are similar in nature. In that sense there is no significant shift in Policy.

There is a significant deliberate shift in policy in relation to the PDP Business Zone and the interrelationship with the newly established Business Town Centre Zone from the ODP. In the ODP the Business Zone allowed small scale retail however in the Proposed Plan the Business Zone is for larger format retail and Commercial activities over 500m². With the Business Town Centre being reserved for small scale retail.

However I question how relevant this shift in policy is to this proposal when the previous zone was Country Living and not Business under the Operative.

Matters of Injustice

I do not consider there are any matters of injustice to the applicant by not applying weighting towards the PDP over the ODP. Because the proposal is inconsistent with both the ODP and the PDP Objectives and Policies. The application was lodged after the PDP was notified, when the applicant knew what the proposed directions were for the Business Zone.

9.9.1 Conclusions on weighing between the ODP and PDP

The specific set of circumstances above has led me to conclude that the proposed rezoning is not of a significant policy shift that would warrant weighting towards it in order to better align with Part 2 of the Act. The PDP hearings on the Business Zone have been undertaken but no decisions have been released. There are a number of submissions that could potentially affect how this proposal aligns with the provisions of the Business Zone. The hearings on the Rezoning is scheduled for March 2021. I do not consider that the PDP is significantly advanced through the public process to weight towards the rezoning and the Business Zone provisions. I do not consider there are any matters of injustice to the applicant by not applying weighting towards the PDP over the ODP.

In my view any weighting applied should favour the ODP.

10.0 SECTION 104(1)(c) – OTHER MATTERS

When considering an application for a resource consent and any submissions received, the consent authority must, subject to Part 2, have regard to any other matter the consent authority considers relevant and reasonably necessary to determine the application. These matters are discussed below.

10.1 Future Proof Strategy Nov 2017

The future proof strategy was updated in 2017 and the PDP gives effect to this strategy so I am not going to go into too much detail in this regard to avoid repetition. The proposal aligns with the strategy in that it seeks to establish within the boundaries of the urban limits. However as I have previously detailed, the nature and scale of the proposal effectively creates a town centre for Te Kowhai on the northern edge of the urban limits as shown in the map below.



Figure 8: Red Star indicates approximate location of proposed development.

FUTURE PROOF SETTLEMENT PATTERN – Waikato And Waipa Districts



Major Commercial Centres*

C1 Te Kauwhata	C7 Raglan
C2 Huntly	C8 Cambridge
C3 Ngaruawahia	C9 Te Awamutu

Strategic Industrial Nodes*

I1 Pokeno	I4 Horotiu
I2 Tuakau	I8 Hamilton Airport
I3 Huntly/Rotowaro	I9 Hautapu

Residential

R1 Pokeno	R8 Tamahere
R2 Tuakau	R9 Cambridge
R3 Te Kauwhata	R10 Te Awamutu

* = as per Waikato Regional Policy Statement

† = Growth in these areas is subject to further investigation

~ = To be investigated as part of Phase 2

While the Waikato Regional Council has exercised all reasonable skill and care in preparing and controlling the contents of this report, the Council accepts no liability in contract, tort or otherwise, for any loss, damage, injury or expense (whether direct, indirect or consequential) arising out of the provision of this information or its use by you or any other party.

Figure 9: Key to above diagram

On face value the application aligns with the Settlement pattern and with Future Proof 2017 but my concerns remain that establishment of this type of development in this location will cause growth pressures to expand north outside the urban limits of the town.

10.2 Waikato Tainui Environment Plan

The plan is to provide a map or pathway that will return the Waikato-Tainui rohe to the modern day equivalent of the environmental state that it was in when Kiingi Taawhiao composed his maimai aroha. To do this, the plan seeks to:

- 1 provide the overarching position of Waikato-Tainui on the environment (s1.3.1);
- 2 consolidate and describe Waikato-Tainui values, principles, knowledge and perspectives on, relationship with, and objectives for natural resources and the environment (s1.3.2);
- 3 underpin the development of a consistent and integrated approach to environmental management within the Waikato-Tainui rohe (s1.3.2);
- 4 describe Waikato-Tainui environmental issues (s1.3.4);
- 5 provide tools to enhance Waikato-Tainui mana whakahaere and kaitiakitanga, particularly when participating in resource and environmental management through (s1.3.5):
 - (a) influencing the development of all environmental policies and plans that affect Waikato-Tainui;
 - (b) establishing a framework for resource and environmental management to support tribal members, whether as whaanau, marae, hapuu, or whatever grouping Waikato-Tainui, from time to time, choose to adopt;
 - (c) providing mechanisms to restore and protect the natural environment of Waikato-Tainui, whilst recognising the reasonable needs of local communities;
 - (d) actively contributing to the co-management of the Waikato river;
 - (e) influencing local and national decision makers;
 - (f) providing a guide for resource users or developers in the Waikato-Tainui rohe;
 - (g) affecting how and where development may occur; and
 - (h) providing clear and consistent issues statements, policies, and methods to manage natural resources.

- 6 provide guidance to external agencies regarding Waikato-Tainui values, principles, knowledge and perspectives on, relationship with, and objectives for natural resources and the environment (s1.3.6).

Section 25 of the Plan sets out matters relating specifically to Land Use Planning. The Objectives and Policies generally seek to achieve urban development that is well planned and the environmental, cultural, spiritual and social outcomes are positive.

Stormwater from the development will remain onsite through onsite treatment and soakage, wastewater is proposed to be managed onsite, construction management plans can ensure that sediment is controlled appropriately. The overall engineering design of the proposal are all measures that cumulatively ensure the proposal meets the Objectives and Policies set out in Chapter 25 of the Environmental Plan. No submissions have been received from Mana Whenua in relation to this application. I am of the view that the proposal is consistent with the Waikato Tainui Environmental Plan.

10.3 District Plan Integrity and Precedent Effect

There is no statutory provision for precedent effect or adverse effects on the integrity of the District Plan to be considered. These are formulated by the Courts and commonly used to reinforce principles and aid in assessments.

Precedent effect

A precedent reflects the concern that a grant may have on the fate of future applications for consent. In other words, how a decision may influence the way in which future applications are dealt with.

In *Manos v Waitakere CC*, the High Court held “the consent authority is in terms of s104 required to have regard to the rules, policies and objectives of a district plan and is fully entitled to consider the precedent effect of granting an application for a Discretionary activity when doing so.”

That view was subsequently stated to be correct by the Court of Appeal when refusing leave to appeal to that court. The Court of Appeal stated a grant of consent to a Discretionary activity can be a precedent in the sense of creating an expectation that a like application be treated in a like manner [43]. The Court of Appeal acknowledged this may not be as important as in the case of a Non-Complying activity however it said each application must be assessed on a case by case basis.

The Court of Appeal also said the terms of the particular district plan in question is relevant to the issue of precedent.

In *Norwood Lodge v Upper Hutt CC*, the Court of Appeal again confirmed that precedent was a legitimate consideration for a discretionary activity.

In *Stirling v Christchurch CC*, the High Court relied on the Court of Appeal decisions. In that case, the High Court held that granting a substantial retail complex in the business zone would create a precedent effect. It is significant that, the relevant policies in the CC plan contained strong policy directives.

The case law sets out that, Precedent can be relevant matter for Discretionary Activities. However, to use Precedent for Discretionary activities the Courts have qualified this with also requiring a strong Policy directive.

In this case I do not consider that the Objectives and Policies have a particularly strong directive nature overall. Whilst Directive in relation to Amenity, many of the other Objectives and Policies are set out in a non directive way. This is typical of the Operative District Plan that overall has little in the way of Directive Objectives and Policies within it. It is therefore my opinion that the Precedent is not a relevant consideration in this case.

Administration of the District Plan (District Plan integrity)

District Plan integrity reflects the public confidence in the plan. The Environment Court (EC) in the case *Berry v Gisborne District Council* (2010) considered precedent and plan integrity and cautioned the use of such factors. The EC advised an application will only be declined on the basis of plan integrity where:

- The proposal clearly clashes with important plan provisions; and
- It is likely that further applications will follow which are equally incompatible with the District plan and materially indistinguishable.

In this case I do consider that the proposal clashes with important plan provisions, the proposal seeks to establish a retail complex within a zone reserved for rural residential living. The basis of applying for the proposal is in reliance of the Proposed Plan Zone changes and rules that do not yet have legal effect. As the entire district is undergoing proposed changes to zoning. I consider it likely that further applications will follow that will not be materially indistinguishable, in the reliance that applications can be made that clash with operative plan provisions in favour of Proposed Plan provisions, that are yet to have decisions made upon them.

10.4 Ngaaruawaahia, Hopuhopu, Taupiri, Horotiu, Te Kowhai & Glen Massey Structure Plan - March 2017

The Structure plan was established through community consultation and adopted by Council in 2017. It is a non statutory document and therefore holds less weight than both the Operative and Proposed District Plans. The structure plan identifies that a “neighbourhood centre” could be established within the immediate area surrounding the subject site. The Plan identifies a town centre focal point for Te Kowhai near the existing school and hall area, the neighbourhood centre is smaller than the town centre.

Figure 19. Te Kowhai Key Moves Plan

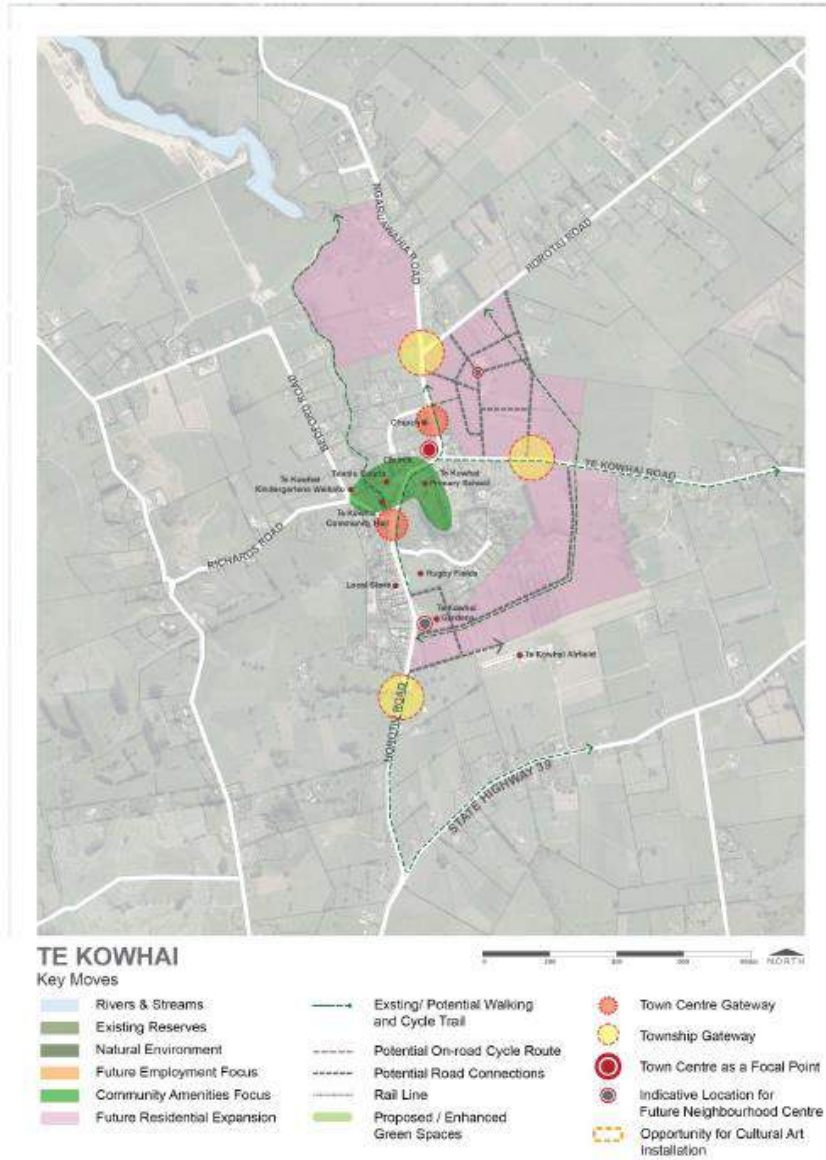


Figure 10: Te Kowhai Structure Plan Key Moves map

The AEE undertaken by Ms Hansen (now adopted by Mr Dillon) argues that the proposal is consistent with the structure plan as the retail complex sought establishes the neighbourhood centre anticipated within the Structure plan. I do not share this opinion. The scale of the proposal is more akin to that which would serve as a town centre for Te Kowhai rather than a neighbourhood centre. That is evident from the economic assessment undertaken by Mr Foy that assesses the demand of retail space for the village. I suggest that the neighbourhood centre proposed within the Structure has already been given effect to via the establishment of the Café/gift shop directly adjoining and south of the

subject site. It is my view that the proposal is in conflict with the outcomes sought by the Structure Plan.

10.5 Waikato 2070 - 2020

Waikato 2070 Growth and Economic Development Strategy was adopted by Council 19th May 2020. The plan identifies areas set out for intensification over the next 50 years. In this case Residential intensification has been identified to the south of the town centre area identified in the Ngaruawahia Structure Plan 2017. No Commercial or Town Centre Development is identified in the plan.

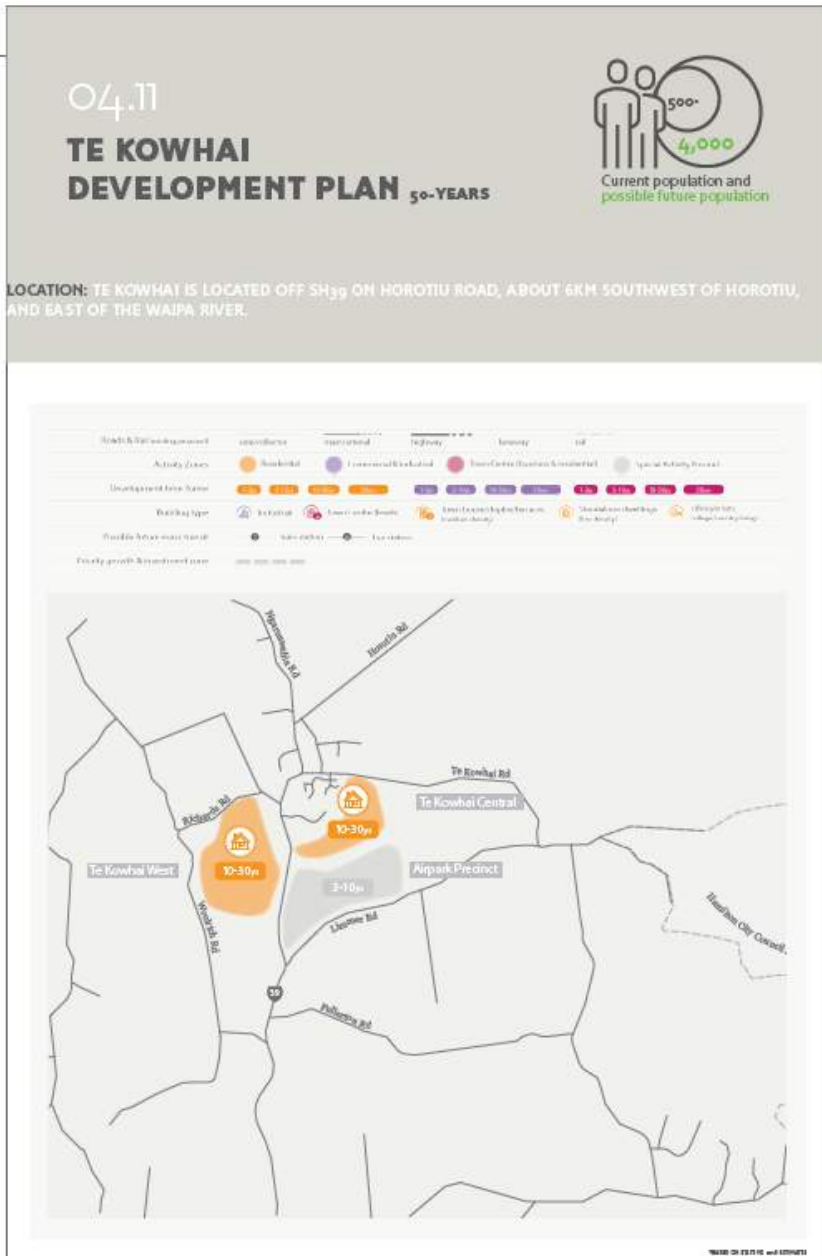


Figure 11: Waikato 2070 Te Kowhai Plan

Waikato 2070 does not demonstrate any additional Commercial areas for growth within Te Kowhai or any town centre zoning. It looks to intensify residential areas to the south of the town centre area identified in the Ngaruawahia Structure Plan. Identification of these areas does not align with a proposal to establish a town centre sized development within the northern periphery. It is therefore my view that the proposal is inconsistent with Waikato 2070.

10.6 Hamilton Metropolitan Spatial Plan - 2020

This plan is a non statutory document undertaken as a collaborative effort between Hamilton City Council, Waikato District Council and Waipa District Council. The plan sets out where growth is anticipated around Hamilton and the surrounding areas. Te Kowhai is not identified as an area earmarked for Growth or one that is earmarked for further investigation.

10.7 Conclusions on section 104(1)(c) Other Matters

The proposal is partially consistent with the non statutory Future Proof Strategy 2017 in that it is located within the bounds of the urban area however due to the nature and location of the activity proposed will lead to pressure to intensify the surrounding rural and country living land. The proposal is inconsistent with the non statutory documents such as Waikato 2070 and the Structure Plan, which do not identify establishment of a town centre in or near the location of the subject site within the next 50 years. The proposal will undermine the Integrity of the District Plan. Whilst the Operative District Plan offers a set of directive policies associated with amenity value, overall I do not consider that the Policy Directive of the ODP is enough to warrant consideration of a precedent effect for a Discretionary activity.

11.0 ASSESSMENT OF PART 2 MATTERS

I now turn to the assessment under Part 2. The Court of Appeal in *RJ Davidson Family Trust v Marlborough District Council* [2018] NZCA determined that, in the context of resource consents, RMA decision makers should usually consider Part 2 when making decisions on resource consents (this is the implication of the words “subject to Part 2” in s 104). However, it stated doing so is unlikely to advance matters where the relevant plan provisions have clearly given effect to Part 2 or where it is clear that the plan is “competently prepared” with a “coherent set of policies” such that there is no need to refer to Part 2.

In the present application, I consider it is appropriate to apply Part 2 as it cannot be said that the Operative Waikato District Plan – Waikato Section contains a coherent set of policies or gives effect to the Operative Waikato Regional Policy Statement due to the timing of the two plans. There is therefore potential for incomplete coverage in the Operative Waikato District Plan. As this is one of the three caveats where the Supreme Court in *King Salmon* said recourse should be had to Part 2, I provide an assessment of the application against Part 2 below. Furthermore, given the Operative Waikato District Plan was prepared before the *King Salmon* decision, it cannot be said with certainty that the plan was “competently prepared”.

The following assessment has been made in regard to Part 2 matters:

Section 8

Section 8 of the Act concerns the principles of the Treaty of Waitangi. The application was fully notified, and notice was also served directly on Tangata Whenua. No submissions were received from Tangata Whenua. There are no known sites of interest to Maori on the land of the subject site. The onsite servicing has been designed to ensure that wastewater treatment and stormwater disposal meet engineering standards, this includes matters relating to water quality. Accordingly, it is considered that the proposal will not offend the provisions of section 8.

Section 7

Section 7 of the Act sets out other matters that Council is to have particular regard to in achieving the purpose of the Act. The matters of relevance to this application are:

- (b) *the efficient use and development of natural and physical resources*
- (c) *the maintenance and enhancement of amenity values*

It is my view based on the assessments above that the proposal to the size and nature will undermine the spatial planning for the village of Te Kowhai by establishing a town centre type development on the northern edge of town. This is not an efficient use of the land. My assessments conclude that the amenity values will not be maintained and enhanced.

Section 6

Section 6 of the Act requires a number of matters of national importance to be recognised and provided for. The only matter I consider relevant to this proposal is:

(h) the management of significant risks from natural hazards.

The engineering report and the review by the LDE lead me to conclude that this matter of national importance has been recognised and provided for.

Section 5

Section 5 outlines the purpose of this Act which is as follows:

- (1) *The purpose of this Act is to promote the sustainable management of natural and physical resources.*
- (2) *In this Act, sustainable management means 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 well-being 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.*

Part 2 allows for an overall broad judgement to be made on whether to grant or decline consent, having regard to the competing considerations under s104. It is important to note that s104 does not give primacy to any one section (104(1)(a)-(c) over the others.

- In my conclusion on actual and potential effects under section 104(1)(a) I have found:
 - (i) That there will be effects on Character and Amenity that have not been sufficiently mitigated.
 - (ii) The economic assessment provided demonstrates there is no retail demand for some years to come and no guarantee when that will occur

due to lack of reticulation in the area. Meaning there is the potential for shops to be left vacant for some time yet.

- (iii) The lack of retail demand, limits the potential positive economic benefits of the proposal which I have found are not enough to balance out the adverse effects found on character and amenity of the locality and the village.
 - (iv) I do not consider enough detail has been provided in relation to the servicing on site to address the effects associated with the tanks and any conflicts with the activities or mitigation proposed.
 - (v) I am concerned that the proposal will not comply with the daytime noise limits on a Sunday. Effects in relation to this apparent infringement have yet to be addressed.
- In my conclusion on relevant plan provisions under section 104(1)(b) I have concluded that:
 - (i) the NPSUD or the NESCS are not relevant considerations,
 - (ii) the proposal is inconsistent with the Regional Policy Statement
 - (iii) consistent with the Waikato-Tainui Raupatu (Waikato River) Settlement Claims Act 2010.
 - (iv) The provisions of the Operative District Plan have been assessed where it is concluded that the proposal is inconsistent with the Objectives and Policies of the Plan. Although the proposal is within the bounds of a defined growth area, the proposal seeks through the scale and nature of the activities to effectively create a town centre on the northern periphery of the village. This in turn has the potential to lead to growth pressure outside the urban boundaries of the village. The directive objectives and policies pertaining to Amenity Values and the objectives and policies for Social, Cultural and Economic wellbeing have not been met by the proposal. I have found that the development does not align with the vision for rural villages set out in Chapter 1 of the Plan.
 - (v) I have found the proposal to be inconsistent with the Proposed District Plan Objectives and Policies. These seek to encourage large format commercial activities and discourage small scale retail within the Business Zone. I find weighting between the two plan provisions somewhat

arbitrary because the proposal is inconsistent with both the Operative and Proposed Plans despite the proposed zone change from Country Living to Business.

- Under section 104(c) Other Matters I have found that:
 - (i) The proposal is partially consistent with the non statutory Future Proof Strategy 2017 in that it is located within the bounds of the urban area. However due to the nature and location of the activity proposed, the proposal will lead to pressure to intensify development of the surrounding rural and country living land.
 - (ii) The proposal is inconsistent with the non statutory documents such as Waikato 2070 and the Structure Plan, which do not identify establishment of a town centre in or near the location of the subject site within the next 50 years.
 - (iii) The proposal will undermine the Integrity of the District Plan.

11.1 Recommendation

In the wider sense, the proposal is located within a defined growth area and the urban limits set out for the Region and development within Te Kowhai aligns with this direction. However the scale and detail of the proposal in the location chosen leaves the development in conflict with section 104(1)(a) and (b) and with (c). The applicant offers no specific measure under 104(1)(ab) to offset or compensate the adverse effects of allowing the activity. Overall it is my opinion based on the assessments above that Part 2 would be better met through the decline of this application than the granting of it.

Nevertheless, despite my recommendation, if the Commissioner is of the mind to grant consent, I have formulated a set of Draft Conditions for consideration and to assist the Commissioner. These have been initially reviewed by the applicants' agent, however at the time of precirculation some experts (Council and Applicant) have yet to provide feedback on the condition set. The draft set is attached in **Appendix G**. It is the intention of the reporting officer and the applicants agent to continue to work through the conditions to present an agreed set prior to or at the hearing.

APPENDIX B

ACOUSTICS

25 March 2020

Waikato District Council
 Private Bag 544
 Ngaruawahia 3742

Attention: Michelle Carmine

Dear Michelle

TE KOWHAI VILLAGE COMMERCIAL DEVELOPMENT - PEER REVIEW

INTRODUCTION

Waikato District Council has engaged Marshall Day Acoustics to carry out a peer review of the acoustic assessment forming a part of the Te Kowhai Village commercial development. The subject site is located at 561 Horotiu Road, Waikato.

Our involvement to date has consisted of reviewing the original Earcon acoustic assessment (dated May 2019), the revised acoustic assessment (dated August 2019) and a separate letter response (dated October 2019).

This letter details our reply to the Earcon letter dated 24 October 2019.

THE MEASURED AMBIENT SOUND ENVIRONMENT

We note that with the exception of 571 Horotiu Road (we understand the owners / occupiers have now given written approval to the application) Earcon state that the site's activities will comply with the daytime noise limit of 50dB L_{A10} . We consider the site would generate sound similar to or less than the average daytime background level measured by Earcon i.e. about 44dB L_{90} .

We acknowledge that the average daytime ambient level measured by Earcon is about 59dB L_{A10} and is controlled by traffic movements on Horotiu Road. By comparing these measured levels against Earcon's site predictions, we see that road noise would be considerably louder. We are therefore satisfied that the effects of daytime operation would be reasonable.

For the evening period we cannot make the same comparison. This is because the original and revised acoustic reports do not include noise measurements in this period. It is apparent that Earcon are unwilling to measure in this period given they state that:

"...we do not believe evening noise level measurements will result in any meaningful results relative to the measurements conducted during the day..."

However, they do acknowledge that:

"For rural areas, a similar variation [of 15dB between daytime and night-time road noise levels] has been observed, however, we note that during the night-times other sources of noise, e.g. crickets in summer and wind related noise".

We consider Earcon to have overestimated the busyness (and by extension the level of sound generated by traffic) of Horotiu Road in the evening period¹. It is a collector road in a rural area. The NZTA defines this road type as "In rural areas, minor roads linking smaller rural communities to the arterial network". Therefore, we

¹ According to www.mobileroad.org Horotiu Road has an annual average daily traffic flow of 4260vpd of which 4% are trucks. The majority of vehicle flow would be during daytime hours, with flows in the evening and night-time periods significantly reducing. This would result in significantly lower background noise levels

are of the opinion that the evening noise level is likely to drop off considerably from daytime levels and, given that the activity proposes to operate in this period, we consider measurements to be necessary.

We therefore kindly request an evening background sound level measurement at Position 3.

Earcon acknowledges that there can be significant differences between daytime and night-time noise levels (up to 15dB as noted above) and, given that the development proposes to operate mechanical plant in the night-time no more than 10m from the site boundary shared with 557 Horotiu Road with no mitigation in place, we consider it essential to ascertain the night-time background sound environment via measurement at Position 3.

PREDICTED OPERATIONAL NOISE

We have reviewed the revised predictions which now provide a breakdown of noise from individual categories: Vehicles, Plants (we assume this refers to refrigeration and HVAC), Takeaway and of course the cumulative level. The revised predictions still do not predict noise in the night-time period based on the operation of refrigeration plant associated with the superette and possibly the takeaway (the takeaway is highly likely to operate a refrigerator given perishable food will be stored on site). Therefore, the potential for night-time noise effects is still unknown.

Please provide commentary around predicted night-time noise levels at the boundary with 557 Horotiu Road, compliance and level of effects.

The eastern boundary of the development adjoins Lot 4000 DP 527122 which is zoned Living Country in the operative District Plan. Please provide commentary on compliance with Rule 25.19.17.1 in all prescribed timeframes.

BEST PRACTICABLE OPTION

Section 16 of the Resource Management Act states:

“Every occupier of land...and every person carrying out an activity... shall adopt the best practicable option to ensure that the emission of noise... does not exceed a reasonable level”.

With s16 in mind can Earcon please provide commentary on how the proposed development has adopted best practicable option (BPO) into the design and operation of the activity. Specific commentary around potential BPO mitigation options along the boundary with 557 Horotiu Road and Lot 4000 DP 527122 is requested.

SUMMARY

The following is requested:

- Undertake background sound level measurements at Position 3 in the evening and night-time periods
- Provide commentary around predicted night-time noise levels at the boundary with 557 Horotiu Road and Lot 4000 DP 527122, compliance and level of effects
- Provide commentary on how the proposed development has adopted BPO into the design and operation of the activity

Yours faithfully

MARSHALL DAY ACOUSTICS LTD

Mat Cottle

Associate

22 July 2019

Waikato District Council
Private Bag 544
Ngaruawahia 3742

Attention: Victoria Majoor

Dear Victoria

TE KOWHAI VILLAGE COMMERCIAL DEVELOPMENT - PEER REVIEW

INTRODUCTION

Waikato District Council has engaged Marshall Day Acoustics to carry out a peer review of the acoustic assessment forming a part of the Te Kowhai Village commercial development. The subject site is located at 561 Horotiu Road, Waikato.

The following details:

- our review of both the acoustic report prepared by Earcon Acoustics Limited (Earcon) dated May 2019 ('the report'), and;
- our conclusion regarding noise effects on nearby receivers.

In addition to referencing the report prepared by Earcon, our review has been carried out with reference to the following:

- The Resource Management Act 1991 (RMA)
- New Zealand Standard NZS 6801:2008 "Acoustics – Measurement of environmental sound"
- New Zealand Standard NZS 6802:2008 "Acoustics - Environmental Noise"
- Operative Waikato District Plan
- Proposed Waikato District Plan

RELEVANT ZONING AND NOISE PERFORMANCE STANDARDS

The report correctly identifies the relevant planning zone for the subject site and surrounding receiver sites.

The report correctly identifies Rule 25.19.17.1 from the Operative Waikato District Plan (ODP) as the relevant noise performance standard.

Presently the Waikato District Proposed District Plan (PDP) is in the further submissions stage. It has no legal weight at this point. The report does not discuss the PDP zoning or rules in their 'Section 2 Design Criteria – Waikato District Plan'. However, the report does later reference it in Para 5 of Section 5.1.1 Carpark Noise and Section 6 Conclusion.

EXISTING NOISE ENVIRONMENT BASELINE

We note that measurements of the existing noise environment were not undertaken by Earcon. The assessment instead relies upon compliance with the ODP zone limits.

The report does not comment on the potential effects of noise. However, the Terra consultants '*Land use consent application*' dated 17 May 2019 (to which the report is appended) states that the report '*determine{s} acoustic effects*' and that the report concludes that '*the overall effects will be less than minor*'.

This is an incorrect assertion by Terra consultants. Terra consultants also state that the noise level will ‘fall within the permitted baseline of noise effects and can therefore be considered to be less than minor’.

The approach of assessing the limits only and not establishing the existing ambient acoustic environment may overlook potential adverse effects.

As such, **we request that existing background noise levels be measured and reported by Earcon** for completeness and so that we may reach a conclusion regarding effects.

OPERATIONAL NOISE

In predicting noise levels for the proposal as detailed in the report, Earcon has assumed:

- Operation/activity between 7am and 10 pm (falling within the ODP daytime and evening periods 7am to 7pm and 7pm to 10 pm respectively)
- The building envelope sound insulation performance
- 186 Vehicles during the peak hour and no more than 2 trucks in any given hour
- A per item sound power ‘limit’ for central roof top plant (78 dB L_{Aw}) and ground level plant (71 dB L_{Aw}), but not the number of plant items
- A level of 65 dB L_{A10} from ‘people and the outdoor seated area of the takeaway’
- Rubbish collection will only occur in the daytime period (between 7am and 7pm)
- 1.8m high ‘acoustic fencing’ along the southern site boundary

Building Envelope Sound Insulation

The report assesses the sound insulation of the building envelope. Whilst there is detail on the assumed constructions and their sound insulation performance, no information is provided on assumed internal noise levels.

Furthermore, a predicted level from noise within the building(s) is not provided so we are unable to check the calculated performance.

Regardless, our experience is that the types of commercial activities proposed are unlikely to generate internal noise levels that warrant any particular attention to mitigation (beyond that provided by a typical building envelope construction).

Site Vehicle Movements

The report assumes 186 vehicles during the peak hour and no more than 2 trucks in any given hour.

The report does not state the number of vehicles that are expected over each period (daytime/evening). However, the levels from peak hour are usually the determining factor.

No predicted level from vehicle movements (peak hour or average over the day) is provided.

Our own predictions, based on the information provided, indicate this noise source would be generally compliant with the daytime and evening limits.

Mechanical Services Noise

The report provides a requirement that the mechanical services be designed/selected to make no more than a certain sound power level, dependent upon location.

No predicted noise levels from mechanical services is provided in the report. As with all the other noise sources only a cumulative noise level has been provided.

Our own predictions, based on the information provided, indicate mechanical services (without screening) would likely be compliant with the daytime limits. However, the evening limit of 45 dB L_{A10} may be exceeded

based on the sound power levels detailed in the report. Screening or quieter units would therefore be necessary.

There is no discussion in the report with respect to mechanical services in the night period, such as refrigeration plant for the superette. We would expect that such an activity would require services that operate in the night-time period and would need to be appropriately addressed. This is typically achieved by sensible selection and practicable mitigation (attenuators and screening) when necessary.

Patron Noise

The report assumes a level of 65 dB L_{A10} from 'people and the outdoor seated are of the takeaway'. The assumed number of people is not specified.

No predicted noise levels from patrons is provided. As with all the other noise sources only a cumulative noise level has been provided.

Based on our experience a level of 65 dB at the perimeter of the outdoor seating area (and compliance with 45 dB at the closest boundary) would occur provided there were around 10-20 people congregated, conversing at a normal speaking voice level.

Rubbish Collection

The report requires rubbish collection to occur in the day time period.

No specific predicted noise level from rubbish collection is provided.

Based on our experience compliance with the daytime limit of 50 dB L_{A10} at the closest receiver on the adjacent lot to the south would likely occur provided there was a barrier (as specified in the report).

Cumulative Noise

The report provides predicted cumulative noise levels at the neighbouring properties. The predicted levels stated comply with the daytime and evening period noise limits without any averaging applied.

We have carried out our own predictions based on the information provided to corroborate Earcon's predicted levels. Despite a lack of lucid detail on each contributing noise source, we consider that Earcon's predicted cumulative noise levels are plausible.

CONCLUSION

The Earcon report concludes that *'the noise levels generated by the proposed commercial activity will comply with the district plan noise limits provided recommendation on (sic) this report are applied'*.

The report does not comment on the potential effects.

Based on the information provided to date, we concur that the proposed activity would likely comply with the ODP limits, however, we cannot reach a conclusion regarding potential effects on neighbouring sites. We therefore request the further information set out above.

We would be happy to review draft consent conditions as required.

Yours faithfully

MARSHALL DAY ACOUSTICS LTD

James Bell-Booth

Acoustician

Jessica Thomas

From: Chris Dillon <chris.dillon@terrargroup.co.nz>
Sent: Tuesday, 21 April 2020 9:26 am
To: Michelle Carmine
Subject: RE: Te Kowhai Retail Noise: Response to Marshall Day

Hi Michelle

Thanks for that. I think the change from slatted to solid fencing around the service areas of each tenancy will be ok, as they are setback from the rear boundary, and because of the presence of the proposed 1.8m timber fence that will be erected along the northern and eastern boundaries as set out in the Landscape Plans, effectively screening the service areas from view from most vantage points outside the site.

Kind regards

Chris

CHRIS DILLON
 SENIOR PLANNER
 BREP (Hort), MNCPS



07 850 6331
 022 505 9562



chris.dillon@terrargroup.co.nz
 www.terrargroup.co.nz

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From: Michelle Carmine
Sent: Tuesday, 21 April 2020 9:10 am
To: Chris Dillon
Subject: FW: Te Kowhai Retail Noise: Response to Marshall Day
Importance: High

Hi Chris,

Please see attached recommendations in relation to Acoustics. As you have provided the written approval from the owner of 571 I don't consider the acoustic fence would be necessary and would conflict with the overall landscape treatments proposed. Could you please look into the recommendation around BPO for each outdoor service area and whether this is something you want to implement when balancing with visual outcomes sought from the rear of the site.

Kind Regards
Michelle Carmine

From: Mat Cottle <Mat.Cottle@marshallday.co.nz>
Sent: Monday, 20 April 2020 5:03 PM
To: Michelle Carmine <michelle@elementplanning.co.nz>
Subject: RE: Te Kowhai Retail Noise: Response to Marshall Day
Importance: High

Hi Michelle

Attached is our response. Summary is that we have sufficient information to conclude that no adverse effects will result. However, we do make several recommendations to ensure this is the case.

Let me know if any questions.
Mat

Mat Cottle



405/24 Garden Place, Hamilton
marshallday.com | T: 07 834 3022 | M: 021 0285 9884 (office hours only)

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From: Michelle Carmine <michelle@elementplanning.co.nz>
Sent: Wednesday, 15 April 2020 2:58 PM
To: Mat Cottle <Mat.Cottle@marshallday.co.nz>
Subject: FW: Te Kowhai Retail Noise: Response to Marshall Day [Filed 16 Apr 2020 14:30]

Hi Mat

The response attached in regards to the request for background measurements for the Te Kohwhai Retail complex. Let me know whether this enables you to complete your final recommendations or whether they need to just wait until after the lockdown and do the background measurements then?

Regards
Michelle

From: Chris Dillon <chris.dillon@terrargroup.co.nz>
Sent: Wednesday, 15 April 2020 1:29 PM
To: Michelle Carmine <michelle@elementplanning.co.nz>
Subject: Te Kowhai Retail Noise: Response to Marshall Day

Hi Michelle

Please find attached the response of the acoustic consultant to the Marshall Day review.

Kind regards

CHRIS DILLON
SENIOR PLANNER
BEP (Hons), MScP



07 850 4331
022 509 9562



chris.dillon@terragroup.co.nz
www.terragroup.co.nz

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APPENDIX C

TRAFFIC ENGINEERING AND CORRESPONDENCE

26 September 2019

Victoria Majoor
Waikato District Council
Private Bag 544
Ngaruawahia 3742



Gray Matter Ltd
2 Alfred Street
PO Box 14178
Hamilton, 3252
Tel: 07 853 8997

17_137

Dear Victoria

TE KOWHAI MIXED USE COMMERCIAL DEVELOPMENT - TRANSPORTATION REVIEW

1. Introduction

Te Kowhai Estate Ltd propose to develop a mixed use commercial development in Te Kowhai. The development includes a takeaway pizza shop, hairdressers, and a mini supermarket. The remaining four tenancies are yet to be determined but are likely to consist of retail or food outlets. Waikato District Council (WDC) engaged Gray Matter Ltd to review the traffic and transportation aspects of the proposed development.

The purpose of this review is to assess the traffic and transportation impact of the proposal on the surrounding area and against the requirements of the Waikato District Plan. This review is based on information including:

- = Integrated Transport Assessment, CKL (4 March 2019);
- = Further Information Response, CKL (12 July 2019); and
- = DDL Architecture drawings 18-039 (15 February 2019).

2. Transport Environment

2.1. Surrounding Roads

The site is located on Horotiu Road, Te Kowhai. The ITA states the site is proposed to be rezoned to Business Zone under the proposed District Plan. The site is currently zoned Country Living.

Access to site will be directly from Horotiu Road. Description of the surrounding roads are provided in Table 1 and a locality map showing the site in relation to the surrounding roads is provided in Figure 1.

Road	ONRC	Traffic Volume (veh/day)	Description
Horotiu Road	Primary Collector	4,260 veh/day	10.9m total carriageway width. 50km/h posted speed.
Westvale Lane	Low Volume	100 veh/day	6m wide carriageway. 50km/h posted speed.

Table 1: Surrounding Road Hierarchy

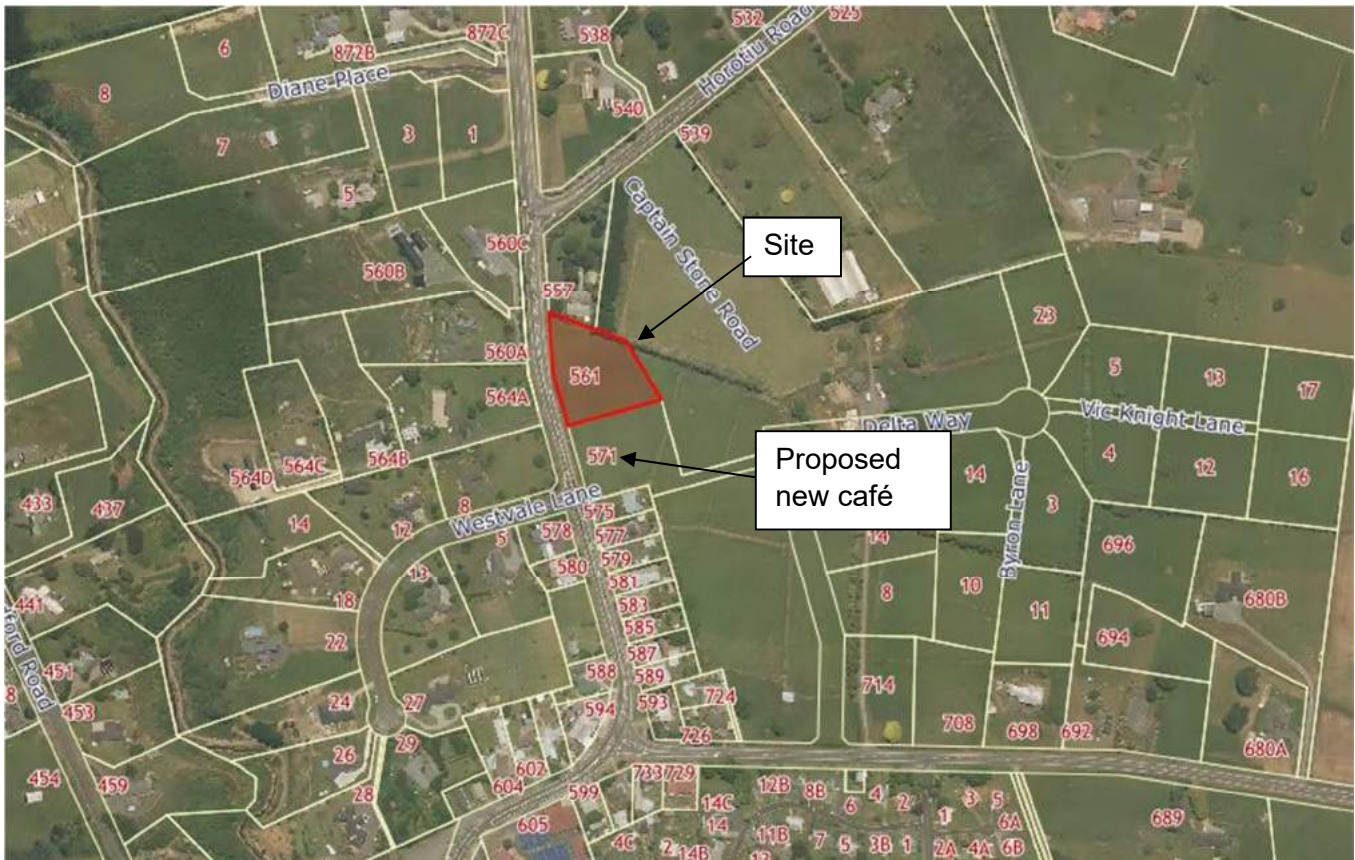


Figure 1: Site location

Consent has been granted for a café on the southern side of the subject site. The ITA states that the café could generate 185 veh/day and 50 veh/hr during the peak hour. The orientation of the café building makes integration between the two sites difficult. We note that the ITA indicates a possible pedestrian connection between the two sites.

2.2. Crashes

We have completed a search of NZTA's Crash Analysis System for the last five years (2015-2019). There have been no reported crashes within 100m of the site. There has been a non-injury crash at the Horotiu Road intersection and a fatal crash approximately 200m east of the intersection. The fatal crash was a result of a vehicle trying to overtake and pass another vehicle.

Although there have been crashes at the Horotiu Road intersection and east of the intersection, there does not appear to be a crash issue on Horotiu Road near the proposed vehicle crossings

3. The Proposal

3.1. Description of the Proposal

The proposal is for a mixed use commercial development comprising:

- = 450m² mini supermarket (superette)
- = 120m² pizza shop
- = 80m² hairdressers
- = 420m² retail or food outlets

The proposal includes two new vehicle crossings on Horotiu Road. The ITA states that the southern vehicle crossing will be restricted to exit only movements for service vehicles (e.g. delivery vehicles and refuse collection vehicles). The proposed layout is shown in Figure 2.



Figure 2: Proposed site layout (larger copy attached at Appendix A)

3.1.1. Trip Generation

In the ITA trip generation is assessed as:

- = Peak Hour: 156-186 veh/hr
- = Daily: 984-1,388 veh/day

The trip generation rates from the ITA are summarised in the table below.

Activity	unit	Traffic Generation Rates		Traffic Generation		Comment
		veh/day/100m ² GFA	veh/hr/100m ² GFA	veh/day	veh/hr	
Small shopping centre	GFA	92-141	14.6-18.6	984-1,388	156-186	The trip generation is based on 50 th and 85 th percentile trip generation rates from RR453.

Table 2: Trip Generation (50th and 85th %ile)

The ITA assess trip generation based on rates for small shopping centres. For comparison we have completed a trip generation assessment based on individual activity trip generation e.g. retail, fast food and supermarket. The summary of trip generation is provided in Table 3.

Activity	GFA	Traffic Generation Rates		Traffic Generation		Comment
	m ²	veh/day/100m ² GFA	veh/hr/100m ² GFA	veh/day	veh/hr	
Retail ¹ (including hairdresser)	500m ²	129	42.5	645	213	Trip generation based on published rates for retail shop appears to be high especially for a hairdresser given the location.
Fast food	120m ²	362	52.2	434	62	Trip generation appears to be high. The ITA describes the activity as a pizza shop. Fast food activities typically include a drive through facility. This trip generation rate may not be applicable.
Supermarket	450m ²	129	17.9	580	81	Trip generation appears to be high given the location of the development.
Total	1,070m ²			1,659	356	The trip generation is approximately 20% higher than the assessment in the ITA.

Table 3: Trip generation based on activity specific assessment

Based on assessing individual activity trip generation the site could generate 1,659 veh/day or 356 veh/hr during the peak hour approximately 20% more trips when compared to the ITA assessment.

Given the nature of the development and location, it is not unreasonable to assume that 20% of trips could be diverted, pass-by or internal trip capture. Therefore, the assessment based on shopping centre rates appears reasonable.

For the purposes of this assessment we have assumed the following trip generation rates:

- = Daily: 1,388 veh/day
- = Peak hour: 186 veh/hr

The further information request states that the secondary exit only vehicle crossing is likely to generate approximately 20-25 vehicles/week based on the following service vehicle demand:

- = Small supermarket/dairy: 1 bread delivery, 1 milk delivery daily and 1 other truck per week
- = 6 other units: 1 delivery weekly
- = Refuse collection: 2 times a week.

3.2. Trip Distribution

The further information assumes approximately 50% vehicles in and 50% out during the peak hour and an even split of vehicles from the north and south. The trip distribution based on peak hour split stated in the ITA is summarised in Table 4.

Vehicle crossing	Left in	Right in	Left out	Right out
	50% (93 veh/hr)		50% (93 veh/hr)	
	46%	54%	50%	50%
North vehicle crossing	43 veh/hr	50 veh/hr	46 veh/hr	46 veh/hr

Table 4: Peak hour trip distribution

¹ Hairdresser activity assessed as a shop activity.

As part of the further information request Sidra modelling has been completed. The traffic volumes entering and exiting the site were doubled as a sensitivity check. The Sidra modelling shows that all movements operate at level of service (LOS) A.

3.3. Parking

The proposal includes 36 parking spaces, the District Plan requires 33. There is a surplus of 3 parking spaces.

The parking spaces will typically be 2.5m wide with 5.1m stall depth. The further information request shows manoeuvring space as 7.7m (previously shown as 7.6m) which complies with the District Plan.

Two accessible parking spaces are provided on site. One space is located near the superette the near the general retail activities. The location of the accessible parking spaces appear reasonable.

There appears to be sufficient parking on site to cater for parking demand.

3.3.1. Loading

The ITA states that three loading spaces are required under the District Plan, only one loading spaces is provided on site. The loading space is approximately 16m x 5.5m and located on the southeast side of the site directly in line with the exit only vehicle crossing.

Servicing at the supermarket is likely to be more frequent and require larger vehicles when compared to the other activities on site. One loading space provided on site is likely to be sufficient for servicing the site.

3.3.2. Manoeuvring

The parking spaces comply with District Plan manoeuvring width requirements. There does not appear to be significant issues related to vehicle manoeuvring into or out of parking spaces.

Following our further information request swept paths have been provided for a semi-trailer entering the site parking within the loading space and exiting the site via the exit only vehicle crossing. We note that the required clearance (300mm) for the swept paths is not shown on the drawings. There are some locations where it appears that adequate clearance may not be achieved and damage to the kerbs within the site may result. We recommend providing clearance minimum 300mm clearance from vehicle body to kerbs.

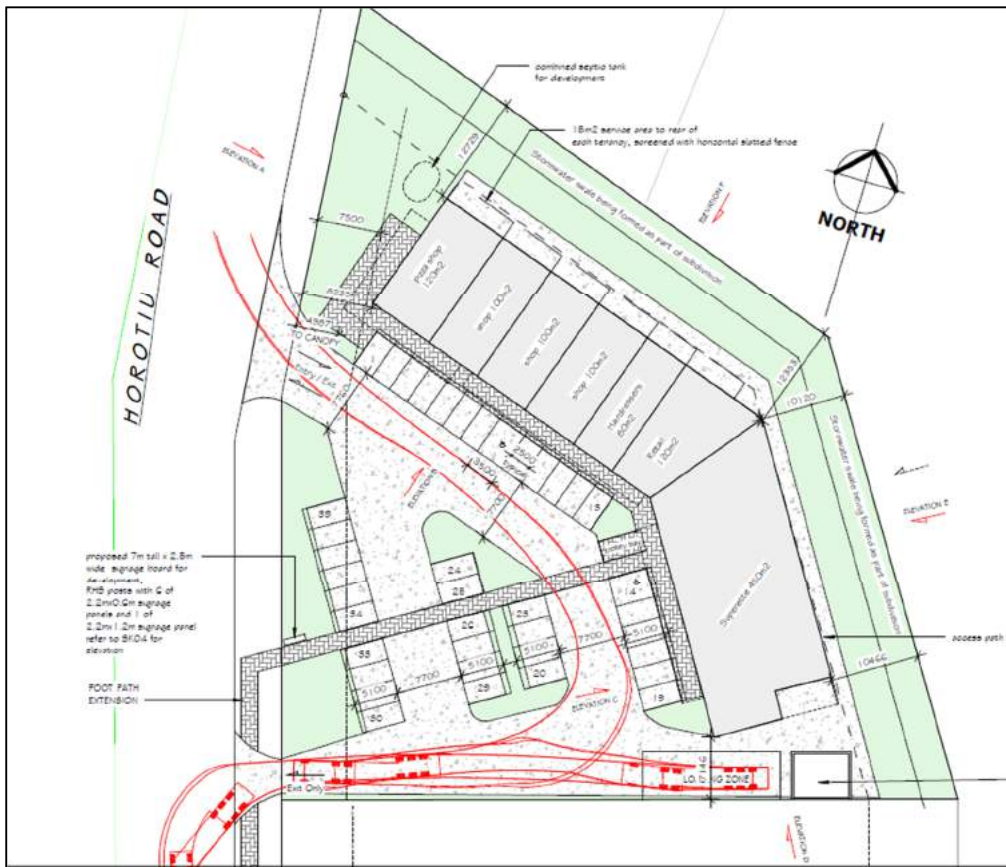


Figure 3: Semi-trailer swept paths

3.3.3. Cycle Parking

The District Plan requires four cycle parking spaces. No parking spaces are shown on the plans. The ITA states that there is sufficient space on site to provide cycle parking spaces. We recommend that cycle parking spaces are provided in accordance with the District Plan.

3.4. Access

The proposal includes two vehicle crossings, all access will be via the northern vehicle crossing with a secondary vehicle crossing for exit only movements.

3.4.1. North Vehicle Crossing

The vehicle crossing is located approximately 130m from the Ngaruawahia Road / Horotiu Road intersection and will be approximately 12.5m wide at the edge of seal. The vehicle crossing effectively forms a cross-roads intersection with the opposite residential crossing servicing approximately three residential dwellings (approximately 30 veh/day).

The ITA states that the vehicle crossing fails due to non-compliant separation and visibility. We note that this is based on a posted speed of 100km/h. The posted speed has since changed to 50km/h which requires 90m visibility at the vehicle crossing. There appears to be sufficient visibility in both directions. The required separation between accesses reduces from 100m to 15m.



Figure 4: Visibility to the south (left), visibility to the north (right)

3.4.2. South Vehicle Crossing

The southern vehicle crossing is shown on the plans as 4m wide at the property boundary and approximately 11m wide at Horotiu Road. There appears to be sufficient visibility at the vehicle crossing for a 50km/h speed.



Figure 5: Visibility to the south (left), visibility to the north (right)

In a transport planning sense, it is desirable to minimise the number of vehicle crossings. We prefer a single two-way (entry and exit) vehicle crossing for entry and exit to the development rather than two vehicle crossings.

The ITA describes the southern vehicle crossing as an exit only service vehicle crossing. The ITA states that second vehicle crossing is proposed to minimise the need for service vehicle manoeuvring within the site. It appears that manoeuvring within the site to exit via the northern crossing may be tight for service vehicles in particular service vehicles turning left out of the site (especially for larger trucks).

The further information request states that managing the southern vehicle crossing to service vehicle use could be achieved by signage, restricting the width to practical necessity and a change in surface to indicate that the vehicle crossing is not for general use with further reinforcement messaging that direct general visitors to the two way crossing (northern vehicle crossing) as the exit point for the development.

We are concerned that the proposal does not adequately manage the southern exit vehicle crossing to service vehicle use only. There is a risk that the exit only vehicle crossing will be used by general visitors in particular vehicles turning left out of the development as there is no physical barrier stopping the use of this vehicle crossing. There is also a risk that vehicles may right turn into the site via the southern vehicle crossing.

There are likely to be adverse safety and efficiency effects related to increased movements at the vehicle crossing compared to a layout with a single vehicle crossing and if the vehicle crossing was only used by existing service vehicles. No sign layout has been provided to demonstrate that the crossing will only be used by exiting service vehicles. We consider it very unlikely that signs and markings will be effective in limiting movements to existing service vehicles and consider that the crossing is assessed as an all movements crossing.

3.4.3. Café Access

The original consent condition for the neighbouring café required a deceleration lane on Horotiu Road. The deceleration lane is likely to conflict with the exit only vehicle crossing. We understand that the consent holder applied remove the deceleration lane condition from the land use consent for the Café activity in September 2018. We understand that the condition was included so that the deceleration lane was not required if the posted speed limit was lowered to 60 km/h or less within 12 months of the commencement of work. The posted speed limit has changed to 50km/h, therefore we do not anticipate that a deceleration lane will be required as part of the café development.

3.5. Pedestrians

The plans show a footpath extension from the shop frontage though the car park and onto Horotiu Road. We support a pedestrian connection to Horotiu Road. The plans indicate a path stopping just south of the southern vehicle crossing. We recommend that a continuous footpath is provided and that this development is required to extend the path from the café development to this site. The path extension related to the café is shown right up against the boundary. It would be desirable to form the path up against the boundary as well.

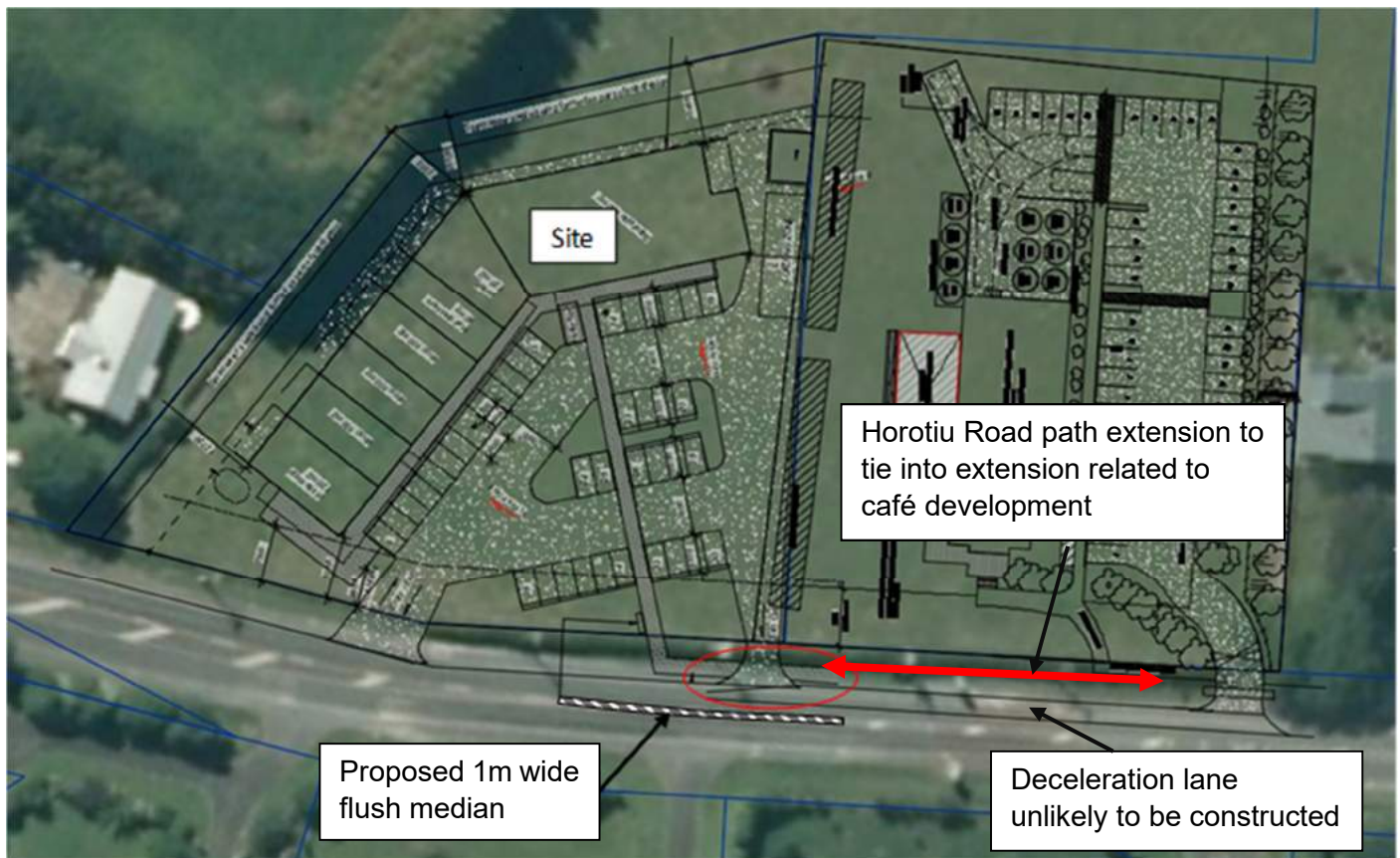


Figure 6: Pedestrian Connection on Horotiu Road

The ITA states that a pedestrian connection will be provided through to the Café on the adjacent site. It is unclear how this will be provided. We understand that the owner of the Café has provided a written approval for this proposal. However, we are unaware of agreements relating to direct access between the café site and the proposed development. We have not considered this connection as part of our assessment.

3.6. Safety

As part of the further information request, we asked that an assessment for a right turn facility be carried out. The further information request included SIDRA modelling which indicated that Horotiu Road and the vehicle crossing would operate at LOS A. However, no assessment of the safety effects of right turning movements was carried out.

Austroads provides guidance on turning warrants. Based on all vehicles accessing the site via the northern vehicle crossing. We anticipate 50 veh/hr turning right at the vehicle crossing during peak hour. As shown below, based on anticipated right turning volumes and 500 veh/hr² on Horotiu Road a channelised right turn treatment is warranted. If right turns in are only 50% or 25veh/hr, a short right turn treatment is still required.

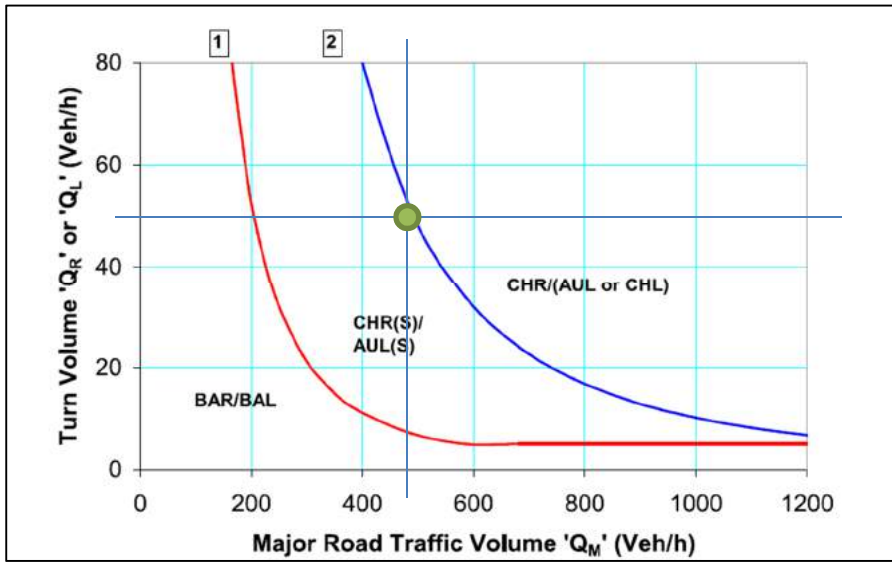


Figure 7: Austroads Turning warrants

There is an existing right turn bay at the Horotiu Road/Ngaruawahia Road intersection, the taper begins outside this site. A narrow flush median commences on the southern boundary with a centreline provided between the flush median and the right turn bay taper which extends south towards the Te Kowhai Village.

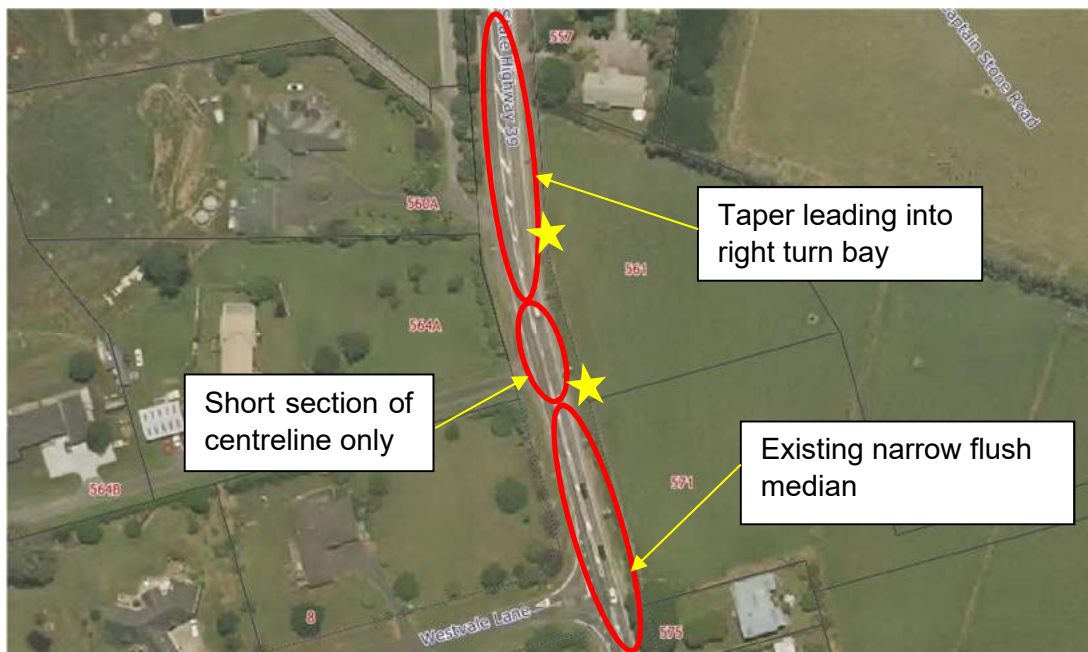


Figure 8: Horotiu Road Layout (yellow star = proposed vehicle crossings)

² 12% of AADT (4,260 veh/day) = 511 veh/hr

The existing seal width on Horotiu Road outside the development is approximately 10.9m³. A desirable turning facility would be 3m wide. Providing a turning facility in this location based on the existing carriageway width would result in narrow shoulders which would be undesirable. Pavement widening would be required to accommodate a 3m right turn facility.

Given the 50km/h posted speed a 2m wide flush median is recommended. A 2m wide flush median is sufficient for sheltering a light vehicle waiting to right turn into the development. We recommend providing a 2m wide minimum flush median on Horotiu Road at both vehicle crossings as there is a risk that the proposal does not adequately manage the southern vehicle crossing to exit only movements. The flush median will assist with speed management on Horotiu Road and provide consistency of treatment on Horotiu Road.

Pavement widening (approximately 1m) will be required to ensure that minimum 3.5m lanes, 1.5m shoulder and 2m wide flush median can be provided at the vehicle crossing. The flush median should be designed in accordance with MOTSAM and current design best practice.

4. Assessment against District Plan Provisions

The ITA assess the proposal with the following non-compliances.

- = A11.1 – Three loading spaces are required and only one space is provided.
- = A14.1 (d) – does not comply with sight distance and separation requirements from intersections and other vehicle accesses.
- = A14.A.1 (c) - the development will generate additional traffic movements.

We note that since the ITA was prepared the posted speed has changed from 100km/h to 50km/h. The visibility and separation requirements have changed.

5. Effects

5.1. Transportation Effects

Effect	Comment on Potential Effects
Efficiency	<p>The proposal results in approximately 1,388 veh/day and 186 veh/hr. The increase in traffic is approximately 30% on Horotiu Road. Some of the trips are likely to be pass-by or diverted trips. Therefore not all trips are likely to be new to the network.</p> <p>The SIDRA modelling provided indicates that the additional traffic is unlikely to result in adverse efficiency effects on Horotiu Road. There does not appear to be significant issues relating to capacity or traffic efficiency on Horotiu Road</p>
Parking	<p>The proposal complies with parking requirements. There appears to be sufficient parking on site to accommodate parking demand. Only one loading space is provided on site. Although the District Plan requires three loading spaces, we consider that one loading space is reasonable for servicing the site.</p>
Access	<p>The proposal is for all access via the northern vehicle crossing with exit only for service vehicles via the southern vehicle crossing. We prefer a single vehicle crossing for accessing and exiting the site. We understand that the second vehicle crossing is proposed to minimise service vehicle manoeuvring within the site.</p> <p>The further information request states that the exit only access will be signed and marked to indicate that the vehicle crossing is exit only. We consider that there is a significant risk that visitors will use this crossing for exiting the site and also potentially right turn in. We are concerned that the proposal does not adequately manage the southern exit to service vehicles use only. The risk of additional movements at the southern vehicle crossing has not been assessed in the ITA.</p>

³ <https://mobileroad.org/desktop.html>

Effect	Comment on Potential Effects
Safety	Based on existing traffic volumes and the development traffic volumes a right turn treatment is warranted in Horotiu Road at the northern vehicle crossing. The taper for the right turn bay at the Horotiu Road/Ngaruawahia Road intersection begins outside the development. We recommend a 2m wide flush median is provided at both vehicle crossings. This will provide a continuous flush median on Horotiu Road and assist with access to the site and with speed management. The flush median minimises the risk of crashes at the vehicle crossing by providing space for a right turning vehicles to wait for a clear gap before turning into the development.
Pedestrian connectivity	The proposal is to provide a footpath extension from the site to the existing footpath. We support the path extension. We understand that an internal path between the café and the site is proposed. However, we understand there is no agreement at this stage.

Table 5: Assessment of Effects

6. Conclusion

The proposal is expected to generate approximately 1,388 veh/day and 186 veh/hr. There appears to be sufficient capacity within Horotiu Road to accommodate the increase in traffic.

The proposal includes two new vehicle crossings. The ITA states that the southern vehicle crossing is intended for service vehicle use and will be exit only. We are concerned that the proposal does not adequately manage the use of this vehicle crossing to service vehicle exit only and there is a significant risk that the vehicle crossing will be used by general visitors in particular vehicles turning left out and right in.

Based on traffic volumes a right turn treatment is warranted on Horotiu Road. Based on the existing posted speed (50km/h) we recommend a 2m wide flush median at both vehicle crossings. We recommend that the carriageway is widened to ensure 3.5m lanes, 2m wide flush median and 1.5m shoulder on Horotiu Road at the vehicle crossings.

The proposal includes a pedestrian connection to Horotiu Road which we support. A possible internal path could be provided between the café on the neighbouring site and the development. We understand that there is no agreement at this stage.

There is sufficient parking on site to meet parking demand. There is only one loading bay provided on site. This appears sufficient for servicing the site.

In summary, provided that mitigation described above is carried out, the transport effects of the proposed development are likely to be acceptable. Our recommended conditions are attached at Appendix B.

Yours sincerely



Vinish Prakash
Engineering Technologist



Alastair Black
Transportation Engineer

APPENDIX A – SITE PLAN

126

HOROTIU ROAD

ELEVATION A

ELEVATION F

NORTH

561 Horotiu Road, Te Kowhai

Lot 28 DP 522977

Site Area - 5029m²Building coverage - 1290m² (25.6%)Proposed total GFA - 1050m²pervious surfaces - 1900m² approx (37%)combined septic tank
for development15m² service area to rear of
each tenancy, screened with horizontal slatted fence

Stormwater swale being formed as part of subdivision

pizza shop
120m²shop 100m²shop 100m²shop 100m²Hairdressers
80m²Retail
120m²Superette 450m²

ELEVATION E

access path to rubbish area

proposed 7m tall x 2.5m
wide signage board for
development,
RHS posts with 6 of
2.2mx0.6m signage
panels and 1 of
2.2mx1.2m signage panel
refer to SK04 for
elevationFOOT PATH
EXTENSION

ELEVATION C

ELEVATION D

Communal
rubbish collection area
screened with horizontal
timber screens

TE KOWHAI VILLAGE COMMERCIAL DEVELOPMENT

561 Horotiu Road, Te Kowhai

SKO1 SITE PLAN

DATE 15-02-2019

SCALE 1 : 400

ISSUE TYPE LANDUSE REV1

JOB # 18-039



APPENDIX B – RECOMMENDED CONDITIONS

Engineering Design & Plan

Prior to commencing any construction works the Consent Holder shall submit for the approval of Waikato District Council, engineering design details and plans, prepared by a suitably qualified and experienced Engineer, that include, but are not limited to, the following:

- = Pavement widening to provide a 2m wide flush median on Horotiu Road at both the new vehicle crossings.
- = Vehicle crossing with vehicle tracking for a 17.9m semi-trailer.
- = Extension of the existing footpath to the proposed pedestrian access to the site.

The design details and plans shall be generally in accordance with the Regional Infrastructure Technical Specifications (RITS), to the satisfaction of the Waikato District Council.

Parking

The consent holder shall provide car parking generally in accordance with concept plans from DDL Architecture, Job No. 18-039 Dated 15-02-2019.

Provision shall be made for a minimum of 36 parking spaces including two accessible parking spaces.

Provision shall be made for a minimum of four cycle parking spaces.

Vehicle parking spaces shall be delineated with white painted lines with the exception of the accessible needs and loading spaces, which shall be delineated with yellow painted lines and have appropriate signage in accordance with NZS 4121 requirements. Spaces are to be appropriately identified by numbering or other means. Markings shall be regularly maintained.

From: Michelle Carmine <Michelle.Carmine@waidc.govt.nz>
Sent: Thursday, 22 October 2020 2:19 pm
To: Michelle Carmine
Subject: FW: LUC0427/19 - Te Kowhai Retail Complex - Outstanding agreement detail
Attachments: 2020-09-18-Layout.pdf

From: Alastair Black [mailto:Alastair.Black@graymatter.co.nz]
Sent: Friday, 18 September 2020 9:48 a.m.
To: James Templeton
Cc: Michelle Carmine
Subject: RE: LUC0427/19 - Te Kowhai Retail Complex - Outstanding agreement detail

Hi James

One of our drivers with the marking is to provide a consistent treatment along Horotiu Rd to help reinforce the 50km/h speed limit (which was extended in the past couple of years) and provide a turning facility (either flush median or right turn bay). The agreement we reached with CKL was to rearrange the markings within the existing seal.

I can't find our site visit notes with measured dimensions, so have relied on Google Maps for the existing dimensions discussed below. The current lanes are about 3.5m wide, which is likely to be a legacy of the road being SH39 with a higher speed limit. The current flush median south of the site is about 1m wide with 3.0-3.2m lanes. Further south where there is more urban development the lanes are about 3.0m wide with 2m shoulders (presumably so some on-street parking could take place).

With the urban development in this area and lower speed limit, I believe narrow lanes are desirable. I've set out some combinations for various widths in the table below (which assumes an existing 10.9m seal width).

Option	Shoulders	Lanes	Median
1	2 x 1.5m	2 x 3.5m (or 3.45m)	0.9m (or 1.0m)
2	2 x 1.5m	2 x 3.2m	1.5m
3	2 x 1.5m	3 x 3.0m	1.9m

Its also complicated by the site access being located where the markings for the right-turn bay begin and being on a curve. I have attached a sketch on how I see the layout working. The key dimensions are:

- 1.5m flush median at the site access
- 1.5m shoulders
- Lanes approx. 3.2m once the median and shoulders are setout (but may narrow to 3.0m due to the variable seal width)

The widths will need some careful consideration during design and setout to make sure that the alignment looks and feel correct for approaching drivers. For example the shoulders may need to vary in width due the variable edge width and need to keep a smooth edgeline.

To help define the site access, I recommend that the median is marked with a break as shown in MOTSAM, Part 2 Markings, Figure 3.28 copy (included on the attached sketch).

Hopefully this clarifies the issues and our preferred approach.

Cheers
Alastair

From: James Templeton <James.Templeton@waide.govt.nz>
Sent: Monday, 7 September 2020 12:13 pm
To: Alastair Black <Alastair.Black@graymatter.co.nz>
Cc: Michelle Carmine <Michelle.Carmine@waide.govt.nz>
Subject: RE: LUC0427/19 - Te Kowhai Retail Complex - Outstanding agreement detail
Importance: High

Hello Alastair,

The hearing for the Te Kowhai Retail complex is coming up at the end of this month. I'm following up on requests that have seen completion from Gray Matter.

The outstanding detail that isn't completely clear is the agreement with you and Judith Makinson. I've got the email trail below and summarised it the best way I could in this email on 3rd May 2020.

Can you please provide clarity on the 2 items:

1. Did Alastair Black agree to 3.2m lane widths or 3.5m?
2. If Alastair agreed to an installation of a right turn bay then how can this fit because 2x traffic lanes total 7m, 2x shoulders total 3m and a RTB (not specified but min 2.5m does not fit into 10.9m of existing seal if no widening is proposed?

Regards

James Templeton
 Land Development Engineer

Waikato District Council
 ■ P 07 824 5820 ■ F 07 824 8091 ■ Call Free0800 492 452
 Private Bag 544, Ngaruawahia 3742
www.waikatodistrict.govt.nz ■ [Like us on Facebook](#)



Please consider the environment before printing this e-mail

From: James Templeton
Sent: Sunday, 3 May 2020 8:44 p.m.
To: Michelle Carmine
Subject: RE: [#CKL B18163] LUC0427/19 - Te Kowhai Retail Complex.

Hello Michelle,

I'll pick up on the final arrangement and it seems that Alastair agreed to Judith's email with summary:

- Installation of right turn bay/break in the flush median at the main site access (2 way crossing) and continuous flush median along the site frontage to be provided. This will be amendments to road marking only and no seal widening will be required.

However I'm not sure what widths these refer to as Judith gave options in previous email:
 An arrangement consisting of 2x3.5m traffic lanes, 2x1.5m shoulders and 1m median would (roughly) fit in existing seal width which we measured as 10.9m. This should limit the mitigation to line marking with no

widening required. The lane width could possibly be reduced to 3.2m if needed to preserve a 1m flush median and 1.5m shoulders (for cycling). Is this something you could accept?

Did Alastair agree to 3.2m lane widths or 3.5m?

If Alastair agreed to an installation of a right turn bay then how can this fit because 2x traffic lanes total 7m, 2x shoulders total 3m and a RTB (not specified but min 2.5m does not fit into 10.9m of existing seal if no widening is proposed?

Please clarify if I've missed something here.

James Templeton

Land Development Engineer

Waikato District Council

■ P 07 824 5820 ■ F 07 824 8091 ■ Call Free 0800 492 452

Private Bag 544, Ngaruawahia 3742

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Please consider the environment before printing this e-mail

From: Michelle Carmine

Sent: Thursday, 9 April 2020 8:58 a.m.

To: James Templeton

Subject: FW: [#CKL B18163] LUC0427/19 - Te Kowhai Retail Complex.

Hi James

See below. - FYI

Regards

Michelle

From: Alastair Black [<mailto:Alastair.Black@graymatter.co.nz>]

Sent: Wednesday, 8 April 2020 5:14 p.m.

To: Judith Makinson

Cc: 'Richard Falconer'; Michelle Carmine

Subject: Re: [#CKL B18163] LUC0427/19 - Te Kowhai Retail Complex.

Hi Judith

Yes, I can confirm I am happy with that arrangement

Cheers

Alastair

From: Judith Makinson <judith.makinson@ckl.co.nz>

Date: Wednesday, 8 April 2020 at 12:47 PM

To: Alastair Black <Alastair.Black@graymatter.co.nz>

Cc: 'Richard Falconer' <richard.falconer@terragroup.co.nz>

Subject: RE: [#CKL B18163] LUC0427/19 - Te Kowhai Retail Complex.

Hi Alastair

Thanks for your time today. From the sounds of things we are now on the same page and have an agreed way forwards as follows:

- Installation of right turn bay/break in the flush median at the main site access (2 way crossing) and continuous flush median along the site frontage to be provided. This will be amendments to road marking only and no seal widening will be required.
- The above road markings can be subject to a consent condition requiring detailed design, approval by WDC and installation before the site is operational.
- With the continuous flush median in place, and appropriate signage the second exit only crossing for service vehicles can be retained.

If you could confirm by return email that you are happy with that, that would be most helpful.

Thanks and regards

J

Judith Makinson

Transportation Engineering Manager

DDI 07 260 0571 | P 07 849 9921 | M 022 685 5496 | judith.makinson@ckl.co.nz | 58 Church Road, PO Box 171, Hamilton, 3240 | www.ckl.co.nz

 **CKL** Planning | Surveying | Engineering | Environmental

From: Alastair Black [<mailto:Alastair.Black@graymatter.co.nz>]

Sent: Tuesday, 31 March 2020 4:23 PM

To: Judith Makinson <judith.makinson@ckl.co.nz>

Subject: Re: LUC0427/19 - Te Kowhai Retail Complex.

Hi Judith

WDC have asked us to get in touch with you to discuss this and hopefully come to some agreement. To be honest I thought this got consent ages ago.

Concerns

In brief our concerns are:

- there are two vehicle crossings to the site and one is preferred, especially as one will be very low volume (20-25veh/week)
- that signs and marking will not be sufficient to restrict its use to exiting service vehicles. It could be attractive for other movements by customers to/from the south (i.e. left-out and right-in)
- a right-turn bay/treatment is warranted (see attached)
- as shown in the attached plans, the main vehicle crossing is located where the northbound right-turn bay starts and the service vehicle crossing is located at the end of the flush median taper
- the lack of a flush median outside the site is inconsistent with the treatment throughout the rest of the village

In our view, the increase in vehicle crossings with more turning movements (150-180veh/hr) combined with these movements occurring on a bend where there is only a centreline is a concern that requires mitigation.

Mitigation

Initially we considered a 1m flush median, which would be more consistent with the median to the south, but we were concerned this wouldn't sufficiently shelter a waiting vehicle. So recommended a 2m median which is the minimum to shelter a vehicle.

An arrangement consisting of 2x3.5m traffic lanes, 2x1.5m shoulders and 1m median would (roughly) fit in existing seal width which we measured as 10.9m. This should limit the mitigation to line marking with no

widening required. The lane width could possibly be reduced to 3.2m if needed to preserve a 1m flush median and 1.5m shoulders (for cycling). Is this something you could accept?

Happy to discuss on the phone, I am working most of the time, although late afternoon (about now-ish) I get called away for parenting or cooking dinner.

Cheers
Alastair

Austroads provides guidance on turning warrants. Based on all vehicles accessing the site via the northern vehicle crossing. We anticipate 50 veh/hr turning right at the vehicle crossing during peak hour. As shown below, based on anticipated right turning volumes and 500 veh/hr² on Horotiu Road a channelised right turn treatment is warranted. If right turns in are only 50% or 25veh/hr, a short right turn treatment is still required.

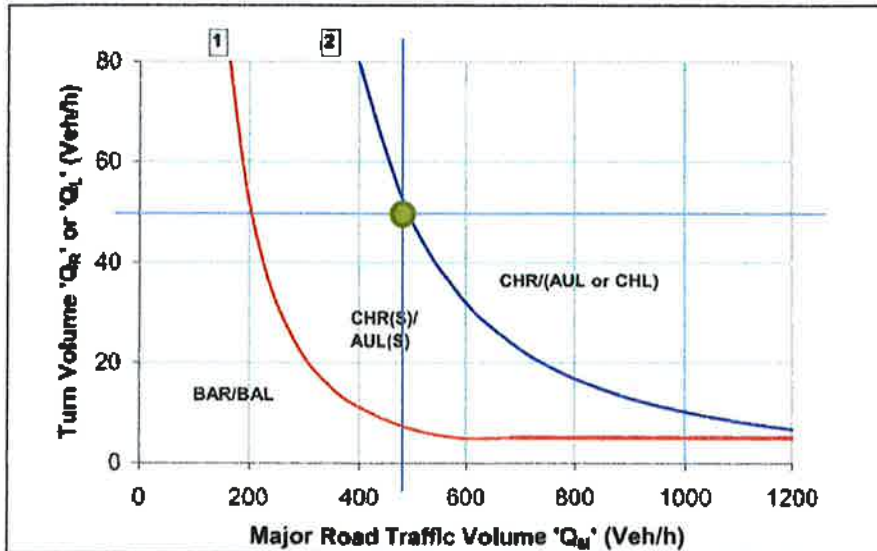


Figure 7: Austroads Turning warrants



On 12/03/2020, at 10:13 AM, Michelle Carmine <Michelle.Carmine@waidc.govt.nz> wrote:

Hey Vinish/Alastair

The applicant has had Judith Makinson their Traffic Engineer review the recommendations you made in your peer review. Could one of you call her directly to discuss your findings and recommendations? I have copied her comments to the applicants Planning Agent below, for your information:

Thanks Michelle

Hi Richard

I am struggling to see the issue, particularly now the site is within the 50km/h zone and there is no capacity issue – our S92 identified LOS A for the two-way access intersection at x2 the traffic generation identified in the ITA with delays at around 6s and less than 1 vehicle queue so there is nothing to suggest that a vehicle would be sitting in the middle of the road and be at anything other than a less than minor risk of causing a crash or being struck by another vehicle. If we look at the Austroads right turn warrants, I'm fairly sure the right turn doesn't meet the need for anything other than just turning right. I know this isn't directly relevant as WDC is not asking for a right turn bay but this is about identifying risk and I just can't see one.

The crossing to 564 Horotiu Rd is opposite the exit only crossing and 8m to the south. This fails the 15m separation distance requirement for a 50km/h speed environment. If we follow up on the Gray Matter suggestion that this be considered as a two –way crossing in terms of effects, then see above paragraph. We have doubled the traffic gen from the ITA to assess the

main site access and nothing happened capacity wise and there is no safety warrant triggered. Having a residential crossing opposite with very low demand that generates is a very low risk also.

We have also recommend in the ITA physically limiting the width and changing surface treatments as well as providing signage and on-site markings to support appropriate use of the crossings. Installing a median would indeed reduce the likelihood of the service exit being used by other vehicles as the right turn in (the only movement likely to benefit) but it also adversely affects 560 Horotiu Road and in my view increases the likelihood that they might start u-turning. Even if I did agree that a median was needed (which I don't), I see no need for something 2m wide when the median for Westvale Lane is approx. 1m wide.

Happy to discuss if you have questions or to talk direct to Gray Matter.

J

Judith Makinson

Transportation Engineering Manager

DDI 07 260 0571 | P 07 849 9921 | M 022 685 5496 | judith.makinson@ckl.co.nz | 58 Church Road, PO Box 171, Hamilton, 3240 | www.ckl.co.nz

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From: Alastair Black [<mailto:Alastair.Black@graymatter.co.nz>]

Sent: Tuesday, 3 March 2020 3:08 p.m.

To: Michelle Carmine; Vinish Prakash

Subject: RE: LUC0427/19 - Te Kowhai Retail Complex.

Hi Michelle

Yes, widening to provide a 2m flush median (along with the 50kmh speed limit) addresses our safety and efficiency concerns.

Looking at the conditions at Appendix B, there should be an extra bullet point in the engineering design condition requiring:

= signs and markings restricting the southern vehicle crossing to exit only movements for service vehicles.

Regards

Alastair

From: Michelle Carmine <Michelle.Carmine@waide.govt.nz>

Sent: Monday, 2 March 2020 11:16 am

To: Vinish Prakash <Vinish.Prakash@graymatter.co.nz>

Cc: Alastair Black <Alastair.Black@graymatter.co.nz>

Subject: LUC0427/19 - Te Kowhai Retail Complex.

Hi Vinish

I have taken over this application from Victoria Majoor. I have just been getting up to speed with all the details. I have read your ITA review and recommended conditions. There is just one question I have regarding the report.

In section 3.4.2 you have stated:

"There are likely to be adverse safety and efficiency effects related to increased movements at the vehicle crossing compared to a layout with a single vehicle crossing and if the vehicle crossing was only used by existing service vehicles. No sign layout has been provided to demonstrate that the crossing will only be used by exiting service vehicles. We consider it very unlikely that signs and markings will be effective in limiting movements to existing service vehicles and consider that the crossing is assessed as an all movements crossing."

You further note these concerns in section 5.1 in the access section.

In terms of your recommendations:

The only recommendation I can see that addresses your concerns is where you state in section 3.6:

"We recommend providing a 2m wide minimum flush median on Horotiu Road at both vehicle crossings as there is a risk that the proposal does not adequately manage the southern vehicle crossing to exit only movements."

Does this recommendation mitigate all your concerns regarding both safety and efficiency with the southern crossing that you have raised throughout the report?

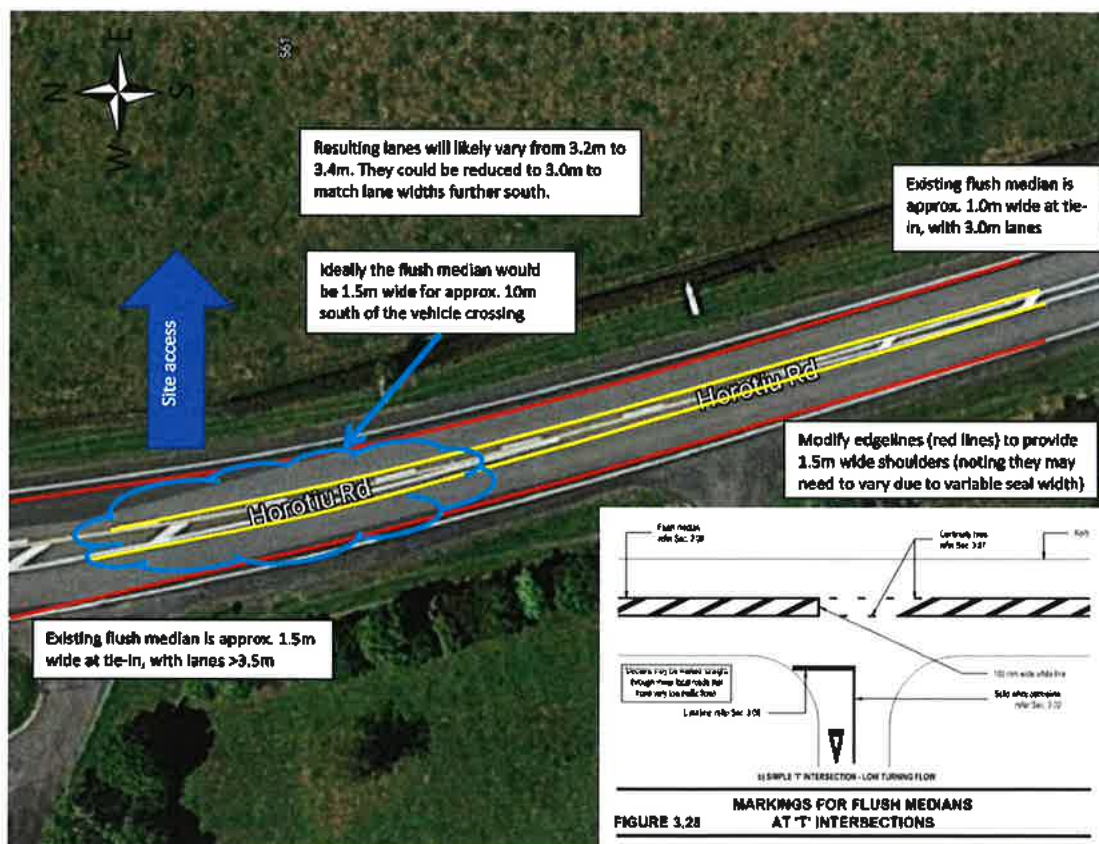
Kind Regards
Michelle Carmine
Consultant Planner
Element Planning Ltd

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From: Michelle Carmine <michelle@elementplanning.co.nz>
Sent: Tuesday, 27 October 2020 12:13 pm
To: Michelle Carmine
Subject: FW: Te Kowhai - Rooding Conditions

From: Vinish Prakash
Sent: Friday, 23 October 2020 2:13 PM
To: Michelle Carmine
Cc: Alastair Black
Subject: RE: Te Kowhai - Rooding Conditions

Hi Michelle,

Our suggested changes to the conditions are below (in red).
 We've expanded on the vehicle crossing conditions to provide a bit more clarity around the formation of the flush median and vehicle crossings.
 Let us know if you have any questions.

Regards
 Vini

From: Michelle Carmine <michelle@elementplanning.co.nz>
Sent: Thursday, 22 October 2020 4:18 PM
To: Vinish Prakash <Vinish.Prakash@graymatter.co.nz>
Subject: Te Kowhai - Rooding Conditions

Hi Vinish

I will send you through all the Te Kowhai info when my s42A gets pre circulated end of next week.
 Just doing draft conditions (even though I am recommending decline) Do these work for roading side of things, just want to make sure I have captured all the discussion between Alastair and Judith on what was agreed?

Engineering Design Plans

I At least 15 Working days prior to construction starting, engineering design reports and plans for Rooding, Stormwater, Water Supply and Wastewater shall be submitted to, and approved by, the Waikato District Council's Senior Land Development Engineer. Engineering designs for the overall project shall be undertaken in general accordance with the following documents and shall address the specific design matters set out in conditions 7 to 9 (2) below:

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

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

Roading

- 2 The Consent Holder shall prepare and submit Engineering Detailed Design Plans for roading and accesses/vehicle crossings (including geometric standards for the new signage, road markings, footpath design). The works shall be designed in general accordance with the approved plans and RITS except where changed by conditions of consent. The Engineering Design Plans shall be submitted to the Waikato District Council's Senior Land Development Engineer for approval. The works shall include:
- a. ~~Installation of right turn bay/break in the flush median at the main site access (2-way crossing) and continuous flush median along the site frontage~~
Installation of a 1.5m wide flush median in general accordance with MOTSAM, Part 2 Markings, Figure 3.28 at the northern vehicle crossing, except that the 1.5m wide flush median shall extend at least 10m south of the northern vehicle crossing before tying to the existing flush median.
 - a. ~~Vehicle crossing with vehicle tracking for a 17.9m semi-trailer.~~
Formation of a two-way vehicle crossing and an exit only service vehicle crossing as shown on DDL Architecture (Job No. 18-039 dated 15-02-2019) concept plans. The design and construction of the vehicle crossings shall be in general accordance with the Regional Infrastructure Technical Specification (RITS) diagram D3.3.4 for commercial vehicle crossings except the width shall be modified to accommodate movements by a 17.9m semi-trailer.
 - b. Extension of the existing footpath to the proposed pedestrian access to the site.
 - c. Signs and markings restricting the southern vehicle crossing to exit only movements for service vehicles.

Onsite Parking


- 3 The consent holder shall provide car parking generally in accordance with site plans from DDL Architecture, Job No. 18-039 Dated 15-02-2019, and shall meet the following:
- a. Provision shall be made for a minimum of 36 parking spaces including two accessible parking spaces.
 - b. Provision shall be made for a minimum of four cycle parking spaces.
 - c. Parking and manoeuvring areas shall be maintained on site in a weed free, dust free, with a permanent surface.
 - d. Vehicle parking spaces shall be delineated with white painted lines with the exception of the accessible needs and loading spaces, which shall be delineated with yellow painted lines and have appropriate signage in accordance with NZS 4121 requirements. Spaces are to be appropriately identified by numbering or other means. Markings shall be regularly maintained.

Let me know if these work?

Thanks Michelle

MICHELLE CARMINE
Director and Independent
Commissioner

022 605 9822
michelle@elementplanning.co.nz
PO Box 39, Waihi Beach 3642
www.elementplanning.co.nz



ELEMENT
PLANNING

APPENDIX D

LAND DEVELOPMENT ENGINEERING REPORT

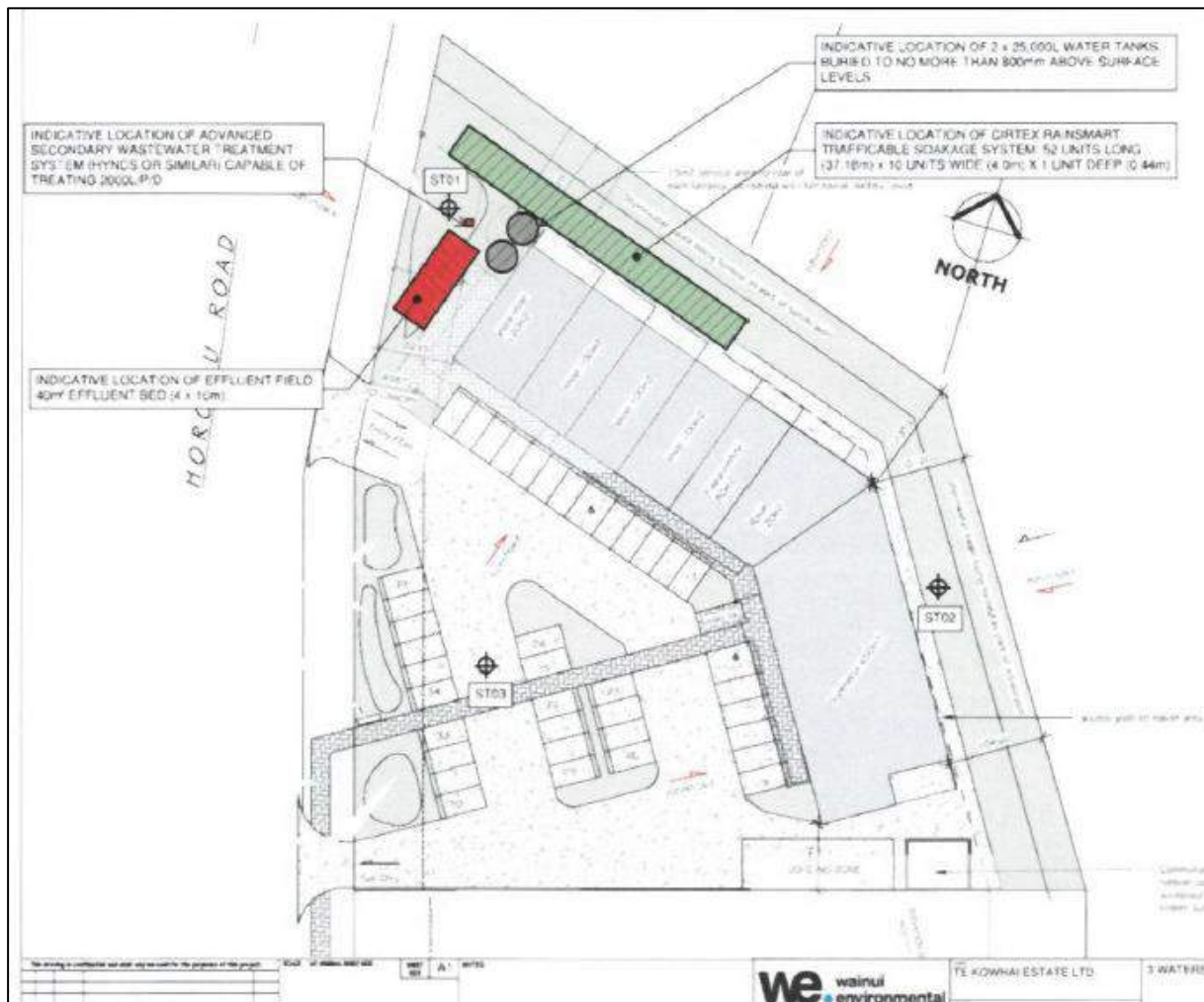
Engineering Assessment (Land Use)

Land Development Engineer	James Templeton
Planner:	Michelle Carmine – Element Planning
Date:	21 October 2020
Application No:	LUC0427/19
Applicant:	Quattro Property Holdings Limited
Property Address:	561 Horotiu Road TE KOWHAI
Legal Description	LOT 28 DP 522977

INTRODUCTION

Country Living Lot proposes change to a commercial retail activities adjacent to the Te Kowhai Church Café.

Site plan



SUPPORTING INFORMATION

The following documents that are used for engineering assessment have been submitted with the land use consent application.

Proposed Commercial Development, 561 Horotiu Road, Te Kowhai – Three Waters Management Plan by Wainui Environmental dated 4th April 2019 Ref: WE1919-01

Integrated Transportation Assessment, 561 Horotiu Rd by CKL dated 4th March 2019 Rev 1 Ref: B18163

Te Kowhai Mixed use commercial development – Transportation Review by Gray Matter dated 26 September 2019 Ref: 17-137

DISTRICT PLAN ASSESSMENT

An assessment of the proposal's compliance with the relevant rules of the Operative District Plan has been completed. In summary, the proposal triggers consent under the following rules:

Rule #	Rule Name	Comment
27.4	Earthworks	Acceptable as per Application summary. No significant changes to existing topo.
27.16	Access	Acceptable as per ITA and peer review outcomes.
27.17	Vehicle Movements	Acceptable as per ITA and peer review outcomes.

ASSESSMENT OF EFFECTS

General (include earthworks)

The site is vacant of any buildings, flat in topography and the product of a recent subdivision SUB0021/18 within the last 2 years. Access is via the boundary on Horotiu Road on the western side. The eastern boundary is bound by a Regional Drain that runs full length of the site with a 10m Waikato Regional Council Easement for access purposes.

Earthworks is required to establish the carpark, building footprint and onsite services. No changes in overland flows are expected within the earthworks extent. No retaining walls or slopes are created within the proposal. Cut and fill totals 12,111m³ over 5000m² is stated in the application to establish such works.

The WE three waters report states the flooding level RL25.61 which is the same height as the centreline of Horotiu Road plus an additional 0.3m freeboard requirement. The buildings will have a designed floor level in accordance with this report.

The Flood Hazard statement in the WE report is taken from a historical Tonkin & Taylor (RFHA) report. Filling in would be subject to Waikato Regional Council consent however identifying this as a Hazard seems out of context noting the site is on high ground and adjacent to Regional Council maintained drains.

I've requested further input on these statements to Wainui Env. Can condition the detail of the final earthworks levels at Detailed design stage.

Sediment Control can be provided at detailed Engineering stage. Operations can be managed via conditions of consent.

LDE Conclusion

The earthwork impacts can be managed sufficiently as per the Terra Summary point 6.2.4.

Future planned infrastructure

Stephen Howard (Senior Consenting and Senior Planner Watercare) has provided brief details of LTP forward planning.

Hi Te Kowhai Hearing - Planning report needs specific detail on servicing

SH SHoward (Stephen) <Stephen.Howard@water.co.nz>
To ○ Pearl McFall; ○ Pranavan Kasipillai; ● James Templeton

Mon 19/10/2020 11:44 am

Reply Reply All Forward ...

Action Items + Get more add-ins

Hi Pearl, Pranavan – cc James

I have included a quick summary of Te Kowhai servicing potential - Is this accurate. Can you add any tweaks comments>?

Proposed District Planning: Growth has been indicated by WDC policy planners in the PDP, with Country living with ability to further subdivide/reticulate should that be the future scenario. Waikato 2070 doesn't show Te Kowhai as a growth node;

Draft LTP information (W,WW, SW) prepared by WSL asset engineers includes the scenario for a wastewater connection to Horotiu. This inclusion is part of robust draft LTP optioneering;
Money pencilled in includes

- 4,000,000 for a rising main/pumping to Ports of Auckland (POAL will be easily transferred to Pukete if needed (dependent on Council decision making)

Next step would be Councillor decision making on Te Kowhai growth- this could be:

- WW reticulate to Horotiu as per the scenario below;
- Council decide this is not the place where growth \$\$\$\$ will be spent – removed from draft LTP

LTP has had Councillor workshops, no feedback has come through (or would be anticipated). Next Step will be public consultation next year. – Cheek in with strategic planners etc

Summary – draft LTP is subject to Council approval – there is a WW inclusion for later years

Wastewater:

- Asset Planning, need to at least provide costings and options for Council decision making. Te Kowhai
- Nothing guaranteed

Water supply:

- not requesting within LTPs - moving forward, idea is to move to Hamilton - Pearl add words

The details indicate that Wastewater reticulation for the Te Kowhai township has been included for the years 2028-2029. It suggests a potential pumpstation is located in Te Kowhai and will pump (6.5km) via pressured raising main to discharge at Horotiu Ports of Auckland site. Council has not made commitments to this project at this early stage, it only provides indication where future funding and growth may be considered. No commitments at this stage.

Reticulated Water supply in Te Kowhai has not been planned for within the current LTP. Should there be a demand for reticulated supply in Te Kowhai in future years, it is most likely that Hamilton City could be a possible source for this service due to locality. No commitments at this stage.

Water

No reticulated services available. Preliminary design has estimated that 2x 25kL tanks could support the commercial development and that 25 days supply is sufficient to provide for the expected demands. To provide further guarantees, an agreement could be made with a local water contractor to provide the development if required. “As part of detailed design, the above assumptions will need to be confirmed along with the proposed no. of water tanks.” The District Plan does not prohibit this mechanism for Water Supply.

Firefighting requirements and capacity has not been established within the report. The adjacent Lot at the Café has 180m³ permanent fire water supply although permissions have not been established to date. The District Plan does not require firefighting for commercial activities in the rural/country living zone. This would be a matter for Building Consent consideration. For design aesthetics, firefighting water tanks could be provided below ground level should there be a requirement at Building Consent stage.

The assumptions for water supply will require further investigation at detailed design stage to further establish:

- **The number of total water tanks required to provide adequate supply.** 2x 25kL tanks are only provisional. This assumes the commercial development will receive a rainfall event within 25 days.
- **Adequate Firefighting storage solution.** Fire fighting storage could be provided beneath the carpark areas should that be a requirement at Building Consent stage.

The LDE notes Submission item #19 point 20, 21 “that water usage and disposal estimated in the application is underestimated”. The maximum demand for water supply, capacity and loadings have not been defined at this stage of the application. The LDE suggests a Engineering design report to be conditioned and provided at Detailed Engineering design stage stating these limitations of the onsite services.

LDE Conclusion

Accepted as per Proposed Commercial Development, 561 Horotiu Road, Te Kowhai – Three Waters Management Plan by Wainui Environmental dated 4th April 2019 Ref: WE1919-01 under the condition that further details will need to be provided at detailed design stage.

Wastewater

The site is limited with available open spaces for an EDA that is separated adequately from the Stormwater Management devices. The wastewater field should also include a 50% reserve area for disposal and this has not been detailed on the plans. The final arrangement could be adjusted within the site with further considerations at detailed design stage.

Stormwater and Wastewater arrangement - Wainui Environmental have provided response on 21/09/2020 where it is possible to relocate the SW soakage systems beneath the sealed carparking area. This option enables greater green areas for effluent dripper line areas and reserve areas to meet NZS1547 (on-site wastewater standards) should the retail complex require greater wastewater demands than the information contained in the application.

The Wainui Environmental response includes; “The wastewater loadings presented in the report are preliminary and were developed based on our best estimate of flows based on the proposed use for the development. Given the limited area available for land application and reserve area, some additional work would need to be done to determine a maximum land application area available (and associated maximum WW load).”

LDE Conclusion

Final wastewater capacity limitations do exist on site, and is subject to specific design once the known Wastewater loadings are confirmed.

Acceptable as per Proposed Commercial Development, 561 Horotiu Road, Te Kowhai – Three Waters Management Plan by Wainui Environmental dated 4th April 2019 Ref: WE1919-01 under the condition will be required to limit the total onsite discharge and activity based the specific WW design capacity at detailed design stage.

Stormwater

The Three water report states “All roof and runoff from the proposed carpark and other handstand areas shall be conveyed to an underground soakage system.” The statement maybe incorrect as the roof supply will need to provide for water tank supply.

Pre-treatment is necessary before entering the soakage system.

Flooding - The LDE notes Submission item #19 point 17 where the submitter has local flooding knowledge of the area. The address at 583 Horotiu Road is adjacent to the Subdivision (SUB0021/18) for which the drainage design was undertaken with input from the Regional Council. The subsequent reformation of the Regional drains provides a direct water course to the Waipa River receiving environment.

LDE Conclusion

The drain has designed capacity to meet the demands of this catchment area. Accepted as per Proposed Commercial Development, 561 Horotiu Road, Te Kowhai – Three Waters Management Plan by Wainui Environmental dated 4th April 2019 Ref: WE1919-01 subject to conditions at detailed design stage.

Roading

50km/h speed environment. Since the Gray Matter peer review of the initial CKL ITA, progress has been made to agree on the entrance arrangement and median strip changes. Confirmation from Gray Matter has been received on 18/09/2020 that 3x Options (varying road shoulder, lane and median widths) can accommodate safe turning facilities of the retail facility integration and the existing 10.9m seal width of Horotiu Road.

The LDE notes Submission item #19 transport section point 13, 14, 15, 16 that the potential traffic conflicts have been appropriately reviewed and peer reviewed by specialist Transportation Consultants.

LDE Conclusion

Final details can be conditioned and established at detailed design stage.

PROPOSED ENGINEERING CONDITIONS

General Conditions

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

Prior to Construction

Monitoring Notification and Pre Start Meeting

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

The pre-start meeting shall address:

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

Advice note

To notify Waikato District Council Monitoring Department, email monitoring2@waidec.govt.nz with the consent number, address of property and date for when the works will commence.

Construction Management Plan (CMP)

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

The CMP shall include the following information:

- (a) Staging of works planned and the description of works including site plans;
- (b) An erosion & sediment control plan;
- (c) Detail management procedures for material, fill placement and treatment, stockpiling and disposal of unsuitable materials;
- (d) A Dust Management Plan;
- (e) Communications Plan;
- (f) Health and Safety Plan;
- (g) Providing safe pedestrian access along Horotiu Road
- (h) Address and provide a construction parking and loading management plan to ensure all parking and loading/unloading is completed within the construction site.

Detailed Engineering Design Plans

At least 15 working days prior to any construction, detailed engineering plans and a design report (stating the site-specific limitations, load capacity and methods to measure and monitor activities) shall be submitted for Engineering Plan Approval for:

- Water supply
- On-site Wastewater and maximum design loadings
- Stormwater management including treatment

- Roding infrastructure onsite and in the public road corridor (including markings and signage)
- Earthworks final levels
- On-going monitoring considerations for management of combined wastewater loadings for the lot.

Detailed Designs shall be in accordance with the following:

- Proposed Commercial Development, 561 Horotiu Road, Te Kowhai – Three Waters Management Plan by Wainui Environmental dated 4th April 2019 Ref: WE1919-01
- Integrated Transportation Assessment, 561 Horotiu Rd by CKL dated 4th March 2019 Rev I Ref: B18163
- Te Kowhai Mixed use commercial development – Transportation Review by Gray Matter dated 26 September 2019 Ref: 17-137
- The Waikato District Plan (Waikato Section)
- The Regional Infrastructure Technical Specifications
- and shall take into consideration any recommendations from the Engineering Design Report, to the satisfaction of the Land Development Engineer, Waikato District Council.

During Construction

The water/stormwater/wastewater/roading infrastructure (including markings and signage) shall be constructed in general accordance with the Approved Engineering Plans, Approved Engineering Design Report and the Regional Infrastructure Technical Specifications to the satisfaction of the Land Development Engineer, Waikato District Council.

Post Construction

Geotechnical Completion Report

After completion of the earthworks, and prior to undertaking any building works, the consent holder shall provide a “Statement of Professional Opinion as to Suitability of Completed Earthworks” completed and signed by a Geo-professional (who carries appropriate professional indemnity insurance for the works being supervised/certified) to certify that the site is suitable for:

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

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

The Statement is to be accompanied by the following:

- (a) A schedule with dates/results etc of all supervision and testing undertaken to certify the areas of cut/fill, and

- (b) An as-built plan of the earthworks, clearly showing the areas/depths of cut and fill, and defining areas of fill which have been engineered, and those areas of fill which have not been engineered.

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

As Built Information

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

The Consent Holder shall:

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

Certification

A 'Contractors Certificate – construction', for each separate work undertaken by each individual contractor as part of the consent, shall be provided to the satisfaction of the Land Development Engineer, Waikato District Council.

Advice Note: An acceptable format for certification upon completion of works can be found in the NZS4404-2010 Schedule 1B (Contractor's certificate upon completion of land development).

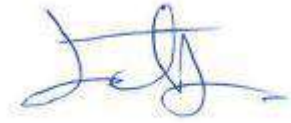
A 'Certificate of Completion of Development Works' prepared and signed by the Developers Representative/ a suitably qualified professional, shall be provided to the satisfaction of the Land Development Engineer, Waikato District Council, to confirm that all works have been carried out in accordance with the approved plans and appropriate standards.

Advice Note: An acceptable format for a 'Certificate of Completion of Development Works' can be found NZS4404-2010 Schedule 1C (Certification upon completion of land development).

Advice Note:

The activities associated with this consent must be undertaken in accordance with Stormwater report Proposed Commercial Development, 561 Horotiu Road, Te Kowhai – Three Waters Management Plan by Wainui Environmental dated 4th April 2019 Ref: WE1919-01. Acceptance of the Stormwater Report does not constitute compliance with the Waikato Regional Council regional plan requirements.

Signed By

A handwritten signature in blue ink, appearing to be 'J. Templeton', with a stylized, cursive script.

James Templeton
Land Development Engineer
Date: 27 October 2020

APPENDIX E

ECONOMICS REPORTS

561 Horotiu Road Commercial Development

Economic Assessment

25 September 2020

m.e
consulting



561 Horotiu Road Commercial Development

Economic Assessment

Prepared for

Waikato District Council

Document reference: WKTO008.20

Date of this version: 25 September 2020

Report author(s): Derek Foy

Director approval: Greg Akehurst

Disclaimer: Although every effort has been made to ensure accuracy and reliability of the information contained in this report, neither Market Economics Limited nor any of its employees shall be held liable for the information, opinions and forecasts expressed in this report.



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1 Introduction

1.1 Background

Waikato District Council (“WDC”) has received a resource consent application to establish a set of seven attached shops at 561 Horotiu Road (“the Site”), within the Te Kowhai settlement, some 6km west of the SH1 Interchange at Koura Drive (SH39). The application was publicly notified, and submissions closed on August 17 2020. Council has now commissioned Market Economics to better understand the potential economic effects of the proposal, in particular whether there is sufficient demand to sustain the proposed development and effects on existing businesses.

1.2 Objective

The objective of this report is to assess the potential economic effects of the proposal, in particular whether there is sufficient demand to sustain the proposed development and to draw conclusions as to the effects on existing businesses and the flow on effects on the amenity of Te Kowhai’s business areas.

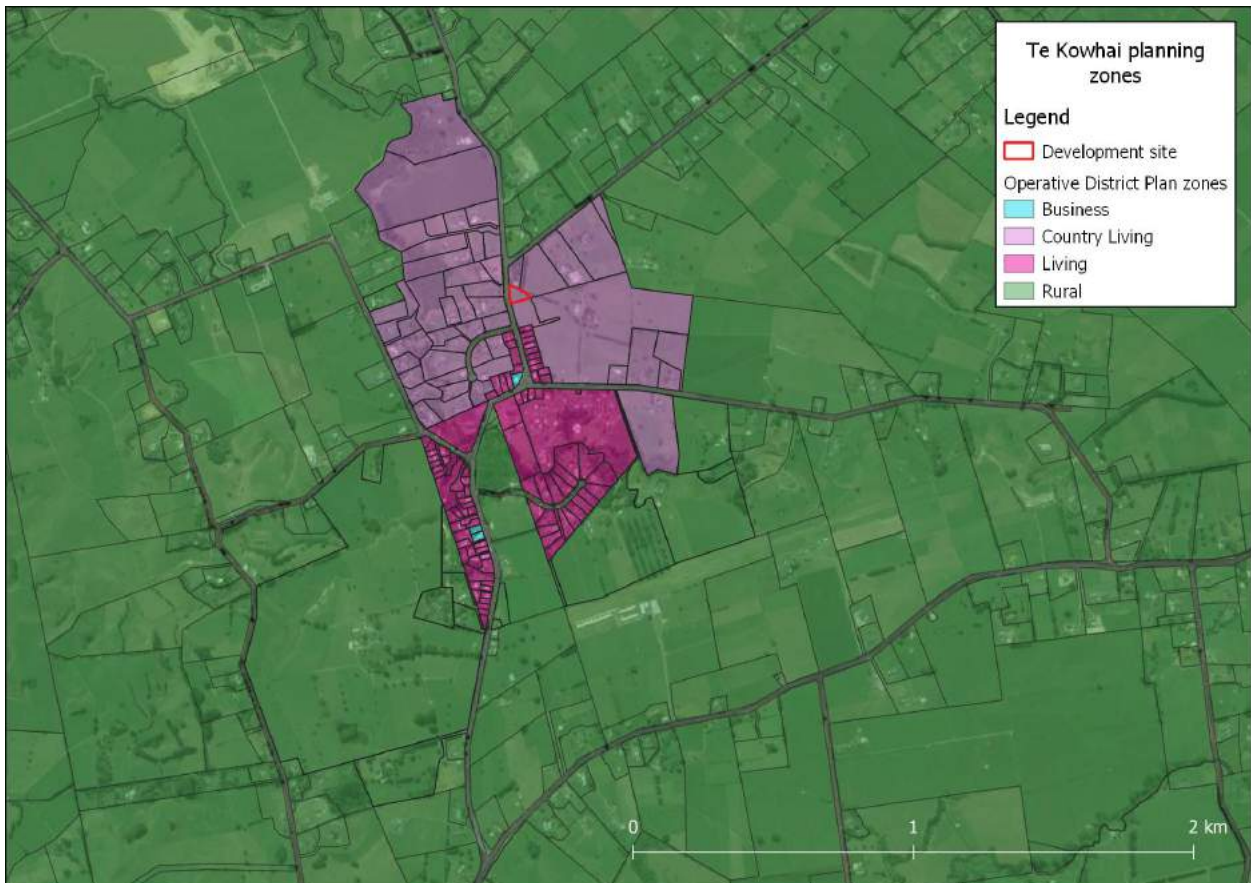


2 Planning environment

2.1 Operative District Plan

The proposed development is located within the Country Living zone, a zone reserved for single residential dwellings on large lots, a zone that occupies most of the settlement to the north of Te Kowhai Road. The majority of the higher density Living zone is to the south of that Country Living zone (Figure 2.1). There is very limited presence of Business zone, and that zoning is located in what are essentially spot zones that reflect the presence of an existing activity, limited to the automotive workshop at the junction of Te Kowhai and Horotiu Roads, and the Te Kowhai Foodcentre (dairy/takeaways) at 656 Horotiu Road near the southern edge of the settlement.

Figure 2.1: ODP zones in and around Te Kowhai



2.2 Structure Plan

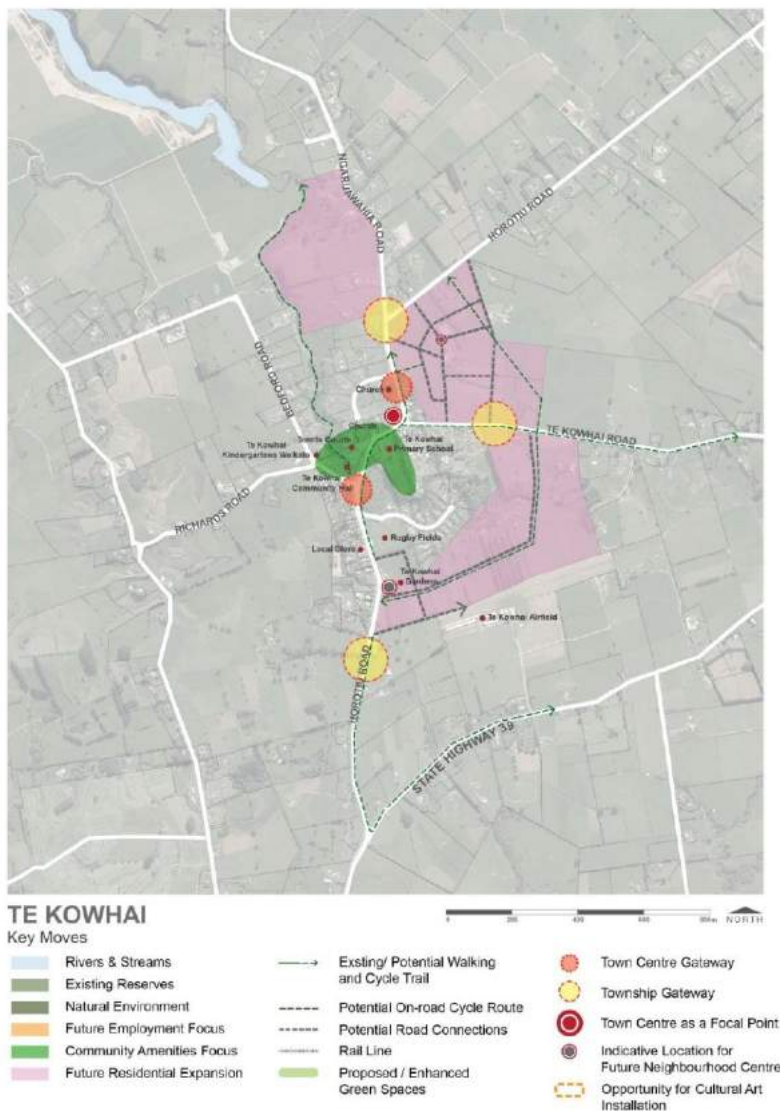
In 2017 the “Ngaaruawaahia, Hopuhopu, Taupiri, Horotiu, Te Kowhai & Glen Massey Structure Plan” (“the Structure Plan”) was adopted by WDC. The Structure Plan is a non-statutory document that was developed as a guide to the development of settlements in the District, including Te Kowhai. It provides a strategic and spatial framework for future land uses over the next 30 years, and is a guide to development staging.

A number of “key moves” were identified for Te Kowhai, including, relevant to this assessment:

- Retain the village ‘look’ within new developments and keep the identity of the village;
- Extend the business area to promote growth;
- Country Living development to be 3000m²;
- Future country living residential areas could be to the north, east and a small area to the south.

A graphic with a spatial overview of those key moves was provided, and identified the northern “Town Centre Gateway” as being just south of the Site and Westvale Lane, with a southern gateway at about Bedford Road, south of the Te Kowhai Hall (Figure 2.2). Those two gateways would appear to provide an indication of the intended outer extents of the town centre. Similar gateways were identified for the broader township, and appear to be located at the outer limits of the operative Living zone.

Figure 2.2: Te Kowhai Key Moves Plan, from the 2017 Structure Plan (p40)

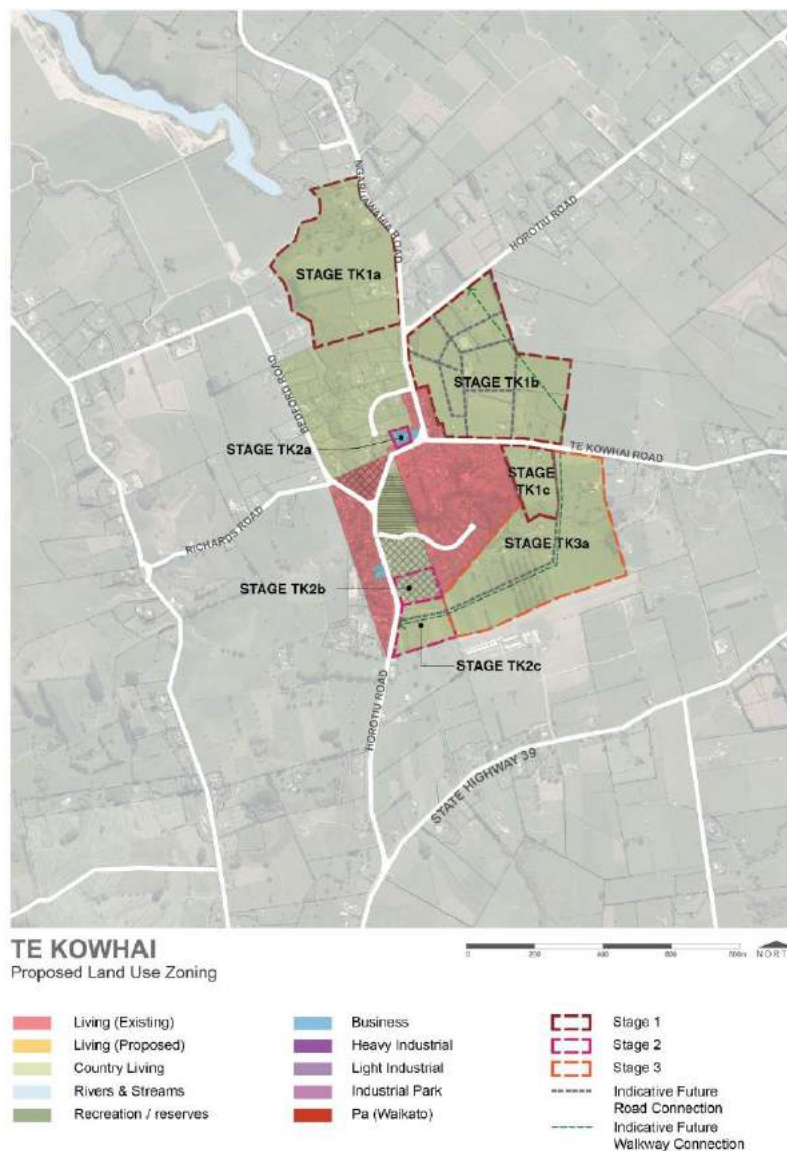


The Structure Plan identified residential development capacity for Te Kowhai's proposed growth areas at 200 lots, over the three decades beginning 2016 (Figure 2.3). Those growth areas are located to the north, east and south of the current settlement, but not to the west (Figure 2.4).

Figure 2.3: Te Kowhai residential development capacity yields (from the 2017 Structure Plan Table 2)

Area	Timing	Proposed zone	Area (ha)		Dwellings/ ha	Yield	
			Gross	Net		Lots	Population
TK1a	2016-2026	Rural residential	21.7	17.3	3.0	52	140
TK1b	2016-2026	Rural residential	27.9	22.3	3.0	67	180
TK1c	2016-2026	Rural residential	4.6	3.6	3.0	10	29
TK2c	2026-2036	Rural residential	3.8	3.0	3.0	9	23
TK3a	2036-2046	Residential	26.0	20.8	3.0	62	156
Total Te Kowhai growth cells			84.0	67.0		200	528

Figure 2.4: Te Kowhai Development Staging Map, from the 2017 Structure Plan (p49)



2.3 Waikato 2070

The “Waikato 2070” Growth and Economic Development Strategy was adopted by Council in May 2020. That document presents a slightly different take on expected growth in Te Kowhai to the Structure Plan. In Waikato 2070 three growth areas are identified, of which two are residential, and having a development timeframe of 10-30 years. Those two are Te Kowhai Central, and Te Kowhai West, and represent a shift of expected development areas away from the northern edge of the settlement compared to the areas identified in the Structure Plan (Figure 2.5). No dwelling capacity estimates of anticipated yield information is presented.

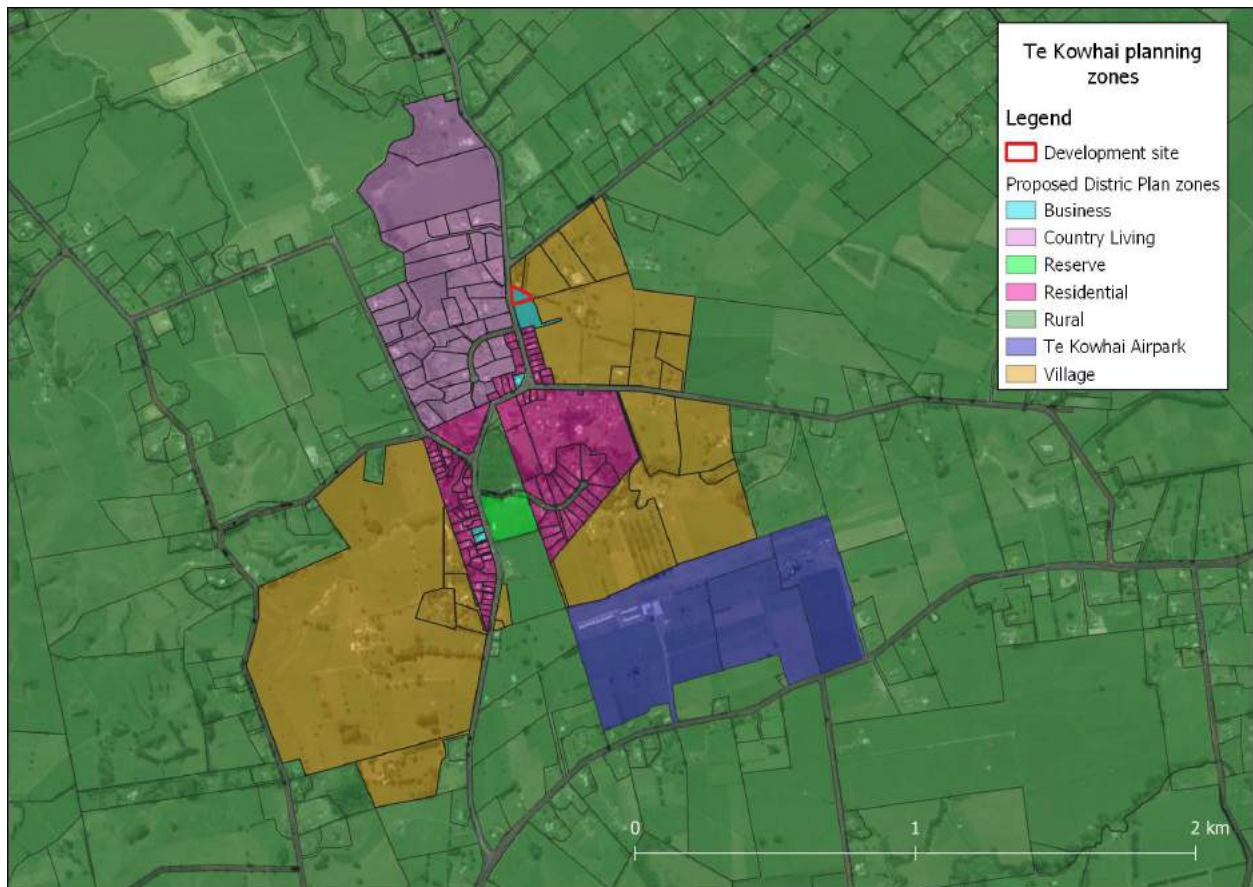
Figure 2.5: Waikato 2070 Te Kowhai Development Plan



2.4 Proposed District Plan

The Proposed District Plan (“PDP”) is generally consistent with Waikato 2070’s vision for Te Kowhai, in terms of the distribution of residential zones. The PDP proposes to zone the Site Business, although there is no certainty at this point in time that the rezoning will go ahead, and we understand that no weight can be put on the PDP provisions. It is not clear why the PDP proposes to zone the Site Business when it is to the north of town and the new residential areas identified in Waikato 2070 are to the south of the town.

Figure 2.6: PDP zones in and around Te Kowhai



As we understand it, there is no information in the PDP as to why there is an additional Business zoning proposed in the north of Te Kowhai, which takes in the Site. One potential reason for that could be that consent has been issued for a cafe to operate from the site adjacent to the development Site, although we are not aware of any strategic thinking in that regard. That proposed zoning appears to be inconsistent with the Structure Plan’s indication of the town centre being near the intersection of Horotiu and Te Kowhai Roads.

3 Te Kowhai settlement

The existing Te Kowhai settlement is a small village, with 189 households recorded in the 2018 Census.¹ That had changed little from the 2006 (165 households) and 2013 censuses (183 households). Retail activity in the town is limited to the Te Kowhai Foodcentre (dairy/fruit and veges/takeaways) at 656 Horotiu Road near the southern edge of the settlement. There is also:

- The Te Kowhai Village café 100m south of the Foodcentre
- an automotive workshop at the junction of Te Kowhai and Horotiu Roads
- a consented, although not yet operative, café on the site adjacent (to the south) of the application Site.

¹ Based on the three Statistical Areas (SA1s) that make up the urban part of the Te Kowhai settlement.



4 Sustainable centre space

4.1 Approach

A primary objective of this assessment is to quantify sustainable centre space in Te Kowhai, to understand how the proposed development would affect the existing environment, particularly the existing commercial activities identified in section 3.

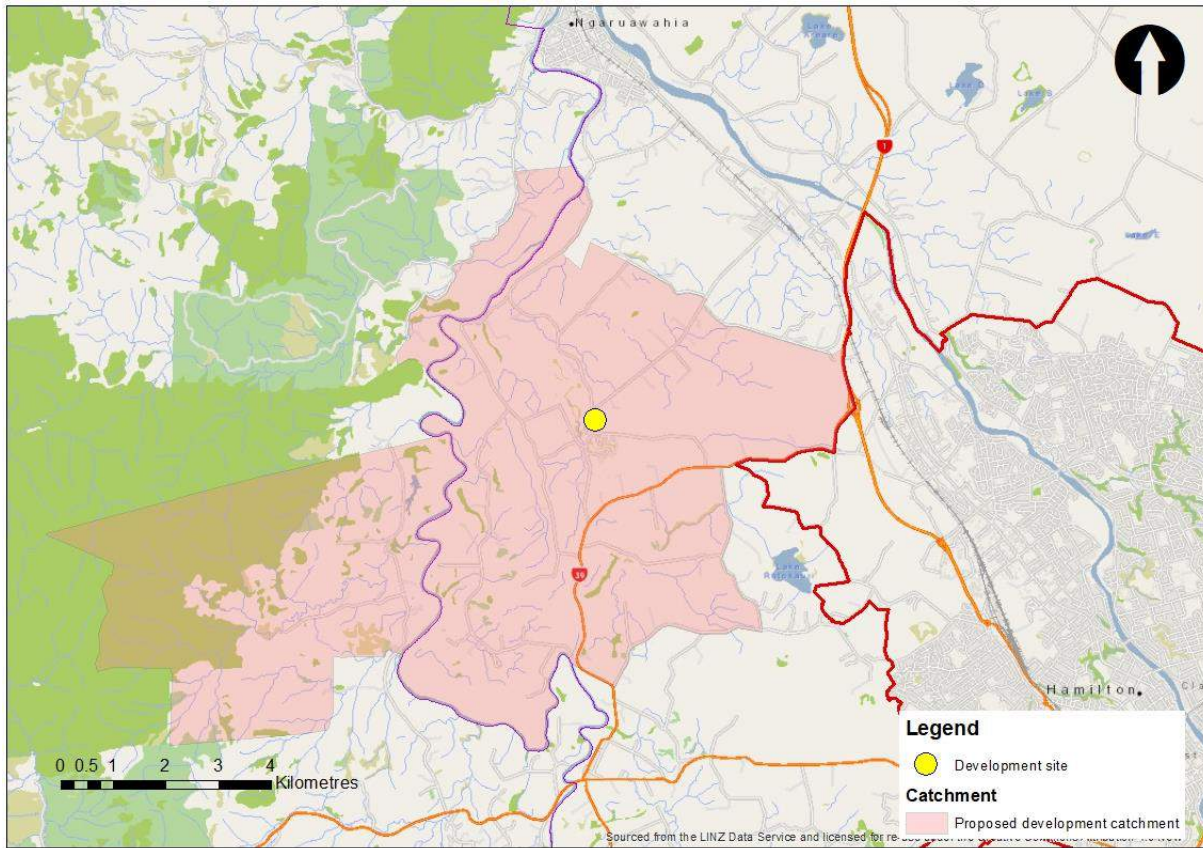
For that the assessment we have:

- Identified a catchment which represents that trading area from within which most sales of the proposed development, and existing stores in Te Kowhai, will come.
- Quantified current and projected household in the catchment.
- Estimated total retail demand resident in the catchment, i.e. that which is directed to all destinations. This includes spending by households, tourists, businesses and employees working there.
- Estimated the distribution of that total retail spend to different destinations, with only a proportion directed to Te Kowhai. This accounts for the limited provision of retail in Te Kowhai even with the proposed development, and the likelihood that a majority of spend resident in the catchment will continue to “leak” to urban Hamilton and Ngaruawahia.
- Assessed the amount of centre floorspace that will be required to support that locally retained spending, including space for all retail stores and non-retail centre activities (household and community services, offices, medical, etc.).

4.2 Catchment

The catchments defined is based on the existence of alternative retail/commercial centres and with reference to accessibility given the roading network and topographic constraints. The nearest alternative destinations are The Base at Te Rapa (10km east) and Ngaruawahia (10km north) (Figure 4.1). The catchment is naturally limited to the west by the lack of road access and large, forested area west of the Waipa River, and extends nearly as far south as Whatawhata (on SH23 between Raglan and Hamilton).

Figure 4.1: Indicative catchment of proposed Te Kowhai commercial development



4.3 Household projections

Households are the key units of retail demand in the catchment, and for this assessment we have assessed household counts using the following information:

- For areas outside the township, as defined in Waikato 2070: Statistics NZ's latest household projections.
- For the township:
 - Pre-2028:² Statistics NZ household projections. These are generally consistent with the "current population" estimate of 500 people (c.200 households, as identified in section 3) that is presented in the Te Kowhai Development Plan in Waikato 2070.
 - Post-2028: The possible future population (4,000 people) presented in Waikato 2070 is used as a 30 year target (2048). That population is assumed to equate to 1,500 households. Growth between 2028 (when the Te Kowhai West and Te Kowhai Central growth cells begin to be developed) and 2048 (the end of the

² 2028 is the beginning of the 10-30 year growth window in which the Te Kowhai West and Te Kowhai Central growth cells are projected to be developed.

expected growth window in the Development Plan) is assumed to be linear, reaching the 1,500 household endpoint in 2048. At growth of around 250 households every five years, that equates to a 2043 household projection for the town of c.1,250.

The growth projections applied in the model are shown in Figure 4.2. Current estimates indicate a 2018 household count of 870 in the catchment, including nearly 200 in the town itself, and the balance in surrounding rural areas. Growth of around 200 households across the whole catchment is projected by 2028, at which point growth is projected to accelerate in line with the timings indicated in Waikato 2070. Between 2028 and 2043 growth of around 60 households per annum is assumed, which places Te Kowhai's future household count well on the way to achieving the 30 year "possible future population" identified in Waikato 2070.

Figure 4.2: Catchment household projections

Catchment	2018	2023	2028	2033	2038	2043	Growth 2018-2043	
							n	%
Households	870	970	1,070	1,370	1,670	1,970	1,100	126%

4.4 Retail demand projections

Those catchment households, together with businesses and tourists based in the town, generate around \$24m in annual retail demand.³ Of that, food retail⁴ and core retail⁵ are the largest storetype destinations of spending in the catchment, at around \$10-11m each in 2018. Given projected market growth in the catchment, and an assumed 1% average annual increase in consumer retail spending, in line with trends observed over the last 30 years, that base demand is projected to have increased to around \$28m for each store grouping by 2043. That represents growth of around \$18m in each group (+175%). Hospitality demand resident in the catchment is currently less than \$4m, and projected to increase by a similar proportion to food and core retail, to reach over \$9m by 2043 (+\$5.8m, 169%).

Figure 4.3: Catchment retail demand projections

Catchment	2018	2023	2028	2033	2038	2043	Growth 2018-2043	
							n	%
Food retail	\$ 10.1	\$ 11.6	\$ 13.2	\$ 17.7	\$ 22.6	\$ 27.8	\$ 17.7	176%
Core retail	\$ 10.5	\$ 11.9	\$ 13.6	\$ 18.2	\$ 23.2	\$ 28.6	\$ 18.1	173%
Hospitality	\$ 3.4	\$ 3.9	\$ 4.4	\$ 5.9	\$ 7.5	\$ 9.3	\$ 5.8	169%
Total	\$ 24.0	\$ 27.4	\$ 31.3	\$ 41.9	\$ 53.3	\$ 65.6	\$ 41.6	517%

³ Excludes automotive spend, and spend on non-centre retail storetypes such as hardware, marine and garden centres.

⁴ Food retail includes supermarkets and grocery stores, butchers, fruit and vegetables, fish shops and all other specialised food retail stores.

⁵ Core retail includes all other retail types not described as being excluded (i.e. includes apparel, department stores, electrical and appliances, housewares, pharmacy, recreation, etc.). Hospitality includes all takeaways, cafes, restaurants, pubs and bars.



It is important to understand that those demand projections represent total demand resident in the catchment, and not total sales in the catchment. A significant proportion of that locally resident demand will flow out of the catchment for other destinations, as assessed in the next section.

4.5 Locally sustainable floorspace

Taking the demand projections in Figure 4.3, the next step is to apply assumptions about the proportion of spend that will be locally retained, and to make some allowance for an inflow of spend from outside the catchment that might be directed to Te Kowhai businesses. For this assessment we have assumed that:

- Food retail: 25% of locally resident demand is directed to local stores, with the majority (75%) leaking out of the catchment, primarily to Te Rapa and Ngaruawahia. That is countered to some degree by a small inflow of spending in Te Kowhai by non-catchment residents (e.g. traffic passing through), which is assumed to account for 10% of total food retail sales.
- Core retail: Assumptions are applied at an individual storetype level for the 21 storetypes in this group, but on average 5% of locally resident demand for storetypes in this group is assumed to be directed to local stores, with 95% leaking out of the catchment. That leakage is high because goods sold in this category (clothing, furniture, sporting goods etc.) tend to require large population bases to support stores, and it is usually uneconomic to support stores in small market such as Te Kowhai (even a larger, future Te Kowhai). The inflow of spending in Te Kowhai by non-catchment residents is assumed to account for 10% of total core retail sales.
- Hospitality: 20% of locally resident demand is directed to local businesses, with 80% leaking out of the catchment. The inflow of spending in Te Kowhai by non-catchment residents is assumed to account for 15% of total core retail sales.

Those locally retained market shares are consistent with how centres in markets the size of Te Kowhai operate around New Zealand, given their natural position in a broader centres hierarchy and the types and extent of activity that is financially viable in this size of market. It is inevitable that most retail needs will be met in larger centres that have a broader range of businesses.

Based on those assumptions, the assessment indicates that around 380m² of retail and hospitality floorspace was sustainable in Te Kowhai in 2018, with market growth adding around another 100m² in the following 10 years, taking sustainable space to nearly 500m² by 2028. As the growth areas identified in Waikato 2070 begin to be developed after 2028, sustainable local retail floorspace is projected to increase by 150-200m² every five years, to reach 1,000m² by 2043 (Figure 4.4). That 1,000m² would be comprised of:

- predominantly food retail space (around 700m² of space comprising, for example, a superette, or dairy and small amount of specialty food retail such as a butcher/vege shop)
- around 200m² of hospitality space (one or two businesses such as cafes, or takeaways)
- a very small amount (around 100m², or say one small shop) of general retail space.



Figure 4.4: Catchment retail demand projections

Catchment	2018	2023	2028	2033	2038	2043	Growth 2018-2043	
							n	%
Food retail	250	280	320	430	550	680	430	172%
Core retail	50	50	60	80	100	120	70	140%
Hospitality	80	90	100	130	170	210	130	163%
Total	380	420	480	640	820	1,010	630	475%

4.6 Net additional space required

Given the limited extant presence of retail and hospitality businesses in Te Kowhai, some additional space would be sustainable in the town in the future, although it will only be once the Te Kowhai West and Te Kowhai Central growth cells begin to be developed in around 2028 that any material increase in sustainable space will be viable. Current growth in the town will be insufficient to support any material increase in retail supply before around 2028, with any new space developed before 2028 likely to be either:

- Difficult to tenant; or,
- Uneconomic to operate at other than very limited hours; or,
- Occupied by a niche tenant that can develop a reputation allowing it to function as a destination in its own right, and survive by attracting custom from outside the catchment, such as a gift shop/gallery or destination cafe; or,
- In direct competition with existing businesses in the town, with the potential to result in their closure.

Te Kowhai is currently a very small retail catchment, and the amount of retail/hospitality space in the town is broadly consistent with the amount of space that is sustainable.

4.7 Effects of proposed development

From that assessment, the creation of additional retail or hospitality space in Te Kowhai (over and above the activities identified in section 3) would be likely to result in either much of that space remaining vacant or the closure of existing businesses. However, we are not clear as to the implications of any such potential closures in the case of Te Kowhai. Generally in resource management case law in New Zealand, a concern with distributional effects arises because:

- new retail/commercial activities can generate trade competition effects on existing businesses.
- while those direct (trade competition) effects are not able to be considered as effects under the RMA, the (indirect) effects flowing from those direct effects are able to be taken into consideration in evaluating the merits of a proposal.



- Those indirect effects include effects on the viability and vitality of centres, and the ability for centres to continue to function as strategically valuable community assets that play an important role in providing for the needs of communities.

However, in the case of Te Kowhai, there is no centre zone to be concerned about effects on. The very limited commercial zones are restricted to three separate Business spot zones, each accommodating a single business, with a fourth business location at the site of the Te Kohai Village cafe. Of those four locations:

- The automotive workshop, a type of activity that is not usually included in retail impact assessments, nor likely to be affected by the proposed development from the current application which is unlikely to contain any automotive presence.
- The grocery store is a single business and therefore does not constitute a centre as discussed in the District Plan. It cannot be said that a standalone store plays any role in consolidating activity (section 6.3.3 of the Plan), nor that it has a social coherence or sense of place (objective 11.2.1).
- The café consented for the site adjacent (to the south) of the application Site would likely benefit from co-location of additional retail activities, although any disbenefit would be limited to trade competition effects, and not generate flow-on effects of any consequence for community wellbeing and functional amenity.
- The Te Kowhai Village café on Horotiu Road is not zoned Business, and so in our opinion it is questionable how much regard should be had to avoiding effects on it.

Given the standalone and non-centre, non-clustered nature of these four activities, it is to our mind questionable how much the District Plan would (or could, under the constraints of RMA case law on indirect effects) seek to avoid indirect effects on them. While our assessment indicates it is likely that some of those businesses could close, or shift to reduced operating hours as a result of the trade competition generated by the proposed development, those effects would be mostly limited to trade competition effects, and therefore be precluded from consideration when evaluating the merits of the application. That is perhaps a technical matter for the planning assessment to consider.

We say “mostly limited” because another aspect of the proposal that requires assessment is its location. Prior to Waikato 2070 being released, the Structure Plan indicated some future residential growth was anticipated on the town’s northern periphery. That appears to now have changed, with the planned new residential areas located only in the south (east and west). It would appear to make more sense that if additional retail supply is required in Te Kowhai at some stage, that is located in close proximity to the main population base. From our understanding of the likely future population distribution, the Site is a much poorer location option than alternative locations south of Te Kowhai Road.

If the Te Kowhai Foodcentre were to close or move to reduced operating hours, access to groceries would become slightly more difficult for people living around the store now, and less efficient travel patterns for the future Te Kowhai settlement would result compared to if the store remained the primary grocery destination in the town, by virtue of its superior, more central location relative to future growth areas compared to the application Site. However, the magnitude of that effect would be minor or less than minor.

5 Submissions

In total 25 submissions were received, with 22 in opposition, two in support and one neutral. Most of the submissions in opposition voice an opinion that additional retail supply in Te Kowhai is not required, that there is inadequate population base to support more stores and that there is a risk that existing businesses might well close if the proposed development proceeds.

The submissions in opposition are generally consistent with the findings of this assessment that there will not be adequate locally resident demand to support an expansion of Te Kowhai's retail and hospitality supply for some time yet, and not prior to significant residential developments occurring in the future development areas of Te Kowhai West and Te Kowhai Central.

6 Conclusion

Our assessment has shown that Te Kowhai is a very small retail market now, and will remain so into the future. The amount of retail/hospitality space in the town is broadly consistent with the amount of space that is sustainable. It will be around 2028 before the new growth cells anticipated in Waikato 2070 begin to be developed, and residential growth increases local retail demand to a point where additional local retail supply is sustainable. Prior to 2028 at the earliest, any additional retail and hospitality space would be likely to result in the closure or much reduced liability of Te Kowhai's few retail/hospitality businesses.

The resource management implications of any such closures are limited by the standalone nature of the town's existing businesses, the absence of any clusters of economic activity in centres, and the inability to consider trade competition when assessing the merits of an application.

One key factor to consider is the effect on accessibility of local retail supply given the location of the proposed development at the opposite side of Te Kowhai from where the future growth cells have been identified. Although the PDP proposes to zone Business land on the application Site, it is unclear why that is the case, and that northern location appears to be an inefficient location from which a small neighbourhood centre could service the large new growth areas around the southern fringe of the town.

In summary, we consider the proposed development to be much larger than would be sustainable in the current township of Te Kowhai, and the better part of a decade ahead of demand. The Site is poorly located with reference to Te Kowhai's future growth areas, and the development would be likely to result in significant trade competition effects on existing businesses.

APPENDIX F

SUBMISSIONS



Submission form

(Form 13)

For internal use only

ECM Application # LUC0427/19

ECM

SUBMISSION # 1

CUSTOMER #

E 24/7/20 2.18pm

**Submission on an application concerning resource consent that is subject to public notification
by consent authority Section 95a of the Resource Management Act 1991**

**SUBMISSIONS MUST BE RECEIVED BY WAIKATO DISTRICT COUNCIL NO LATER
THAN 5PM ON MONDAY 17TH AUGUST 2020**

To: Waikato District Council

Name of submitter (full name) Vandghie Badenhorst

This is a submission on an application from Quattro Property Holdings Limited to construct and operate a seven unit commercial development which comprises retail, takeaways, a hair salon and superette with associated carparking, signage and earthworks in the Country Living Zone at 561 Horodu Road TE KOWHAI

* I am ☐ am not ☒ a trade competitor for the purpose of Section 308B of the Resource Management Act 1991

* Select one

† I am ☐ am not ☒ directly affected by an effect of the subject matter of the submission that

(a) adversely affects the environment; and

(b) does not relate to trade competition or the effects of trade competition

† Delete this paragraph if you are not a trade competitor

Select one

The specific parts of the application that my submission relates to are:

Give details (attach separate sheets if necessary):

.....

.....

.....

.....

.....

.....

.....

.....

.....

I ☐ support ☒ oppose ☐ am neutral to the part/s named above.

Give details:

The reasons for my views are..... We have bought our property out in the country with the purpose
of being rural but not too rural. We would hate for it to feel like another
suburb in the city. Our dairy and fruit shop serve the community really well and there is
no need for additional retail. We also have local residents that have small businesses
its hairdressing which is supported well by the community. Please do not develop
our beautiful village into a commercial area. The cafe will be great but please let it stop there!

I seek the following decision from Waikato District Council:

☐

Approve

☒

Decline

Give precise details, including any parts of the application you wish to have amended and the general nature of any conditions sought.

Number of additional sheets attached

I wish to be heard in support of my submission

Yes ☐

No ☒

If others make a similar submission, I will consider presenting a joint case with them at the hearing

Yes ☒

No ☐

Pursuant to section 100A of the Resource Management Act I request that you delegate your functions, powers and duties required to hear and decide the application to one or more hearings commissioners who are not members of the local authority

Yes ☐

No ☒

If you make a request under section 100A of the Resource Management Act, you must do so no later than 5 working days after the close of submissions and you may be liable to meet or contribute to the costs of the hearings commissioner or commissioners.

Signature of submitter of person authorized to sign on behalf of the submitter

[Handwritten Signature]

Date 24 July 2020

A signature is not required if you make your submission by electronic means

Address 650b Horotiu Road

Postcode 3288

Email vandghie@gmail.com

Phone 0211840291

Contact person's name (name and designation if applicable)

Vandghie and Michiel Badenhorst

This is the person and the address to which all communications from the Council about the submission will be sent

Note to Submitter

The closing date for serving submissions on the consent authority is the 20th working day after the date on which public or limited notification is given. If the application is subject to limited notification, the consent authority may adopt an earlier closing date for submissions once the consent authority receives responses from all affected persons

You must serve a copy of your submission on the applicant whose address for service is Chris Dillon – Terra Consultants Ltd, PO Box 5028, Frankton, Hamilton 3242 or email chris.dillon@terragroup.co.nz as soon as reasonably practicable after you have served your submission to Waikato District Council

If you are a trade competitor, your right to make a submission may be limited by the trade competition provisions in Part 11A of the Resource Management Act 1991

Written Submission

Postal Address Waikato District Council, Private Bag 544, Ngaruawahia 3742

Telephone 0800 492 452

Email Submission

Consent.submissions@waikato.govt.nz

The information you have provided on this form is required so that your submission can be processed under the RMA, and your name and address will be publicly available. This information will be stored on a public register and held by the Council, and may also be made available to the public on the Council's website. In addition, any on-going communications between you and Council will be held at Council's offices and may also be accessed upon request by a third party. Access to this information is administered in accordance with the Local Government Official Information and Meetings Act 1987 and the Privacy Act 1993. If you have any concerns about this, please discuss with a Council Planner prior to lodging your submission. If you would like to request access to, or correction of your details, please contact the Council.

Submission form

(Form 13)

Submission on an application concerning resource consent that is subject to public notification by consent authority Section 95a of the Resource Management Act 1991

SUBMISSIONS MUST BE RECEIVED BY WAIKATO DISTRICT COUNCIL NO LATER THAN 5PM ON MONDAY 17TH AUGUST 2020

To: Waikato District Council

Name of submitter (full name) Delwyn Bunt

This is a submission on an application from Quattro Property Holdings Limited to construct and operate a seven unit commercial development which comprises retail, takeaways, a hair salon and superette with associated carparking, signage and earthworks in the Country Living Zone at 561 Horotiu Road TE KOWHAI

* I am ☐ am not ☒ a trade competitor for the purpose of Section 308B of the Resource Management Act 1991

* Select one

† I am ☐ am not ☐ directly affected by an effect of the subject matter of the submission that

(a) adversely affects the environment; and

(b) does not relate to trade competition or the effects of trade competition

† Delete this paragraph if you are not a trade competitor

† Select one

The specific parts of the application that my submission relates to are:

Give details (attach separate sheets if necessary):

We don't need more shops we need houses
on that land!

I ☐ support ☒ oppose ☐ am neutral to the part/s named above.

Give details:

The reasons for my views are: I am a resident of Te Kōwhiri and
I feel our small community does not need any
more shops of any sort in our area. One we don't need
more traffic and there have been a few shops
to support. Build more houses for that local
families need more on their hearts. We have
all the shops we need at home

175

I seek the following decision from Waikato District Council:

☐

Approve

☒

Decline

Give precise details, including any parts of the application you wish to have amended and the general nature of any conditions sought.

.....

.....

.....

.....

Number of additional sheets attached

I wish to be heard in support of my submission

Yes ☐No ☐

If others make a similar submission, I will consider presenting a joint case with them at the hearing

Yes ☒No ☐

Pursuant to section 100A of the Resource Management Act I request that you delegate your functions, powers and duties required to hear and decide the application to one or more hearings commissioners who are not members of the local authority

Yes ☒No ☐

If you make a request under section 100A of the Resource Management Act, you must do so no later than 5 working days after the close of submissions and you may be liable to meet or contribute to the costs of the hearings commissioner or commissioners.

Signature of submitter of person authorized to sign on behalf of the submitter



Date 27.6.2020

A signature is not required if you make your submission by electronic means

Address

39 Cornhill Rd Teane

Postcode

3258

Email

delight@terra.co.nz

Phone

0274795991

Contact person's name (name and designation if applicable)

This is the person and the address to which all communications from the Council about the submission will be sent

Note to Submitter

The closing date for serving submissions on the consent authority is the 20th working day after the date on which public or limited notification is given. If the application is subject to limited notification, the consent authority may adopt an earlier closing date for submissions once the consent authority receives responses from all affected persons

You must serve a copy of your submission on the applicant whose address for service is Chris Dillon – Terra Consultants Ltd, PO Box 5028, Frankton, Hamilton. 3242 or email chris.dillon@terrargroup.co.nz as soon as reasonably practicable after you have served your submission to Waikato District Council

If you are a trade competitor, your right to make a submission may be limited by the trade competition provisions in Part 11A of the Resource Management Act 1991

Written Submission

Postal Address Waikato District Council, Private Bag 546, Ngāruawāhia 3742

Telephone 0800 492 452

Email Submission

Consent.submissions@waikato.govt.nz

This information you have provided on this form is required so that your submission can be processed under the RMA, and your name and address will be publicly available. The information will be stored on a public register and held by the Council, and may also be made available to the public on the Council's website. In addition, any ongoing communications between you and Council will be held at Council's offices and may also be accessed upon request by a third party. Access to this information is administered in accordance with the Local Government Official Information and Meetings Act 1982 and the Privacy Act 1992. If you have any concerns about this, please discuss with a Council Planner prior to lodging your submission. If you would like to request access to, or protection of, your details, please contact the Council.



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29 JUL 2020

Waikato District Council

Submission form

(Form 13)

For internal use only

ECM Application # LUC0427/19

ECM 2688865

SUBMISSION 3

CUSTOMER # 146083 15691

POST

Submission on an application concerning resource consent that is subject to public notification
by consent authority Section 95a of the Resource Management Act 1991

**SUBMISSIONS MUST BE RECEIVED BY WAIKATO DISTRICT COUNCIL NO LATER
THAN 5PM ON MONDAY 17TH AUGUST 2020**

To: Waikato District Council

Name of submitter (full name) Amanda & Jack Schaaake

This is a submission on an application from Quattro Property Holdings Limited to construct and operate a seven unit commercial development which comprises retail, takeaways, a hair salon and superette with associated carparking, signage and earthworks in the Country Living Zone at 561 Horotiu Road TE KOWHAI

* I am ☐ am not ☒ a trade competitor for the purpose of Section 308B of the Resource Management Act 1991

* Select one

† I am ☐ am not ☒ directly affected by an effect of the subject matter of the submission that

(a) adversely affects the environment; and

(b) does not relate to trade competition or the effects of trade competition

† Delete this paragraph if you are not a trade competitor

Select one

The specific parts of the application that my submission relates to are:

Give details (attach separate sheets if necessary):

The application is for resource consent to construct and operate a
seven unit commercial development which comprises retail,
takeaways, a hair salon and superette
in the Country Living Zone at 561 Horotiu Road, Te Kowhai.

I ☒ support ☐ oppose ☐ am neutral to the part/s named above.

Give details:

The reasons for my views are.....

I support the development of retail for the area. The sooner the better.

However, I respectfully ask the developer to carefully consider the type of
retail operations in the centre. There is huge local support for existing
businesses (dairy, takeaway, green grocer). Please consider retail that
complements, not competes, with our little local village.

I seek the following decision from Waikato District Council:



Approve



Decline

Give precise details, including any parts of the application you wish to have amended and the general nature of any conditions sought.

.....

.....

As above. Approve with caveat that retail choices are considered to complement, not compete with current local village businesses.

.....

Number of additional sheets attached

I wish to be heard in support of my submission

Yes

☐

No

☒

If others make a similar submission, I will consider presenting a joint case with them at the hearing

Yes

☐

No

☒

Pursuant to section 100A of the Resource Management Act I request that you delegate your functions, powers and duties required to hear and decide the application to one or more hearings commissioners who are not members of the local authority

Yes

☐

No

☒

If you make a request under section 100A of the Resource Management Act, you must do so no later than 5 working days after the close of submissions and you may be liable to meet or contribute to the costs of the hearings commissioner or commissioners.

Signature of submitter or person authorized to sign on behalf of the submitter

Date 26/07/20

A signature is not required if you make your submission by electronic means

Address 694b Horotiu Road, Rd8, Te Kowhai

Postcode 3288

Email amandaschaake@gmail.com

Phone 0220166828

Contact person's name (name and designation if applicable)

Amanda Schaake

This is the person and the address to which all communications from the Council about the submission will be sent

Note to Submitter

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You must serve a copy of your submission on the applicant whose address for service is Chris Dillion – Terra Consultants Ltd, P.O. Box 5028, Frankton, Hamilton 3242 or email chris.dillion@terragroup.co.nz as soon as reasonably practicable after you have served your submission to Waikato District Council

If you are a trade competitor, your right to make a submission may be limited by the trade competition provisions in Part 11A of the Resource Management Act 1991

Written Submission

Postal Address Waikato District Council, Private Bag 544, Ngaruawahia 3742

Telephone 0800 492 452

Email Submission

Consent.submissions@wdc.govt.nz

The information you have provided on this form is required so that your submission can be processed under the RMA, and your name and address will be publicly available. The information will be stored on a public register and held by the Council, and may also be made available to the public on the Council's website. In addition, any on-going communications between you and Council will be held at Council's offices and may also be accessed upon request by a third party. Access to this information is administered in accordance with the Local Government Official Information and Meetings Act 1987 and the Privacy Act 1993. If you have any concerns about this, please discuss with a Council Planner prior to lodging your submission. If you would like to request access to, or correction of your details, please contact the Council.



rec'd email
29/7/20.
11.46am.

HERITAGE NEW ZEALAND
POUHERE TAONGA

24/07/2020

File ref: LA061

Waikato District Council,
Private Bag 544,
Ngaruawahia 3742.

To whom it may concern

**SUBMISSION OF HERITAGE NEW ZEALAND POUHERE TAONGA TO A NOTIFIED
RESOURCE CONSENT AT 561 HOROTIU ROAD, TE KOWHAI.**

A notified discretionary resource consent application, for establishment of a commercial development at 561 Horotiu Road, Te Kowhai. The proposal will involve earthworks.

TO: WAIKATO DISTRICT COUNCIL

FROM: HERITAGE NEW ZEALAND POUHERE TAONGA (HNZPT)

1. This is a submission on the following notified Resource Consent:

A discretionary resource consent application, to construct and operate a seven unit commercial development which comprises retail, takeaways, a hair salon and superette with associated car parking, signage and earthworks.

2. HNZPT could not gain an advantage in trade competition through this submission.

3. The specific provisions of the proposal that HNZPT's submission relates to are:

The proposal will result in earthworks, which in the event of unrecorded archaeology being present has the potential to damage the finite archaeological resource.

4. HNZPT's submission is:

There is a possibility that the proposed activity could have adverse effects on historic heritage, in particular archaeology in the event that there is unrecorded archaeology present on the site. HNZPT is not opposed to the proposed activities subject to the appropriate ongoing management of historic heritage, in particular archaeology.

5. The reasons for HNZPT's position are as follows:

HNZPT is an autonomous Crown Entity with statutory responsibility under the Heritage New Zealand Pouhere Taonga Act 2014 for the identification, protection, preservation and conservation of New Zealand's historical and cultural heritage. HNZPT is New Zealand's lead historic heritage agency. The Heritage New Zealand Pouhere Taonga Act 2014 protects both recorded and unrecorded archaeology.

The Resource Management Act requires that the protection of historic heritage should be recognised and provided for the following matters of national importance:

- (f) the protection of historic heritage from inappropriate subdivision, use, and development.

Archaeology

There are no recorded archaeological sites in the subject site, however as the earthworks have the potential to destroy historic heritage, it is important that any earthworks follow an accidental discovery protocol, to limit adverse effects on this finite resource.

6. HNZPT seeks the following decision from the local authority:

HNZPT has reviewed the Resource Consent Application. We consider, in the event that the application is approved that;

- archaeological matters would be most appropriately addressed by the inclusion of an archaeological accidental discovery protocol as part of the conditions and advice notes.

7. NZPT does not wish to be heard in support of our submission.

Yours sincerely

P.R. B.Pick

Sherry Reynolds
 Director-Northern
 Address for Service
 Heritage New Zealand Pouhere Taonga
 Lower Northern Area Office
 P O Box 13339
 Tauranga
 3141
 Telephone: 07 577 4530
 Email: plannerln@heritage.org.nz
 Contact person: Carolyn McAlley

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183

- 7 AUG 2020

For internal use only

ECM Application # LUC0427/19

ECM

SUBMISSION #

CUSTOMER #



Waikato District Council

Submission form

(Form 13)

**Submission on an application concerning resource consent that is subject to public notification
by consent authority Section 95a of the Resource Management Act 1991**

**SUBMISSIONS MUST BE RECEIVED BY WAIKATO DISTRICT COUNCIL NO LATER
THAN 5PM ON MONDAY 17TH AUGUST 2020**

To: Waikato District Council

Name of submitter (full name) Shirong Tang

This is a submission on an application from Quattro Property Holdings Limited to construct and operate a seven unit commercial development which comprises retail, takeaways, a hair salon and superette with associated carparking, signage and earthworks in the Country Living Zone at 561 Horotiu Road TE KOWHAI

*I am ☒ am not ☐ a trade competitor for the purpose of Section 308B of the Resource Management Act 1991

* Select one

† I am ☒ am not ☐ # directly affected by an effect of the subject matter of the submission that

(a) adversely affects the environment; and

(b) does not relate to trade competition or the effects of trade competition

†Delete this paragraph if you are not a trade competitor

Select one

The specific parts of the application that my submission relates to are:

Give details (attach separate sheets if necessary):

Too much commercial development for small
population.

I ☐ support ☒ oppose ☐ am neutral to the part/s named above.

Give details:

The reasons for my views are...

1. We don't have enough foot traffic to support
such development.
2. ~~The~~ Base shopping mall is
very close.
3. Water tank and septic tank will make
the place ugly.

I seek the following decision from Waikato District Council:

☐

Approve

☒

Decline

Give precise details, including any parts of the application you wish to have amended and the general nature of any conditions sought.

We don't want the development become like the ghost town.

Number of additional sheets attached

I wish to be heard in support of my submission

Yes

☒

No

☐

If others make a similar submission, I will consider presenting a joint case with them at the hearing

Yes

☒

No

☐

Pursuant to section 100A of the Resource Management Act I request that you delegate your functions, powers and duties required to hear and decide the application to one or more hearings commissioners who are not members of the local authority

Yes

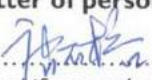
☒

No

☐

If you make a request under section 100A of the Resource Management Act, you must do so no later than 5 working days after the close of submissions and you may be liable to meet or contribute to the costs of the hearings commissioner or commissioners.

Signature of submitter of person authorized to sign on behalf of the submitter

 Date 31/07/2020

A signature is not required if you make your submission by electronic means

Address 616 Horotiu Road Te Kowhai Postcode 3288

Email tangshirong2013@gmail.com Phone 8297333

Contact person's name (name and designation if applicable) Shirong Tang

This is the person and the address to which all communications from the Council about the submission will be sent

Note to Submitter

The closing date for serving submissions on the consent authority is the 20th working day after the date on which public or limited notification is given. If the application is subject to limited notification, the consent authority may adopt an earlier closing date for submissions once the consent authority receives responses from all affected persons

You must serve a copy of your submission on the applicant whose address for service is Chris Dillion – Terra Consultants Ltd, PO Box 5028, Frankton, Hamilton 3242 or email chris.dillon@terragroup.co.nz as soon as reasonably practicable after you have served your submission to Waikato District Council

If you are a trade competitor, your right to make a submission may be limited by the trade competition provisions in Part 11A of the Resource Management Act 1991

Written Submission

Postal Address Waikato District Council, Private Bag 544, Ngaruawahia 3742

Telephone 0800 492 452

Email Submission

Consent.submissions@waide.govt.nz

The information you have provided on this form is required so that your submission can be processed under the RMA, and your name and address will be publicly available. The information will be stored on a public register and held by the Council, and may also be made available to the public on the Council's website. In addition, any on-going communications between you and Council will be held at Council's offices and may also be accessed upon request by a third party. Access to this information is administered in accordance with the Local Government Official Information and Meetings Act 1987 and the Privacy Act 1993. If you have any concerns about this, please discuss with a Council Planner prior to lodging your submission. If you would like to request access to, or correction of your details, please contact the Council.



Submission form

(Form 13)

For internal use only

ECM Application # LUC0427/19

ECM #

SUBMISSION # 8

CUSTOMER #

(E) 31/7/20 4.56pm

Submission on an application concerning resource consent that is subject to public notification by consent authority Section 95a of the Resource Management Act 1991

SUBMISSIONS MUST BE RECEIVED BY WAIKATO DISTRICT COUNCIL NO LATER THAN 5PM ON MONDAY 17TH AUGUST 2020

To: Waikato District Council

Name of submitter (full name) Jaimee Brunt

This is a submission on an application from Quattro Property Holdings Limited to construct and operate a seven unit commercial development which comprises retail, takeaways, a hair salon and superette with associated carparking, signage and earthworks in the Country Living Zone at 561 Horotiu Road TE KOWHAI

*I am ☐ am not ☒ a trade competitor for the purpose of Section 308B of the Resource Management Act 1991

* Select one

† I am ☐ am not ☒ directly affected by an effect of the subject matter of the submission that

(a) adversely affects the environment; and

(b) does not relate to trade competition or the effects of trade competition

† Delete this paragraph if you are not a trade competitor

Select one

The specific parts of the application that my submission relates to are:

Give details (attach separate sheets if necessary):

more shops in Te Kowhai.

I ☐ support ☒ oppose ☐ am neutral to the part/s named above.

Give details:

The reasons for my views are... we have everything we need in
Te Kowhai to support us. The base or Ngawhaka
is not far away for anything else we require.

I seek the following decision from Waikato District Council:

☐ Approve

☒ Decline

Give precise details, including any parts of the application you wish to have amended and the general nature of any conditions sought.

Number of additional sheets attached

I wish to be heard in support of my submission

Yes ☐

No ☒

If others make a similar submission, I will consider presenting a joint case with them at the hearing

Yes ☐

No ☒

Pursuant to section 100A of the Resource Management Act I request that you delegate your functions, powers and duties required to hear and decide the application to one or more hearings commissioners who are not members of the local authority

Yes ☐

No ☒

If you make a request under section 100A of the Resource Management Act, you must do so no later than 5 working days after the close of submissions and you may be liable to meet or contribute to the costs of the hearings commissioner or commissioners.

Signature of submitter of person authorized to sign on behalf of the submitter

Date 31/7/20

A signature is not required if you make your submission by electronic means

Address

69 Limmer Road

Postcode

3208

Email

jaimiegreen@hotmail.com

Phone

027 304 8277

Contact person's name (name and designation if applicable)

Jaimie Brunt

This is the person and the address to which all communications from the Council about the submission will be sent

Note to Submitter

The closing date for serving submissions on the consent authority is the 20th working day after the date on which public or limited notification is given. If the application is subject to limited notification, the consent authority may adopt an earlier closing date for submissions once the consent authority receives responses from all affected persons

You must serve a copy of your submission on the applicant whose address for service is Chris Dillon - Terra Consultants Ltd, PO Box 5028, Frankton, Hamilton 3242 or email chris.dillon@terragroup.co.nz as soon as reasonably practicable after you have served your submission to Waikato District Council

If you are a trade competitor, your right to make a submission may be limited by the trade competition provisions in Part 11A of the Resource Management Act 1991

Written Submission

Postal Address Waikato District Council, Private Bag 544, Ngāruawahia 3742

Telephone 0800 492 452

Email Submission

Consent.submissions@waikato.govt.nz

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Submission form

(Form 13)

For internal use only

ECM Application # LUC0427/19

ECM

SUBMISSION # 7

CUSTOMER #

Ⓢ 4/8/20 9.18am

Submission on an application concerning resource consent that is subject to public notification
by consent authority Section 95a of the Resource Management Act 1991

**SUBMISSIONS MUST BE RECEIVED BY WAIKATO DISTRICT COUNCIL NO LATER
THAN 5PM ON MONDAY 17TH AUGUST 2020**

To: Waikato District Council

Name of submitter (full name) Jennifer Kaye de Boer

This is a submission on an application from Quattro Property Holdings Limited to construct and operate a seven unit commercial development which comprises retail, takeaways, a hair salon and superette with associated carparking, signage and earthworks in the Country Living Zone at 561 Horotiu Road TE KOWHAI

*I am ☐ am not ☒ a trade competitor for the purpose of Section 308B of the Resource Management Act 1991

* Select one

† I am ☐ am not ☐ # directly affected by an effect of the subject matter of the submission that

(a) adversely affects the environment; and

(b) does not relate to trade competition or the effects of trade competition

† Delete this paragraph if you are not a trade competitor

Select one

The specific parts of the application that my submission relates to are:

Give details (attach separate sheets if necessary):

I ☐ support ☒ oppose ☐ am neutral to the part/s named above.
Give details:

The reasons for my views are

Te Kowhai is a village where I grew up, My dad grew up and my grandpa grew up. I chose to move back here to give my boys a country lifestyle in a village. Environment Waikato have classed Te Kowhai as a village. To stay a village it can not get so many shops. It will loose all the regular people move here.

I seek the following decision from Waikato District Council:

☐

Approve

☒

Decline

Give precise details, including any parts of the application you wish to have amended and the general nature of any conditions sought.

Number of additional sheets attached

I wish to be heard in support of my submission

Yes ☐

No ☒

If others make a similar submission, I will consider presenting a joint case with them at the hearing

Yes ☐

No ☒

Pursuant to section 100A of the Resource Management Act I request that you delegate your functions, powers and duties required to hear and decide the application to one or more hearings commissioners who are not members of the local authority

Yes ☐

No ☒

If you make a request under section 100A of the Resource Management Act, you must do so no later than 5 working days after the close of submissions and you may be liable to meet or contribute to the costs of the hearings commissioner or commissioners.

Signature of submitter of person authorized to sign on behalf of the submitter

Jennifer de Boer Date 4 August 2020

A signature is not required if you make your submission by electronic means

Address 166 Crawford Road Postcode 3288
Email jennifer-hartley@hotmail.com Phone 027 3167 367

Contact person's name (name and designation if applicable)

Jennifer de Boer
This is the person and the address to which all communications from the Council about the submission will be sent

Note to Submitter

The closing date for serving submissions on the consent authority is the 20th working day after the date on which public or limited notification is given. If the application is subject to limited notification, the consent authority may adopt an earlier closing date for submissions once the consent authority receives responses from all affected persons

You must serve a copy of your submission on the applicant whose address for service is Chris Dillon – Terra Consultants Ltd, PO Box 5028, Frankton, Hamilton 3242 or email chris.dillon@terragroup.co.nz as soon as reasonably practicable after you have served your submission to Waikato District Council

If you are a trade competitor, your right to make a submission may be limited by the trade competition provisions in Part 11A of the Resource Management Act 1991

Written Submission

Postal Address Waikato District Council, Private Bag 544, Ngaruawahia 3742
Telephone 0800 492 452

Email Submission

Consent.submissions@waikato.govt.nz

The information you have provided on this form is required so that your submission can be processed under the RMA, and your name and address will be publicly available. The information will be stored on a public register and held by the Council, and may also be made available to the public on the Council's website. In addition, any on-going communications between you and Council will be held at Council's offices and may also be accessed upon request by a third party. Access to this information is administered in accordance with the Local Government Official Information and Meetings Act 1987 and the Privacy Act 1993. If you have any concerns about this, please discuss with a Council Planner prior to lodging your submission. If you would like to request access to, or correction of your details, please contact the Council.



RECEIVED
192

- 7 AUG 2020

Waikato District Council

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ECM Application # LUC0427/19

ECM

SUBMISSION #.....

CUSTOMER #

Submission form

(Form I3)

**Submission on an application concerning resource consent that is subject to public notification
by consent authority Section 95a of the Resource Management Act 1991**

**SUBMISSIONS MUST BE RECEIVED BY WAIKATO DISTRICT COUNCIL NO LATER
THAN 5PM ON MONDAY 17TH AUGUST 2020**

To: Waikato District Council

Name of submitter (full name) THIT RUSSELL MITCHELL

This is a submission on an application from Quattro Property Holdings Limited to construct and operate a seven unit commercial development which comprises retail, takeaways, a hair salon and superette with associated carparking, signage and earthworks in the Country Living Zone at 561 Horotiu Road TE KOWHAI

*I am ☐ am not ☒ a trade competitor for the purpose of Section 308B of the Resource Management Act 1991

* Select one

~~I am ☐ am not ☒ # directly affected by an effect of the subject matter of the submission that~~

(a) adversely affects the environment; and

(b) does not relate to trade competition or the effects of trade competition

~~†Delete this paragraph if you are not a trade competitor~~

Select one

The specific parts of the application that my submission relates to are:

Give details (attach separate sheets if necessary):

Noise

Traffic

I ☐ support ☒ oppose ☐ am neutral to the part/s named above.

Give details:

The reasons for my views are.....

We chose to live in a rural area for the peace and quiet, having 7 businesses open across the road is excessive, can the population of Te Kowhai support them? If they are to proceed the hours and days open need to be reduced.

(CONT)

I seek the following decision from Waikato District Council: ☐ Approve ☒ Decline

Give precise details, including any parts of the application you wish to have amended and the general nature of any conditions sought.

Number of additional sheets attached 1

I wish to be heard in support of my submission

Yes ☐ No ☒

If others make a similar submission, I will consider presenting a joint case with them at the hearing

Yes ☒ No ☐

Pursuant to section 100A of the Resource Management Act I request that you delegate your functions, powers and duties required to hear and decide the application to one or more hearings commissioners who are not members of the local authority

Yes ☐ No ☒

If you make a request under section 100A of the Resource Management Act, you must do so no later than 5 working days after the close of submissions and you may be liable to meet or contribute to the costs of the hearings commissioner or commissioners.

Signature of submitter of person authorized to sign on behalf of the submitter

T. Mitchell Date 4/08/20
A signature is not required if you make your submission by electronic means

Address 8 WESTVALE LANE Postcode 3288

Email tairlindam@gmail.com Phone 0275 538 576

Contact person's name (name and designation if applicable) T. MITCHELL

This is the person and the address to which all communications from the Council about the submission will be sent

Note to Submitter

The closing date for serving submissions on the consent authority is the 20th working day after the date on which public or limited notification is given. If the application is subject to limited notification, the consent authority may adopt an earlier closing date for submissions once the consent authority receives responses from all affected persons

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If you are a trade competitor, your right to make a submission may be limited by the trade competition provisions in Part 11A of the Resource Management Act 1991

Written Submission

Postal Address Waikato District Council, Private Bag 544, Ngaruawahia 3742
Telephone 0800 492 452

Email Submission

Consent.submissions@waidc.govt.nz

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-cont-

We would accept maximum 6 days a week and no business open later than 8pm.

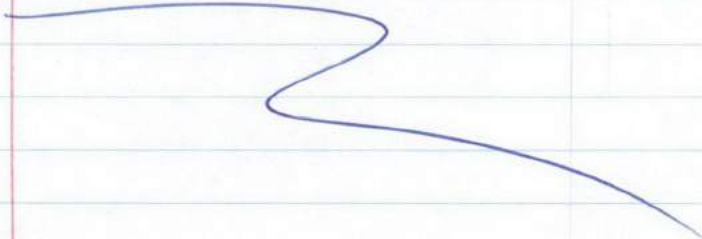
Also the front of the site should include sound reducing barriers (tree's/wall)

Cars continue to speed outside the proposed site, is the road wide enough to allow cars to turn in and still allowing cars to continue to pass? I know this is not possible outside the adjacent Church/Cafe. (which is still empty 1 year + later)

I also believe the Council should change the zoning in this area of Te Kouhai so land owners can subdivide current sections to 2000-2500sqm². Why have large 5000sqm sections for country living lifestyle blocks when business can move into the area.

An increase in Te Kouhai's population would be needed to support any potential business so makes sense that smaller sections are allowed.

Regards
K. Mitchell



Rec'd EMAIL: 8/8/20
5.03 pm

Submission form

(Form 13)

For internal use only

ECM Application # LUC0427/19

ECM

SUBMISSION #.....9.....

CUSTOMER #

**Submission on an application concerning resource consent that is subject to public notification
by consent authority Section 95a of the Resource Management Act 1991**

**SUBMISSIONS MUST BE RECEIVED BY WAIKATO DISTRICT COUNCIL NO LATER
THAN 5PM ON MONDAY 17TH AUGUST 2020**

To: Waikato District Council

Name of submitter (full name) Andrea Julie Cadwallader

This is a submission on an application from Quattro Property Holdings Limited to construct and operate a seven unit commercial development which comprises retail, takeaways, a hair salon and superette with associated carparking, signage and earthworks in the Country Living Zone at 561 Horotiu Road TE KOWHAI

*I am ☐ am not ☒ a trade competitor for the purpose of Section 308B of the Resource Management Act 1991

* Select one

† I am ☐ am not ☐ # directly affected by an effect of the subject matter of the submission that

(a) adversely affects the environment; and

(b) does not relate to trade competition or the effects of trade competition

†Delete this paragraph if you are not a trade competitor

Select one

The specific parts of the application that my submission relates to are:

Give details (attach separate sheets if necessary):

The look and feel of the proposed development not fitting in with the local
community. Some of the proposed retail outlets competing with already established
local businesses.

I ☐ support ☒ oppose ☐ am neutral to the part/s named above.

Give details:

The reasons for my views are... The concrete slab design of the buildings is unattractive and
is not in keeping with the feel of the local Te Kowhai rural based community. It will
be an eyesore, particularly when based next to houses and the relocated church.
Local businesses such as the Te Kowhai Dairy, Fish and Chip shop, Cafe and
Vegetable shop are well established and will suffer financially if competing
businesses such as a Superette are moved in.

I seek the following decision from Waikato District Council: ☐ Approve ☒ Decline

Give precise details, including any parts of the application you wish to have amended and the general nature of any conditions sought.

Seek a redesign of the development to fit with the community better, and do not allow businesses competing with established ones to operate within the development.

Number of additional sheets attached

I wish to be heard in support of my submission

Yes ☐ No ☒

If others make a similar submission, I will consider presenting a joint case with them at the hearing

Yes ☐ No ☒

Pursuant to section 100A of the Resource Management Act I request that you delegate your functions, powers and duties required to hear and decide the application to one or more hearings commissioners who are not members of the local authority

Yes ☐ No ☒

If you make a request under section 100A of the Resource Management Act, you must do so no later than 5 working days after the close of submissions and you may be liable to meet or contribute to the costs of the hearings commissioner or commissioners.

Signature of submitter of person authorized to sign on behalf of the submitter

Andrea Cadwallader

Digitally signed by Andrea Cadwallader
Date: 2020.08.08 16:59:27 +12'00'

Date 8 August 2020

A signature is not required if you make your submission by electronic means

Address 96 Crawford Road, Te Kowhai Postcode 3288

Email anjules@gmail.com Phone 0272704979

Contact person's name (name and designation if applicable)

This is the person and the address to which all communications from the Council about the submission will be sent

Note to Submitter

The closing date for serving submissions on the consent authority is the 20th working day after the date on which public or limited notification is given. If the application is subject to limited notification, the consent authority may adopt an earlier closing date for submissions once the consent authority receives responses from all affected persons

You must serve a copy of your submission on the applicant whose address for service is Chris Dillon – Terra Consultants Ltd, PO Box 5028, Frankton, Hamilton 3242 or email chris.dillon@terragroup.co.nz as soon as reasonably practicable after you have served your submission to Waikato District Council

If you are a trade competitor, your right to make a submission may be limited by the trade competition provisions in Part 11A of the Resource Management Act 1991

Written Submission

Postal Address Waikato District Council, Private Bag 544, Ngaruawahia 3742

Telephone 0800 492 452

Email Submission

Consent.submissions@walc.govt.nz

The information you have provided on this form is required so that your submission can be processed under the RMA, and your name and address will be publicly available. The information will be stored on a public register and held by the Council, and may also be made available to the public on the Council's website. In addition, any on-going communications between you and Council will be held at Council's offices and may also be accessed upon request by a third party. Access to this information is administered in accordance with the Local Government Official Information and Meetings Act 1987 and the Privacy Act 1993. If you have any concerns about this, please discuss with a Council Planner prior to lodging your submission. If you would like to request access to, or correction of your details, please contact the Council.



Submission form

(Form 13)

For internal use only

ECM Application # LUC0427/19

ECM

SUBMISSION # 10

CUSTOMER #

Submission on an application concerning resource consent that is subject to public notification
by consent authority Section 95a of the Resource Management Act 1991

**SUBMISSIONS MUST BE RECEIVED BY WAIKATO DISTRICT COUNCIL NO LATER
THAN 5PM ON MONDAY 17TH AUGUST 2020**

To: Waikato District Council

Name of submitter (full name) Judith Gallagher

This is a submission on an application from Quattro Property Holdings Limited to construct and operate a seven unit commercial development which comprises retail, takeaways, a hair salon and superette with associated carparking, signage and earthworks in the Country Living Zone at 561 Horotiu Road TE KOWHAI

*I am ☐ am not ☐ a trade competitor for the purpose of Section 308B of the Resource Management Act 1991

* Select one

† I am ☐ am not ☐ # directly affected by an effect of the subject matter of the submission that

(a) adversely affects the environment; and

(b) does not relate to trade competition or the effects of trade competition

†Delete this paragraph if you are not a trade competitor

Select one

The specific parts of the application that my submission relates to are:

Give details (attach separate sheets if necessary):

The building of seven new shops

I ☐ support ☒ oppose ☐ am neutral to the part/s named above.

Give details:

The reasons for my views are..... a. the proposed design is aesthetically unattractive. b. the proposed design is wildly out

of keeping with the church cafe next door. c. the proposed design clashes with the rural character

of the village. d. the shops would have a detrimental economic effect on the existing businesses in the

village. e. evidence would suggest that there isn't the market for seven new shops in Te Kowhai (for example,

the existing takeaways is only open very limited hours due to the relatively low demand), so new shops would struggle

to attract tenants. Vacant shops and 'we'll-take-anyone-here' tenants will devalue the area.

I seek the following decision from Walkato District Council:

☐ Approve ☒ Decline

Give precise details, including any parts of the application you wish to have amended and the general nature of any conditions sought.

Decline the proposal as in stands. Consider allowing up to four small 'pop-up' shops or similar (see the retail shops around the cafe in Whatawhata for an example of how to do it well), to complement the church cafe.

Number of additional sheets attached 0

I wish to be heard in support of my submission

Yes ☐ No ☒

If others make a similar submission, I will consider presenting a joint case with them at the hearing

Yes ☒ No ☐

Pursuant to section 100A of the Resource Management Act I request that you delegate your functions, powers and duties required to hear and decide the application to one or more hearings commissioners who are not members of the local authority

Yes ☐ No ☒

If you make a request under section 100A of the Resource Management Act, you must do so no later than 5 working days after the close of submissions and you may be liable to meet or contribute to the costs of the hearings commissioner or commissioners.

Signature of submitter of person authorized to sign on behalf of the submitter

Date 8/08/2020

A signature is not required if you make your submission by electronic means

Address 958 Horotiu Rd

Postcode 3288

Email gallagher.judi@gmail.com

Phone 0212558203

Contact person's name (name and designation if applicable) Judi Gallagher

This is the person and the address to which all communications from the Council about the submission will be sent

Note to Submitter

The closing date for serving submissions on the consent authority is the 20th working day after the date on which public or limited notification is given. If the application is subject to limited notification, the consent authority may adopt an earlier closing date for submissions once the consent authority receives responses from all affected persons

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If you are a trade competitor, your right to make a submission may be limited by the trade competition provisions in Part 11A of the Resource Management Act 1991

Written Submission

Postal Address Walkato District Council, Private Bag 544, Ngaruawahia 3742

Telephone 0800 492 452

Email Submission

Consent.submissions@walc.govt.nz

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Submission form

(Form 13)

For internal use only

ECM Application # LUC0427/19

ECM

SUBMISSION #.....11.....

CUSTOMER #

Submission on an application concerning resource consent that is subject to public notification
by consent authority Section 95a of the Resource Management Act 1991

**SUBMISSIONS MUST BE RECEIVED BY WAIKATO DISTRICT COUNCIL NO LATER
THAN 5PM ON MONDAY 17TH AUGUST 2020**

To: Waikato District Council

Name of submitter (full name) Julian Scott Stone

This is a submission on an application from Quattro Property Holdings Limited to construct and operate a seven unit commercial development which comprises retail, takeaways, a hair salon and superette with associated carparking, signage and earthworks in the Country Living Zone at 561 Horotiu Road TE KOWHAI

*I am ☐ am not ☒ a trade competitor for the purpose of Section 308B of the Resource Management Act 1991

* Select one

† I am ☐ am not ☒ directly affected by an effect of the subject matter of the submission that

(a) adversely affects the environment; and

(b) does not relate to trade competition or the effects of trade competition

† Delete this paragraph if you are not a trade competitor

Select one

The specific parts of the application that my submission relates to are:

Give details (attach separate sheets if necessary):

The negative/grave effect on the existing businesses due to the superette.

The style of building construction (as Tilt slab, modern) in a rural location.

The planning process of this proposal was unsympathetic to local community and businesses.

I ☐ support ☒ oppose ☐ am neutral to the part/s named above.

Give details:

The reasons for my views are... The superette and takeaway (mostly superette) will be detrimental to the existing café/vege shop and dairy. The existing businesses are local, loyal hard working families and all only just make ends meet. The superette could end up closing these businesses. The modern, tilt slab construction is totally out of character for the area, next to the church. It is 100% unsympathetic to the feel of the area and why people love Te Kowhai.

I seek the following decision from Waikato District Council: ☐ Approve ☒ Decline

Give precise details, including any parts of the application you wish to have amended and the general nature of any conditions sought.

The Superette should be declined as it will destroy existing local business. Tenancies should be complimentary.

The building design should be character or rural in feel, not modern.

There are serious issues in the proposal saying it aligns with the scale and character of the cafe (it doesn't). That is its 'greater than expectations of Country Living Zone' (shouldn't be passed) and that 'Adverse effects would be less than minor' (They are real and could ruin Te Kowhai's feel and businesses)

Number of additional sheets attached

I wish to be heard in support of my submission

Yes ☐ No ☒

If others make a similar submission, I will consider presenting a joint case with them at the hearing

Yes ☒ No ☐

Pursuant to section 100A of the Resource Management Act I request that you delegate your functions, powers and duties required to hear and decide the application to one or more hearings commissioners who are not members of the local authority

Yes ☐ No ☒

If you make a request under section 100A of the Resource Management Act, you must do so no later than 5 working days after the close of submissions and you may be liable to meet or contribute to the costs of the hearings commissioner or commissioners.

Signature of submitter of person authorized to sign on behalf of the submitter

Date 11 Aug 2020

A signature is not required if you make your submission by electronic means

Address 484 Horotiu Road, Te Kowhai Postcode 3288

Email julian@stonecrew.co.nz Phone 021 864 639

Contact person's name (name and designation if applicable) Julian Stone

This is the person and the address to which all communications from the Council about the submission will be sent

Note to Submitter

The closing date for serving submissions on the consent authority is the 20th working day after the date on which public or limited notification is given. If the application is subject to limited notification, the consent authority may adopt an earlier closing date for submissions once the consent authority receives responses from all affected persons

You must serve a copy of your submission on the applicant whose address for service is Chris Dillon – Terra Consultants Ltd, PO Box 5028, Frankton, Hamilton 3242 or email chris.dillon@terragroup.co.nz as soon as reasonably practicable after you have served your submission to Waikato District Council

If you are a trade competitor, your right to make a submission may be limited by the trade competition provisions in Part 11A of the Resource Management Act 1991

Written Submission

Postal Address Waikato District Council, Private Bag 544, Ngaruawahia 3742

Telephone 0600 492 452

Email Submission

Consent.submissions@waikato.govt.nz

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Jessica Thomas

From: Julian Stone <julian@stonecrew.co.nz>
Sent: Saturday, 8 August 2020 5:27 p.m.
To: Consent Submissions
Cc: amandaschaake@gmail.com; Julian Stone
Subject: Requested form be completed - Submission re: Planned TeKowai Shops
Attachments: Submission_Form - Julian Stone.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Here you go...

Looking at the planned shops proposal and talking to people in the community it's pretty clear people don't want modern, would prefer character buildings and that it could have grave effect on the existing hard working, loyal, local businesses.

We all support growth but it needs to be sensitive to the environment and community it's in and this proposal blatantly disregards the key local businesses we all support and visually will be an eyesore next to a character church (and in a small community with three church buildings)

We live in a rural community and this development is starting to turn beautiful Te Kowhai into a modern retail feel. Us and many of us moved here specifically for the rural small community feel and quieter life. This development flies in the face of that. Look at Whatawhata, Arrowtown and others. You can do commercial developments with character feel to enhance an area. Te Kowhai is one of the last small rural communities around Hamilton and should be respected as such. The development should enhance the beauty and add value to people and local businesses. Tilt Slab commercial, superettes and modern buildings and signage go totally against this ethos.

Keen to talk further if needed.

Kind Regards,

Julian Stone
 Director, StoneCrew Ltd
 mob (NZ) +6421 864 639

and...

Messedupmotors.com

NZClassics.com



Submission form

(Form 13)

For internal use only

ECM Application # LUC0427/19

ECM

SUBMISSION #.....12.....

CUSTOMER #

**Submission on an application concerning resource consent that is subject to public notification
by consent authority Section 95a of the Resource Management Act 1991**

**SUBMISSIONS MUST BE RECEIVED BY WAIKATO DISTRICT COUNCIL NO LATER
THAN 5PM ON MONDAY 17TH AUGUST 2020**

To: Waikato District Council

Name of submitter (full name) Amy Spitzer

This is a submission on an application from Quattro Property Holdings Limited to construct and operate a seven unit commercial development which comprises retail, takeaways, a hair salon and superette with associated carparking, signage and earthworks in the Country Living Zone at 561 Horotiu Road TE KOWHAI

*I am ☐ am not ☒ a trade competitor for the purpose of Section 308B of the Resource Management Act 1991

* Select one

† I am ☐ am not ☒ # directly affected by an effect of the subject matter of the submission that

(a) adversely affects the environment; and

(b) does not relate to trade competition or the effects of trade competition

†Delete this paragraph if you are not a trade competitor

Select one

The specific parts of the application that my submission relates to are:

Give details (attach separate sheets if necessary):

Construction and operation of commercial development at 561 Horotiu Rd, Te Kowhai

I ☐ support ☒ oppose ☐ am neutral to the part/s named above.

Give details:

The reasons for my views are.....

See attached PDF

I seek the following decision from Waikato District Council: ☐ Approve ☒ Decline

Give precise details, including any parts of the application you wish to have amended and the general nature of any conditions sought.

Decline as per reasons outlined in PDF

Number of additional sheets attached 1

I wish to be heard in support of my submission

Yes ☐ No ☒

If others make a similar submission, I will consider presenting a joint case with them at the hearing

Yes ☒ No ☐

Pursuant to section 100A of the Resource Management Act I request that you delegate your functions, powers and duties required to hear and decide the application to one or more hearings commissioners who are not members of the local authority

Yes ☐ No ☐

If you make a request under section 100A of the Resource Management Act, you must do so no later than 5 working days after the close of submissions and you may be liable to meet or contribute to the costs of the hearings commissioner or commissioners.

Signature of submitter of person authorized to sign on behalf of the submitter

A Spitzer

Date 8/8/20

A signature is not required if you make your submission by electronic means

Address 14 Coombes Rd, Te Kowhai

Postcode 3288

Email spitzer.amy@gmail.com

Phone 0272900109

Contact person's name (name and designation if applicable) Amy Spitzer

This is the person and the address to which all communications from the Council about the submission will be sent

Note to Submitter

The closing date for serving submissions on the consent authority is the 20th working day after the date on which public or limited notification is given. If the application is subject to limited notification, the consent authority may adopt an earlier closing date for submissions once the consent authority receives responses from all affected persons

You must serve a copy of your submission on the applicant whose address for service is Chris Dillon – Terra Consultants Ltd, PO Box 5028, Frankton, Hamilton 3242 or email chris.dillon@terragroup.co.nz as soon as reasonably practicable after you have served your submission to Waikato District Council

If you are a trade competitor, your right to make a submission may be limited by the trade competition provisions in Part 11A of the Resource Management Act 1991

Written Submission

Postal Address Waikato District Council, Private Bag 544, Ngaurawahia 3742

Telephone 0800 492 452

Email Submission

Consent.submissions@waikato.govt.nz

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I oppose the application from Quattro Property Holdings Ltd to construct and operate commercial development at 561 Horotiu Rd, Te Kowhai.

I feel this level of commercial retail development is not necessary for our community of under 2,000 people (even with predictions to increase to 2,122 by the year 2045). Our community is only approximately 10km from plenty of retail and commercial operations at Te Awa in Te Rapa, not to mention other retail options in Ngaruawahia (approx 10km away) and also Whatawhata (approx 8km away).

There is already a small dairy, along with takeaway and bakery plus fruit & vege store in our community. This is plenty to keep the key commodities in supply, plenty for the population in the area. To my knowledge there are four (and potentially more) hairdressers already operating in the area, again sufficient for the area.

The District Plan has a focus on the village green area, which is closer to the existing retail outlets and surely it makes sense to keep this type of activity all together in a small community, rather than a scatter approach. Mainly for an ease of access point of view, but also from an infrastructure perspective.

Another point from the District Blueprint to note is the focus on the Te Otamanui walkway which currently ends closer to the current village green. Again this supports the argument to keep retail outlets focussed in this area (not create another area which would happen if this new development is to go ahead).

Now that the Expressway is completed and through traffic does not come through the main road of Te Kowhai, again there is no need for this level of retail outlets.

A lot of people, including ourselves, live in Te Kowhai for its community feel. Adding a larger commercial development like the one in this application, will be detrimental to the community vibe, possibly making the area feel more like another suburb of Hamilton rather than our unique and individual community that many in the area love and enjoy.

I request the Waikato District Council to decline the application for this proposed development.

Regards, Amy Spitzer
14 Coombes Rd, Te Kowhai 3288



Submission form

(Form 13)

For internal use only

ECM Application # LUC0427/19

ECM

SUBMISSION #.....13.....

CUSTOMER #

**Submission on an application concerning resource consent that is subject to public notification
by consent authority Section 95a of the Resource Management Act 1991**

**SUBMISSIONS MUST BE RECEIVED BY WAIKATO DISTRICT COUNCIL NO LATER
THAN 5PM ON MONDAY 17TH AUGUST 2020**

To: Waikato District Council

Name of submitter (full name) Catherine Heather Shaw

This is a submission on an application from Quattro Property Holdings Limited to construct and operate a seven unit commercial development which comprises retail, takeaways, a hair salon and superette with associated carparking, signage and earthworks in the Country Living Zone at 561 Horotiu Road TE KOWHAI

*I am ☐ am not ☒ a trade competitor for the purpose of Section 308B of the Resource Management Act 1991

* Select one

† I am ☐ am not ☐ # directly affected by an effect of the subject matter of the submission that

(a) adversely affects the environment; and

(b) does not relate to trade competition or the effects of trade competition

†Delete this paragraph if you are not a trade competitor

Select one

The specific parts of the application that my submission relates to are:

Give details (attach separate sheets if necessary):

The proposed retail development will have a negative impact on the existing businesses in Te Kowhai

There would be a negative impact on neighbouring properties values

The concept drawing do not fit with the character of the village

I ☐ support ☒ oppose ☐ am neutral to the part/s named above.

Give details:

The reasons for my views are... Te Kowhai already has a dairy/takeaways and fruit and veg shop. There would not be enough demand for a superette, there are 3 supermarkets within a 10 min commute and these new shops could force the closure of existing businesses.

I also think the population in and around Te Kowhai is not large enough for the proposed businesses to be viable so they will go broke as well then Te Kowhai will end up with nothing!

I seek the following decision from Waikato District Council: ☐ Approve ☒ Decline

Give precise details, including any parts of the application you wish to have amended and the general nature of any conditions sought.

I would like this whole concept to be declined.

Number of additional sheets attached

I wish to be heard in support of my submission

Yes ☐ No ☒

If others make a similar submission, I will consider presenting a joint case with them at the hearing

Yes ☒ No ☐

Pursuant to section 100A of the Resource Management Act I request that you delegate your functions, powers and duties required to hear and decide the application to one or more hearings commissioners who are not members of the local authority

Yes ☐ No ☐

If you make a request under section 100A of the Resource Management Act, you must do so no later than 5 working days after the close of submissions and you may be liable to meet or contribute to the costs of the hearings commissioner or commissioners.

Signature of submitter of person authorized to sign on behalf of the submitter

Date 11/08/2020

A signature is not required if you make your submission by electronic means

Address 663 Te Kowhai Road Postcode 3288

Email cathys1@xtra.co.nz Phone 0211223309

Contact person's name (name and designation if applicable) Catherine Shaw

This is the person and the address to which all communications from the Council about the submission will be sent

Note to Submitter

The closing date for serving submissions on the consent authority is the 20th working day after the date on which public or limited notification is given. If the application is subject to limited notification, the consent authority may adopt an earlier closing date for submissions once the consent authority receives responses from all affected persons

You must serve a copy of your submission on the applicant whose address for service is Chris Dillon – Terra Consultants Ltd, PO Box 5028, Frankton, Hamilton 3242 or email chris.dillon@terragroup.co.nz as soon as reasonably practicable after you have served your submission to Waikato District Council

If you are a trade competitor, your right to make a submission may be limited by the trade competition provisions in Part 11A of the Resource Management Act 1991

Written Submission

Postal Address Waikato District Council, Private Bag 544, Ngaruawahia 3742

Telephone 0800 492 452

Email Submission

Consent.submissions@waide.govt.nz

The information you have provided on this form is required so that your submission can be processed under the RMA, and your name and address will be publicly available. The information will be stored on a public register and held by the Council, and may also be made available to the public on the Council's website. In addition, any on-going communications between you and Council will be held at Council's offices and may also be accessed upon request by a third party. Access to this information is administered in accordance with the Local Government Official Information and Meetings Act 1987 and the Privacy Act 1993. If you have any concerns about this, please discuss with a Council Planner prior to lodging your submission. If you would like to request access to, or correction of your details, please contact the Council.



Submission form

(Form 13)

For internal use only

ECM Application # LUC0427/19

ECM

SUBMISSION #.....14.....

CUSTOMER #

Submission on an application concerning resource consent that is subject to public notification
by consent authority Section 95a of the Resource Management Act 1991

**SUBMISSIONS MUST BE RECEIVED BY WAIKATO DISTRICT COUNCIL NO LATER
THAN 5PM ON MONDAY 17TH AUGUST 2020**

To: Waikato District Council

Name of submitter (full name)ANANDA RAVLICH.....

This is a submission on an application from Quattro Property Holdings Limited to construct and operate a seven unit commercial development which comprises retail, takeaways, a hair salon and superette with associated carparking, signage and earthworks in the Country Living Zone at 561 Horotiu Road TE KOWHAI

*I am ☐ am not ☒ a trade competitor for the purpose of Section 308B of the Resource Management Act 1991

* Select one

† I am ☒ am not ☐ # directly affected by an effect of the subject matter of the submission that

(a) adversely affects the environment; and

(b) does not relate to trade competition or the effects of trade competition

† Delete this paragraph if you are not a trade competitor

Select one

The specific parts of the application that my submission relates to are:

Give details (attach separate sheets if necessary):

PLEASE SEE ATTACHED

I ☐ support ☒ oppose ☐ am neutral to the part/s named above.

Give details:

The reasons for my views are.....PLEASE SEE ATTACHED.....

I seek the following decision from Waikato District Council: ☐ Approve ☒ Decline

Give precise details, including any parts of the application you wish to have amended and the general nature of any conditions sought.

PLEASE SEE ATTACHED

Number of additional sheets attached

3 PAGES

I wish to be heard in support of my submission

Yes ☐ No ☒

If others make a similar submission, I will consider presenting a joint case with them at the hearing

Yes ☒ No ☐

Pursuant to section 100A of the Resource Management Act I request that you delegate your functions, powers and duties required to hear and decide the application to one or more hearings commissioners who are not members of the local authority

Yes ☐ No ☒

If you make a request under section 100A of the Resource Management Act, you must do so no later than 5 working days after the close of submissions and you may be liable to meet or contribute to the costs of the hearings commissioner or commissioners.

Signature of submitter of person authorized to sign on behalf of the submitter

Amarae Laila

Date 11/8/2020

A signature is not required if you make your submission by electronic means

Address 5640 HOROTU ROAD, TE KOWHAI Postcode 3288

Email amaraelaila1900@yahoo.co.uk Phone 0212952964

Contact person's name (name and designation if applicable) AS ABOVE

This is the person and the address to which all communications from the Council about the submission will be sent

Note to Submitter

The closing date for serving submissions on the consent authority is the 20th working day after the date on which public or limited notification is given. If the application is subject to limited notification, the consent authority may adopt an earlier closing date for submissions once the consent authority receives responses from all affected persons

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Written Submission

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Telephone 0800 492 452

Email Submission

Consent.submissions@waide.govt.nz

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The reason for my views, are as follows: -

- Why is everything about development and growth – why do Councils feel the need to destroy the very thing that small communities have strived hard to keep.
- The effect on established local businesses will be enormous (not in a positive way). These business owners have lived and worked in the area for many years and have embraced and supported the community (as well as being supported by the community). They have worked hard to establish their businesses, and should this proposal go ahead – the likelihood is that they may not survive. Why should they lose their livelihoods just so that 1 developer can make money – these additional outlets do not add to the community that is Te Kowhai. If you want these facilities, then either live in the city or take the 10 minutes to drive to them.
- The design of this proposed facility is definitely not in keeping with the character of the village. A concrete tilt slab construction is way out of keeping with the local surroundings. Even Whatawhata have had the sense to keep their additional small businesses contained in buildings that keep the feel of a rural village (which is what New Zealand needs to preserve).
- The scale of this proposed building is huge, it does (as stated in the proposal documentation) exceed the expectations of the “Country Living Zone” as laid down by the Council – so how is this able to be passed?
- It certainly does not align (in any shape nor form) with the Church (additional café) next door – it would be ridiculous to say that was the case, however that has been noted as such in the proposal documents. This Church has been restored to a very high visual standard – can you imagine sitting on the deck outside, at the Church – and staring at a concrete wall and loading bay.
- The documentation states that the proposed building is a reasonable development of the land, with any adverse effects that may result, being of an acceptable nature and scale. So, are the developers fully aware that this development will negatively affect the fruit/veg shop, café, local hairdressers, dairy and takeaway? Basically 80% of the business in the middle of Te Kowhai is at risk of being destroyed and they call that “an acceptable adverse risk”. If these businesses go under the “centre” of the village will become a ghost-town.
- Developer states “in their opinion any actual or potential adverse effects on the environment will be less than minor”. So, the design and use of this building - which is totally out of character for the immediate location – has no adverse effects on the surrounding area? Taking into account that the vast majority of people who live in Te Kowhai, moved here to experience rural/country living – otherwise would have stayed in town/city and that the effect on 4/5 of the local businesses would be detrimental, this is considered by the developer as “less than minor” – not minor but less than minor. This shows a complete lack of consideration for the community. Te Kowhai is not the place for an ugly tilt slab industrial building.
- Developer never mentioned anything about shops going into this sub-division at a meeting held a couple of years ago at the local hall. We were told about potential development in the centre of the village but not there. Were any of the section owners (for the new immediately affected subdivision behind this development) made aware of this proposal when they purchased their section?
- On the original application submitted by the developers, a question was asked - “are you requesting that your application be publicly notified” they ticked “NO”. So much for the developers taking residents and business owners concerns into account. They tried to sneak this through – another example of disdain and bully-boy tactics. Due to the nature of this

development, it should have been mandatory to have public notification – not just be advised several weeks ago (as at August 2020)

- When you choose to live in a village location you know exactly what you are signing up for. It is location and community that attracts you to places like Te Kowhai (places that New Zealand should uphold and be proud of). You know exactly what facilities are and are not available to you, you move here to get away from town/city living. Let's be honest, if you can't take the 10 minutes to drive to town/city, then Te Kowhai is not the place for you. If I wanted to live in a place that had the development that is planned (for Te Kowhai), then I would have stayed in Huntington (Hamilton City). I did not want to move here, to live in a sub-division of Hamilton and I cannot understand why WDC does not want to preserve village life for its ratepayers. Why do you feel the need to destroy communities and lifestyle that people have worked so hard to create? I did not invest the finances (that I did) to live across the road from a concrete slab of a shopping precinct.
- It is noted in the documentation, that an estimate of 186 vehicles per hour will frequent this facility. The road will become much busier and added to the large volume of heavy loaded trucks that use this road – safety will become an issue. Trucks travelling from 100km to 50km – a few metres from the entrance/exit to this facility – also with a junction in-between them (continuation of Horotiu Road) – the prospect of accidents will be heightened. The waiting traffic going into this facility has the potential to block our right of way – making it harder for us to exit right onto Horotiu Road. Potentially you have 70 car movements on average a day that would turn onto Horotiu Road (residents near this facility) – adding a potential 186 directly opposite – turns this into a major intersection – with the potential of serious accidents occurring.
- This facility will attract people from outside the village, therefore why would Te Kowhai need it – we already have businesses that provide what would be on offer from this facility.
- Opening hours from early morning until 10pm at night, 7 days a week is unacceptable and not conducive to that of village life. No reprieve from traffic, noise, lights (from the carpark and shopping units).
- It is stated in the documentation that the hours 7am – 10pm encroach into evening hours. That is incorrect, evening hours are 5.01pm until 8pm – the times they have requested would be into night hours (unacceptable).
- Signage for the facility is noted in the documentation as exceeding what is permitted within "Country Living Zone" so how will that be allowed to pass (by Council)? 7m by 2.5m, that is huge and inappropriate.
- The mechanical plant noise – external heat pump units, extractor fans, chillers etc – that would be going on throughout the night – not acceptable for those living in the vicinity. Also imagine sitting on the deck at the Church and listening to that noise along with traffic coming and going – sounds of the countryside, I do not think so.
- With regards to the shops that are vacant – this could mean that any business could open up there at a later date e.g. bottle shop (noted in the documentation), vape store, drive-thru (noted in the documentation) etc – not what would be required in a village location. The local dairy originally sold cigarettes and was robbed on several occasions – putting the owners and community at risk. The dairy owner made a brave decision (which would have had an impact on his earnings) to stop selling cigarettes, so that his family and the community were safe from these thugs. Can you imagine having a bottle shop in a small rural village (with several escape roads) – these lowlifes would know that this shop would be an easy target. Why would we want this in our community?

- Stated in the proposal – that this proposed commercial activity will meet the needs of Te Kowhai, which in their words is “un-serviced and has struggled to have service based commercial activities” – as I noted previously, there is a reason why you live in a village. We have all the amenities that we need – the addition of the Church café (which will complement the café that Te Kowhai already has) – is sufficient.

I know that emotion is not something that you wish to consider in my submission, but I would like to be able to note the following.

When you buy a house, you decide on the area that you want to live in, lay down roots, bring up kids, have pets etc. When you move to an area like Te Kowhai you know exactly why you have chosen that Village (area) – you know what facilities are and are not available to you. You move here to enjoy rural living, community, scenery and lifestyle. You do not move to a village for it to then become a clone of all Hamilton suburbs - for it to be congested, resemble a concrete jungle, not have character and full of outlets that are available 10 minutes down the road by car.

Why do councils and developers always feel the need to make changes to zones and living environments – all in the name of progress. If you want these facilities, then don't live in a place like Te Kowhai. Why can't we just keep rural villages, if you keep going on in this manner (development) then soon there will be no rural villages left – an end to real community.

The Church as a local café and hopefully at a later date – a place to have a wine with friends and neighbours, is a great addition to the village – the visage fits in perfectly with its surroundings. If stuck next to this concrete slab of a building – we are certainly going to lose the country vibe and outlook.

The WDC is there to look after communities like Te Kowhai and as such should be sympathetic to our views, emotions and the right to keep what should be a rural community – **RURAL**.

Finally – this may mean nothing to you, but it is part of the reason why I moved here. I took a walk up from our house, along the right of way to Horotiu road – a beautiful day, very peaceful – just what you would expect from living in a rural location. How sad would it be for that to end, just because 1 person wants to make money at the expense of others.

Very unfair and I feel that it is time that councils should stand up and preserve these villages (and rural living).

Therefore, as a WDC ratepayer, my decision for the council – is to reject this submission.

RECEIVED
219

12 AUG 2020

Waikato District Council

Submission form

(Form 13)

For internal use only

ECM Application # LUC0427/19

ECM

SUBMISSION #

CUSTOMER #

Submission on an application concerning resource consent that is subject to public notification
by consent authority Section 95a of the Resource Management Act 1991

**SUBMISSIONS MUST BE RECEIVED BY WAIKATO DISTRICT COUNCIL NO LATER
THAN 5PM ON MONDAY 17TH AUGUST 2020**

To: Waikato District Council

Name of submitter (full name)

Tao Liu

This is a submission on an application from Quattro Property Holdings Limited to construct and operate a seven unit commercial development which comprises retail, takeaways, a hair salon and superette with associated carparking, signage and earthworks in the Country Living Zone at 561 Horotiu Road TE KOWHAI

*I am ☐ am not ☒ a trade competitor for the purpose of Section 308B of the Resource Management Act 1991

* Select one

† I am ☐ am not ☒ # directly affected by an effect of the subject matter of the submission that

(a) adversely affects the environment; and

(b) does not relate to trade competition or the effects of trade competition

†Delete this paragraph if you are not a trade competitor

Select one

The specific parts of the application that my submission relates to are:

Give details (attach separate sheets if necessary):

I don't think the Pite Village need a superette.

I ☐ support ☒ oppose ☐ am neutral to the part/s named above.

Give details:

The reasons for my views are

The population in Te Kowhai is not support
this commercial shops at moment.

I seek the following decision from Waikato District Council:

☐

Approve

☒

Decline

Give precise details, including any parts of the application you wish to have amended and the general nature of any conditions sought.

maybe in the future term

Number of additional sheets attached

I wish to be heard in support of my submission

Yes ☒No ☐

If others make a similar submission, I will consider presenting a joint case with them at the hearing

Yes ☒No ☐

Pursuant to section 100A of the Resource Management Act I request that you delegate your functions, powers and duties required to hear and decide the application to one or more hearings commissioners who are not members of the local authority

Yes ☒No ☐

If you make a request under section 100A of the Resource Management Act, you must do so no later than 5 working days after the close of submissions and you may be liable to meet or contribute to the costs of the hearings commissioner or commissioners.

Signature of submitter of person authorized to sign on behalf of the submitter

31/8

Date

31/07/2020

A signature is not required if you make your submission by electronic means

Address

656B/100th Road Te Kaitiaki

Postcode

3288

Email

nzliutao@163.com

Phone

021 029 56136

Contact person's name (name and designation if applicable)

Tao Liu

This is the person and the address to which all communications from the Council about the submission will be sent

Note to Submitter

The closing date for serving submissions on the consent authority is the 20th working day after the date on which public or limited notification is given. If the application is subject to limited notification, the consent authority may adopt an earlier closing date for submissions once the consent authority receives responses from all affected persons

You must serve a copy of your submission on the applicant whose address for service is Chris Dillon – Terra Consultants Ltd, PO Box 5028, Frankton, Hamilton 3242 or email chris.dillon@terrargroup.co.nz as soon as reasonably practicable after you have served your submission to Waikato District Council

If you are a trade competitor, your right to make a submission may be limited by the trade competition provisions in Part 11A of the Resource Management Act 1991

Written Submission

Postal Address Waikato District Council, Private Bag 544, Ngaruawahia 3742

Telephone 0800 492 452

Email Submission

Consent.submissions@waide.govt.nz

The information you have provided on this form is required so that your submission can be processed under the RMA, and your name and address will be publicly available. The information will be stored on a public register and held by the Council, and may also be made available to the public on the Council's website. In addition, any on-going communications between you and Council will be held at Council's offices and may also be accessed upon request by a third party. Access to this information is administered in accordance with the Local Government Official Information and Meetings Act 1987 and the Privacy Act 1993. If you have any concerns about this, please discuss with a Council Planner prior to lodging your submission. If you would like to request access to, or correction of your details, please contact the Council.



Submission form

(Form 13)

For internal use only

ECM Application # LUC0427/19

ECM

SUBMISSION #.....16.....

CUSTOMER #

**Submission on an application concerning resource consent that is subject to public notification
by consent authority Section 95a of the Resource Management Act 1991**

**SUBMISSIONS MUST BE RECEIVED BY WAIKATO DISTRICT COUNCIL NO LATER
THAN 5PM ON MONDAY 17TH AUGUST 2020**

To: Waikato District Council

Name of submitter (full name) **Edward & Andrea Stocks**

This is a submission on an application from Quattro Property Holdings Limited to construct and operate a seven unit commercial development which comprises retail, takeaways, a hair salon and superette with associated carparking, signage and earthworks in the Country Living Zone at 561 Horotiu Road TE KOWHAI

*I am ☐ am not ☒ a trade competitor for the purpose of Section 308B of the Resource Management Act 1991

* Select one

† I am ☒ am not ☐ # directly affected by an effect of the subject matter of the submission that

(a) adversely affects the environment; and

(b) does not relate to trade competition or the effects of trade competition

†Delete this paragraph if you are not a trade competitor

Select one

The specific parts of the application that my submission relates to are:

Give details (attach separate sheets if necessary):

- we live directly opposite the proposed commercial development site
- We moved to Te Kowhai 3.5 years ago because we wanted to escape the city life of Hamilton and were attracted to Te Kowhai's rural quiet lifestyle located only a short distance away
- If the proposed commercial development was already on the site of 561 Horotiu Road we would not have purchased our property at 560B Horotiu Road, Te Kowhai.
- Te Kowhai already has a number of shops and services already operating in the space that the proposed commercial development is seeking to provide the Te Kowhai community.

I ☐ support ☒ oppose ☐ am neutral to the part/s named above.

Give details:

Te Kowhai currently is serviced by a superette, takeaway, vege shop, several hair

The reasons for my views are

- Te Kowhai is currently serviced by a superette, a takeaway shop, a fruit & vegetable grocer, a bakery and several hair salons that operate in the village area predominantly from home-based locations. The relocated heritage church will soon be opening a café. It is not necessary to duplicate these services that are locally owned and operated who will then compete against them.
- The site is zoned "country living" (see figure 1 Aerial photo of site and immediate surroundings) and the surrounding residents have chosen to live here because it offers a small rural country lifestyle away from the hustle and bustle of the city.
- The design of the proposed commercial development is abhorrent as the architect has not given any skill or consideration to designing a building that conveys the special rural village character of the community and in particular given its close proximity to the heritage church one would have thought they could have extended this into their design brief. Shame on the developer and architect for proposing such a repugnant building for the Te Kowhai village.
- Should this submission be granted to Quattro Property Holdings Limited under the application conditions we are seriously considering selling our property and moving out of the Te Kowhai village area.
- We therefore strongly oppose this consent application on all the conditions being sought through this submission process.

I seek the following decision from Waikato District Council:

☐ Approve

☒ Decline

Give precise details, including any parts of the application you wish to have amended and the general nature of any conditions sought

- We strongly oppose this consent application for resource consent being granted because it will increase traffic considerably outside our property which is zoned Country Living. In particular, traffic operating up until 10pm 7 days per week to operate a takeaway/pizza outlet is opposed when a takeaway is already operating within the village with an earlier hour closing schedule.
- The retail stores that the applicant proposes are already operating within the village our within the village vicinity and will create unnecessary competition to those who have spent years building and sustaining their businesses locally.
- The proposed design and character of the proposed commercial development is not in keeping with the special character of the village or the heritage church which is located directly beside the proposed site for development
- We also wish to strongly oppose this and any other application that seeks to operate a retail liquor store within the proposed commercial development or any other area of the Te Kowhai village given the potential for negative social impacts on the wellbeing of the local community.

Number of additional sheets attached

I wish to be heard in support of my submission

✓ Yes ☐ No ☐
 ✓ Yes ☐ No ☐

If others make a similar submission, I will consider presenting a joint case with them at the hearing

Pursuant to section 100A of the Resource Management Act I request that you delegate your functions, powers and duties required to hear and decide the application to one or more hearings commissioners who are not members of the local authority

Yes ☐ ✓ No ☐

If you make a request under section 100A of the Resource Management Act, you must do so no later than 5 working days after the close of submissions and you may be liable to meet or contribute to the costs of the hearings commissioner or commissioners.

Signature of submitter of person authorized to sign on behalf of the submitter

..... Date

A signature is not required if you make your submission by electronic means

Address 560B Horotlu Road, Te Kowhai

3288

Postcode

Email andrea.stocks11@gmail.co

027 5316138

Phone

Andrea Stocks

Contact person's name (name and designation if applicable)

This is the person and the address to which all communications from the Council about the submission will be sent

Note to Submitter

The closing date for serving submissions on the consent authority is the 20th working day after the date on which public or limited notification is given. If the application is subject to limited notification, the consent authority may adopt an earlier closing date for submissions once the consent authority receives responses from all affected persons

You must serve a copy of your submission on the applicant whose address for service is Chris Dillion – Terra Consultants Ltd, PO Box 5028, Frankton, Hamilton 3242 or email chris.dillion@terrargroup.co.nz as soon as reasonably practicable after you have served your submission to Waikato District Council

If you are a trade competitor, your right to make a submission may be limited by the trade competition provisions in Part 11A of the Resource Management Act 1991

Written Submission

Postal Address Waikato District Council, Private Bag 544, Ngauruhia 3742

Telephone 0800 492 452

Email Submission

Consent.submissions@waide.govt.nz

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Submission form

(Form 13)

For internal use only

ECM Application # LUC0427/19

ECM

SUBMISSION # 17

CUSTOMER #

Submission on an application concerning resource consent that is subject to public notification by consent authority Section 95a of the Resource Management Act 1991

SUBMISSIONS MUST BE RECEIVED BY WAIKATO DISTRICT COUNCIL NO LATER THAN 5PM ON MONDAY 17TH AUGUST 2020

To: Waikato District Council

Name of submitter (full name) Sara Gavin

This is a submission on an application from Quattro Property Holdings Limited to construct and operate a seven unit commercial development which comprises retail, takeaways, a hair salon and supabette with associated carparking, signage and earthworks in the Country Living Zone at 561 Horotiu Road TE KOWHAI

*I am ☐ am not ☒ a trade competitor for the purpose of Section 308B of the Resource Management Act 1991

* Select one

† I am ☐ am not ☐ # directly affected by an effect of the subject matter of the submission that

(a) adversely affects the environment; and

(b) does not relate to trade competition or the effects of trade competition

†Delete this paragraph if you are not a trade competitor

Select one

The specific parts of the application that my submission relates to are:

Give details (attach separate sheets if necessary):

size and scale of the building is bigger than I would expect for a country living zone and does not align with the size and scale of the cafe site

adverse effects as a result of an acceptable nature to the environment and area

the effects of the submission on the environment will be less than minor and is in keeping with the adjoining site relocated church

I ☐ support ☒ oppose ☐ am neutral to the part/s named above.

Give details:

The reasons for my views are.....

which would negatively impact the character of our area and local businesses as it is like chalk and cheese next to the historic church.

I don't believe that the development design is going to enhance our village but negatively impact its character and hugely impact current business already operating locally

within the country living zone restrictions and the development has the potential to impact these businesses as currently we don't have the numbers of residents

to sustain more than one of these businesses.

I seek the following decision from Waikato District Council: ☐ Approve ☒ Decline

Give precise details, including any parts of the application you wish to have amended and the general nature of any conditions sought.

the proposed building plan and size, commercial operation of this size in a country living zone

Number of additional sheets attached

I wish to be heard in support of my submission

Yes ☐ No ☒

If others make a similar submission, I will consider presenting a joint case with them at the hearing

Yes ☒ No ☐

Pursuant to section 100A of the Resource Management Act I request that you delegate your functions, powers and duties required to hear and decide the application to one or more hearings commissioners who are not members of the local authority

Yes ☐ No ☒

If you make a request under section 100A of the Resource Management Act, you must do so no later than 5 working days after the close of submissions and you may be liable to meet or contribute to the costs of the hearings commissioner or commissioners.

Signature of submitter of person authorized to sign on behalf of the submitter

Date 12/8/2020

A signature is not required if you make your submission by electronic means

Address 570B Te Kowhai Rd, RD8, Hamilton Postcode 3288

Email saragavin75@gmail.com Phone 021 0526774

Contact person's name (name and designation if applicable)

This is the person and the address to which all communications from the Council about the submission will be sent

Note to Submitter

The closing date for serving submissions on the consent authority is the 20th working day after the date on which public or limited notification is given. If the application is subject to limited notification, the consent authority may adopt an earlier closing date for submissions once the consent authority receives responses from all affected persons

You must serve a copy of your submission on the applicant whose address for service is Chris Dillon – Terra Consultants Ltd, PO Box 5028, Frankton, Hamilton 3242 or email chris.dillon@terrargroup.co.nz as soon as reasonably practicable after you have served your submission to Waikato District Council

If you are a trade competitor, your right to make a submission may be limited by the trade competition provisions in Part 11A of the Resource Management Act 1991

Written Submission

Postal Address Waikato District Council, Private Bag 544, Ngaruawahia 3742

Telephone 0800 492 452

Email Submission

Consent.submissions@waikato.govt.nz

The information you have provided on this form is required so that your submission can be processed under the RMA, and your name and address will be publicly available. The information will be stored on a public register and held by the Council, and may also be made available to the public on the Council's website. In addition, any on-going communications between you and Council will be held at Council's offices and may also be accessed upon request by a third party. Access to this information is administered in accordance with the Local Government Official Information and Meetings Act 1987 and the Privacy Act 1993. If you have any concerns about this, please discuss with a Council Planner prior to lodging your submission. If you would like to request access to, or correction of your details, please contact the Council.

Rec'd email 17/8/20
10.29am



Submission form

(Form 13)

For internal use only

ECM Application # LUC0427/19

ECM

SUBMISSION # 18

CUSTOMER #

Submission on an application concerning resource consent that is subject to public notification
by consent authority Section 95a of the Resource Management Act 1991

**SUBMISSIONS MUST BE RECEIVED BY WAIKATO DISTRICT COUNCIL NO LATER
THAN 5PM ON MONDAY 17TH AUGUST 2020**

To: Waikato District Council

Name of submitter (full name) Michelle and Darion Max

This is a submission on an application from Quattro Property Holdings Limited to construct and operate a seven unit commercial development which comprises retail, takeaways, a hair salon and superette with associated carparking, signage and earthworks in the Country Living Zone at 561 Horotiu Road TE KOWHAI

*I am ☐ am not ☒ a trade competitor for the purpose of Section 308B of the Resource Management Act 1991

* Select one

† I am ☒ am not ☐ directly affected by an effect of the subject matter of the submission that

(a) adversely affects the environment; and

(b) ~~does not relate to trade competition or the effects of trade competition~~

†Delete this paragraph if you are not a trade competitor

Select one

The specific parts of the application that my submission relates to are:

Give details (attach separate sheets if necessary):

"Seven unit commercial development which comprise retail, takeaway,
a hair salon and superette with associated carparking, signage and
earthworks."

I ☐ support ☒ oppose ☐ am neutral to the part/s named above.

Give details:

The reasons for my views are.....

This doesn't suit the Te Kowhai village. It is a rural / country
area, this is why we chose to live here. If we wanted shops as
stated we would have purchased a property in town. This is
a small country area and the development does not fit with
this culture. The base shopping centre is 10 minutes away with
everything we need. There is no need for or want for this
development which will ruin the country feel to everyone.

I seek the following decision from Waikato District Council:

☐

Approve

☒

Decline

Give precise details, including any parts of the application you wish to have amended and the general nature of any conditions sought.

No further commercial development

Number of additional sheets attached

I wish to be heard in support of my submission

Yes ☐

No ☒

If others make a similar submission, I will consider presenting a joint case with them at the hearing

Yes ☒

No ☐

Pursuant to section 100A of the Resource Management Act I request that you delegate your functions, powers and duties required to hear and decide the application to one or more hearings commissioners who are not members of the local authority

Yes ☐

No ☒

If you make a request under section 100A of the Resource Management Act, you must do so no later than 5 working days after the close of submissions and you may be liable to meet or contribute to the costs of the hearings commissioner or commissioners.

Signature of submitter or person authorized to sign on behalf of the submitter

Michelle Dillon

Date *15/8/20*

A signature is not required if you make your submission by electronic means

Address *Horotiu Rd, Te Kōwhiri*

Postcode

Email *Michelle.Dillon.23@hotmail.com*

Phone *021 192 8002*

Contact person's name (name and designation if applicable)

This is the person and the address to which all communications from the Council about the submission will be sent

Note to Submitter

The closing date for serving submissions on the consent authority is the 20th working day after the date on which public or limited notification is given. If the application is subject to limited notification, the consent authority may adopt an earlier closing date for submissions once the consent authority receives responses from all affected persons

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Written Submission

Postal Address Waikato District Council, Private Bag 544, Ngaruawahia 3742

Telephone 0800 492 452

Email Submission

Consent.submissions@waikato.govt.nz

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Rec'd email 17/8/20
10.30am

Submission form

(Form 13)

For internal use only

ECM Application # LUC0427/19

ECM

SUBMISSION #.....1.9

CUSTOMER #

**Submission on an application concerning resource consent that is subject to public notification
by consent authority Section 95a of the Resource Management Act 1991**

**SUBMISSIONS MUST BE RECEIVED BY WAIKATO DISTRICT COUNCIL NO LATER
THAN 5PM ON MONDAY 17TH AUGUST 2020**

To: Waikato District Council

Peter Douglas Scott

Name of submitter (full name)

This is a submission on an application from Quattro Property Holdings Limited to construct and operate a seven unit commercial development which comprises retail, takeaways, a hair salon and superette with associated carparking, signage and earthworks in the Country Living Zone at 561 Horotiu Road TE KOWHAI

* I am ☐ am not ☒ a trade competitor for the purpose of Section 308B of the Resource Management Act 1991

* Select one

† I am ☐ am not ☒ # directly affected by an effect of the subject matter of the submission that

(a) adversely affects the environment; and

(b) does not relate to trade competition or the effects of trade competition

† Delete this paragraph if you are not a trade competitor

Select one

The specific parts of the application that my submission relates to are:

Give details (attach separate sheets if necessary):

Various parts as per separate attachment. Parts include

.....
Change of Use.....
Location.....
Transportation.....
Infrastructure.....
Earthworks & Construction and Other Statutory Matters

I ☐ support ☒ oppose ☐ am neutral to the part/s named above.

Give details:

The reasons for my views are.....

Refer separate attachment

.....
.....
.....
.....
.....
.....

I seek the following decision from Waikato District Council: ☐ Approve ☒ Decline

Give precise details, including any parts of the application you wish to have amended and the general nature of any conditions sought.

I generally like to find amendments that could mitigate the issues in an application.

In this case I do not see any amendments possible.

Number of additional sheets attached **Five**

I wish to be heard in support of my submission

Yes ☐ No ☒

If others make a similar submission, I will consider presenting a joint case with them at the hearing

Yes ☒ No ☐

Pursuant to section 100A of the Resource Management Act I request that you delegate your functions, powers and duties required to hear and decide the application to one or more hearings commissioners who are not members of the local authority

Yes ☐ No ☒

If you make a request under section 100A of the Resource Management Act, you must do so no later than 5 working days after the close of submissions and you may be liable to meet or contribute to the costs of the hearings commissioner or commissioners.

Signature of submitter of person authorized to sign on behalf of the submitter

15 August 2020

Date

A signature is not required if you make your submission by electronic means

Address 13 Westvale Lane, RD8, Hamilton

3288

Email pd.scott@xtra.co.nz

Postcode 0274956638

Phone

Contact person's name (name and designation if applicable)

This is the person and the address to which all communications from the Council about the submission will be sent

Note to Submitter

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Objection to ECM Application LUC0427/19
Filed by Quattro Property Holdings Ltd
In regard to 561 Horotiu Road, Te Kowhai

Submission from
Peter Douglas Scott
13 Westvale Lane, Te Kowhai

Background

1. I and my wife are a residents of Te Kowhai having moved to the Te Kowhai village in 1991.
2. I am a trustee of the Scott Family Trust that owns a residential property at 13 Westvale Lane, Te Kowhai where I reside.
3. I am a director of Scottward Properties Ltd that owns a residential property at 583 Horotiu Road, Te Kowhai. This was our original residence and was where our family grew up.
4. Neither property is a direct neighbour with the property at 561 Horotiu Road.
5. I submit to object to the application made by Quattro Properties Ltd.

Change of use

6. I object to the change of use to Business in this area.
7. The area suggested for change is currently unused but is zoned for Country Living. This is in line with the other properties surrounding the property and the construction of a commercial shopping precinct would detract from this usage as Country Living for other properties.
8. It is fair to say that Country Living implies a lifestyle away from Business shopping precinct areas. The more usual place for this is in more built-up areas.

Location (2.0)

9. In the proposed future development by Council of the village it is intended that a shopping precinct would be needed in the future. The Council had identified that the most suitable place for this would be very close to the current Te Kowhai Village Green and current dairy and takeaway shops, and within easy reach of the school, tennis courts and pavilion, and hall. I agree with this proposal. This location would create a centre of focus for the village.

10. To create another location of business will detract from the feel of community in the village.
11. Current possible developments in the area suggest that the area north of the village will continue to be Rural or Country Living. But that there are proposals to the south and east of the village for more concentrated housing particularly as this would be an initial entry point for any water/wastewater connections to the Hamilton City Council. I therefore consider that it makes more sense for any Business change of use to be closer to that end of the village, and indeed this is in the proposed future planning prepared by Council.
12. I am a supporter of having Business in our community. Te Kowhai will continue to grow and will need these resources. But I am also a strong advocate of doing this in a planned method and I urge Council to do this and not opt for an ad-hoc plan by every and each developer that comes to the village.

Transportation (6.2.2)

13. The site is located on Horotiu Road on a slight but deceiving bend and close to the intersection between Horotiu Road and Ngaruawahia Road. There are two issues with this.
14. Firstly, the slight bend actually causes a loss of visibility from the site looking north towards Ngaruawahia Road.
 - a. This means vehicles leaving the site, particularly from the northern vehicle entrance and going north, will be taking risks in crossing the south bound lane. Some form of traffic management might provide a small level of mitigation only.
 - b. Traffic leaving the site to go south will be safer but run the risk of again not seeing south bound traffic and having to accelerate with speed if a car comes around the bend at speed. The speed limit at this point is 50kph, but as a regular walker on that road I am well aware that traffic often travels at much higher speeds than that.
15. Secondly, cars travelling along Horotiu Road from Horotiu come to a Stop sign at the corner with Ngaruawahia Road. When turning left the drivers of those vehicles are quite correctly concentrating on south bound vehicles travelling along Ngaruawahia Road. After turning left out from Horotiu Road they will be immediately confronted with these vehicle entrances at 561 Horotiu Road. The vehicles coming out of that site will have limited visibility of those vehicles as explained above. And as happens too often the vehicle coming from Horotiu Road is accelerating quickly to get into the correct speed stream as other vehicles travelling along Ngaruawahia Road. There is I believe a high chance of vehicle accidents in this area due to this proposed development.

16. It is accepted that there will still be vehicle entrances from those properties if they are residential, but the level of vehicle flow will be much lower if I assume the developers assumed belief that the development will be a successful retail precinct with 27 car parks.

Infrastructure (6.2.3)

17. Stormwater - I disagree with the assertion that the proposed stormwater plan would deal with the stormwater at times of heavy or continuous rain. The property at 583 Horotiu Road borders the back of the residential part of the development and that was my residence from 1991 to 2009. During that time I have seen that area flood a number of times and on occasions that flooding entered the rear of our property at 583 Horotiu Road. The flooding extended along the back of the other properties and into the area where this development will occur. I have regularly seen farm vehicles such as tractors bogged in these areas. I have not seen any substantial mitigations made for this flooding. There is a high likelihood that future flooding will be an issue for both the new residential sites but also for the Business area.
18. My understanding is that part of the issue was that the previous natural drainage system was re-routed by a previous owner into an adjacent drainage system. This altered the natural flow of water escaping the area quickly. My understanding is that Council will have information on their files regarding this.
19. Effluent disposal – as with any commercial premises this is a larger concern than for residential properties. This is particularly so if there are food premises on site as this creates a much larger level of water usage for food preparation and cleaning. This is in addition to human effluent. I agree that an advanced secondary treatment system would be required but consider that there would be too much effluent to enter directly into the ground particularly during the winter months.
20. Potable water – the application suggests that the use of two 25,000 litre tanks would be sufficient. As noted above if there are food outlets they will go through considerable levels of water but it could also be that other businesses on site use equally large amounts of water. I note that the café under construction next door has eight water tanks. Two tanks would be insufficient particularly in summer months. At 583 Horotiu Road we have one tank and while residing there the tank required refilling at least once a year. At 13 Westvale Lane we have two tanks and this required refilling this year for the first time due to the drought conditions. As Council will be aware business water usage is higher than residential water usage. I consider that the tanks will require refilling on a regular basis. Bringing large water tankers in to refill the tanks will also cause road safety issues.
21. In summary I believe the water usage and disposal estimated in the application is underestimated.

22. It is accepted that this is an issue that will face any development in Te Kowhai until such time as the village is connected to a better water/waste water system such as that of the Hamilton City Council.

Earthworks and Construction (6.2.4)

23. It is noted that only 200 truck movements will be required during the earthworks stage but that traffic management will be used. It seems unusual that this will require traffic management when this will not be required once the development is completed and the vehicle movements in and out of the property will be greater than 200 (assumed based on the number of customers required for seven successful businesses and the 27 car parks on site).

Other Statutory Matters (7.4)

24. Council can take into consideration other aspects of the proposed application.

25. Business Use

- a. It is intended that there will be seven shops on the site. The site size and plans would suggest that at least five of those would be quite small in size.
- b. I consider that at this stage the village and local population base is not large enough to support the business activities of that many businesses.
- c. I am a chartered accountant by profession although today I do not practice in public practice. However, I have enough commercial sense to know that most retail businesses are not particularly financially successful and provide their owners with a living wage at best. Unfortunately, this is likely to be so for the Te Kowhai existing businesses – dairy, takeaways, fruit shop and cafe.
- d. Prior to moving to Te Kowhai I was a resident of Pukete at the time when it was still growing. That suburb has a small group of four shops (well sited opposite the school) and a larger population than Te Kowhai and apart from the food centre and the takeaway businesses I saw many changes as businesses set up and then failed. And indeed, still do today.
- e. I have noted the same trend in the small group of shops set up at the Village Café at Whatawhata. That is a different type of development but the fact remains that the areas in that complex regularly change tenants.
- f. My fear is that this will also occur in Te Kowhai. There will be an immediate rush of businesses into the development largely driven by rent deals with either the developer or a subsequent purchaser of the site. But that these businesses will not be successful and the retail shops will either fall empty or be taken up by new businesses not considered suitable for the area.
- g. I am an advocate of letting people make their own decisions when entering business and succeeding or failing on those decisions. But it is another thing to set up a development or environment that does not give those businesses a chance to succeed, and further is built in an unplanned ad-hoc basis away from the likely centre of the village population.
- h. I accept that this is not the concern of the applicant (and neither does it have to be) and this is plainly obvious in the application, but it is an issue for

Council to consider. I believe that residents of Te Kowhai accept that the area will grow but that the provision of services such as this needs to be done in a planned and structured way so that the businesses created are given a chance to succeed and have an enduring advantage to the community.

Conclusion

- 26. In conclusion I object to the application on a number of grounds.**
- a. It is not well located within the overall framework of the Te Kowhai village.**
 - b. There will be traffic issues and likely accidents based on the current plans.**
 - c. There are water issues given the use of the property for seven retail outlets.**
 - d. It is unlikely that businesses operating in the complex will be successful and over time this will diminish the attractiveness and value of the retail shops and overall village.**
- 27. I urge the Council to decline the application.**

Rec'd by email 16/8/20
7.35 pm



Submission form

(Form 13)

For internal use only

ECM Application # LUC0427/19

ECM

SUBMISSION # 20

CUSTOMER #

**Submission on an application concerning resource consent that is subject to public notification
by consent authority Section 95a of the Resource Management Act 1991**

**SUBMISSIONS MUST BE RECEIVED BY WAIKATO DISTRICT COUNCIL NO LATER
THAN 5PM ON MONDAY 17TH AUGUST 2020**

To: Waikato District Council

Name of submitter (full name) PAULINE KANE HENDRIKSE

This is a submission on an application from Quattro Property Holdings Limited to construct and operate a seven unit commercial development which comprises retail, takeaways, a hair salon and superette with associated carparking, signage and earthworks in the Country Living Zone at 561 Horotiu Road TE KOWHAI

* I am ☐ am not ☒ a trade competitor for the purpose of Section 308B of the Resource Management Act 1991

* Select one

† I am ☒ am not ☐ # directly affected by an effect of the subject matter of the submission that

(a) adversely affects the environment; and

(b) does not relate to trade competition or the effects of trade competition

† Delete this paragraph if you are not a trade competitor

Select one

The specific parts of the application that my submission relates to are:

Give details (attach separate sheets if necessary):

Rezoning from country living to commercial zone 561 Horotiu Rd
Moving of TeKowhai Town Centre to 561 Horotiu Rd as per map on WDC Website
2018 which shows a walkway even around the township following the gasline
through our property of 509B Horotiu Rd (we use mailing address of 509
Shop opening hours
Noise issue resolutions for community with this rezoning

I ☐ support ☐ oppose ☒ am neutral to the part/s named above.

Give details:

The reasons for my views are Please see attached typed pages

PK

I seek the following decision from Waikato District Council:



Approve



Decline

Give precise details, including any parts of the application you wish to have amended and the general nature of any conditions sought.

SEE ATTACHED

Number of additional sheets attached

8

I wish to be heard in support of my submission

Yes ☐No ☒

If others make a similar submission, I will consider presenting a joint case with them at the hearing

Yes ☒No ☐

Pursuant to section 100A of the Resource Management Act I request that you delegate your functions, powers and duties required to hear and decide the application to one or more hearings commissioners who are not members of the local authority

Yes ☐No ☒**If you make a request under section 100A of the Resource Management Act, you must do so no later than 5 working days after the close of submissions and you may be liable to meet or contribute to the costs of the hearings commissioner or commissioners.**

Signature of submitter or person authorized to sign on behalf of the submitter



Date 16/8/20

A signature is not required if you make your submission by electronic means

Address 509 Horotiu Rd, RD8 Hamilton

Postcode 3288

Email nickandpauline@xtra.co.nz

Phone 0211756574

Contact person's name (name and designation if applicable) Pauline Hendrikse

This is the person and the address to which all communications from the Council about the submission will be sent

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Telephone 0800 492 452

Email SubmissionConsent.submissions@waikato.govt.nz

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Resource Consent 561 Horotiu Rd TeKowhai Commercial Shops Submission from Pauline Hendrikse

The reasons for my views are:

My husband Nick Hall and I have owned 509 Horotiu Rd (known by WDC as 509B Horotiu Rd) since 2001. This block is Rural Zoned. Our 3 children were born here and all went through the local kindy and school until they started High School in Year 9. We are real TeKowhai locals unlike many submitters who will be newly arrived to the area and believe they know what is best for this area. To date I am still involved with sport at TeKowhai School despite having no children any more at the school.

Previously I have tried to get Waikato District Council to consider rezoning our 17ha block at 509B Horotiu Rd and our neighbor Bob Gardeners bare title of 7ha 473 Horotiu Rd which we graze which covers all the road frontage in front of our place on Horotiu Rd to Country Living Zone. It has always made logical sense to me that the future Town Centre be in this fairly narrow square flat land block between TeKowhai Road and Horotiu Rd – anyone with any sense can see that this flat only use for low key animal grazing land is ideal. When TeKowhai Estate was established I was hardly surprised that this would happen and submitted asking for us to be included in the Country Living Zone so that a very square block of logical development sense get created.

Waikato District Council Plans in 2018 which are freely readily available to view on their website (copy attached to this) showed the future town centre moving to 561 Horotiu Rd. The vision for this looked logical to me when I discovered this plan recently however of concern was that no one had approached my husband and I about this and quite clearly it showed a public walkway running through our property following the gas line and roads dead ending at our boundary etc.

Recent discussions with WDC Planners revealed they had no knowledge of this vision – so obviously they are not up to speed with any vision of the future TeKowhai.

It was not surprising to me that several days after planners said that they had never heard of the new town centre idea nor that the developer of TeKowhai Estate was planning shops in the subdivision that I received an email from the same planner saying, you might be interested in this – bingo – Quattro Properties (same Jason Barnes as TeKowhai Estate and Saints Properties and now also Quattro Properties – with our back fence neighbor Travis Toms Solicitor also) and another investor now wanting to further the development of TeKowhai Township by constructing 7 shops and changing more land from Country Living Zone to Commercial in their subdivision. This rumour had been circling for some time in TeKowhai so the only person who would have been surprised re this was the WDC Planner as everyone else already knew about it that I know!!

The mission for the developers as per the Waikato Times Front Page Article you can find on stuff – Shops to make the township of TeKowhai more vibrant.

Community Facebook has made interesting reading since submissions were called for. One particular local who we consider is a very new resident to TeKowhai seems very outspoken about everything – especially that TeKowhai has great character etc. My husband and I have not been outspoken about this as TeKowhai we believe is not ridding itself of character – over the years it is developing its character and becoming a proper little township which is great to live in. We applaud the work of the developers of TeKowhai Estate for doing a very logical to develop area development. We and four other neighbours right by the subdivision who are on Horotiu Rd were formally approached several years ago by these developers who were interested in purchasing our properties. They had the vision that we had for the future township of TeKowhai. My



understanding from one of my neighbours who has recently spoken with them is that they still have this vision.

We do not applaud WDCs vision of including an extremely aesthetically pleasing very productive Dairy Farm on the Flight Path of the TeKowhai Airfield as their chosen area for future urban development and land along the river towards Ngaruawahia. None of these ideas has ever made any sense to us, and today still does not make any sense. It is certainly our belief that it is not okay to ruin the only scenic land in our area by zoning it for more housing. It certainly isn't an ideal to have residential run off by any river these days or have everyone trying to walk all the way to TeKowhai along the very dangerous and busy road Ngaruawahia Road – it is a long way for any children to walk with more northward development of housing and is only encouraging more and more people to get in their cars to go anywhere.

So I submit that if Waikato District Council are serious about making a decent town of TeKowhai they will allow the shops as per Quattro Properties application to go ahead.

To enable this shopping block to not be a lemon WDC need to go back to the drawing board and not fob me off again re my idea of including 509B Horotiu Rd and 473 Horotiu Rd in the residential town centre plans.


I submit that I and my family are currently the closest Rural Zoned land to these block of shops. Rural zoned means that we should not have to suffer the noise associated with a shopping block so close by. Were we changed to residential zoning we would not be so worried about what impact this block would have on our quality of life. We would visual the future and put up with what noise the development would bring our way.

I am asking that no one living in TeKowhai, especially ourselves who live very close by in a Rural zone suffers the noise of burglar alarms from this commercial block. A clause to say that all shops must have silent monitored 24/7 alarms should be added into the resource consent.

I am also asking that there is a clause that says no Truck/Product Deliveries/Cleaners be allowed 7 days a week at the shops between the hours of 11pm and 6am. This would keep the area quiet for the Community especially my family. The noise in the country travels unbelievably far at night and the thought of being woken up multiple times through the night by truck drivers loud radios slamming doors etc quite horrifies me.

The proposed opening hours of the shops makes no logical sense to me. How would I ever get to the hairdresser if I worked a normal working day in town if they shut at 6pm. WDC and Quattro Properties need to realise that all children from Year 9 upwards and the large majority of TeKowhai Residents leave the area to go to work most days by about 7.30am. They return from 4pm onwards. To make vibrant shops that are usable and work for the community especially a hairdresser then they would need to be allowed to have later opening hours. I certainly suggest that all shops be allowed to open 7 days a week from 7am to 10pm at their own discretion. I visualise as useful for the community getting a haircut at 6pm, getting a few groceries while I wait for my Pizza order and taking it all home after, all on a week night!! If you could not do that then what is the use of having shops in our local area – we would all still drive out of TeKowhai to do our shopping!!

So, I submit that I support the shops if there is residential development of our and Bobs property allowed. Walking to the shops should be considered as environmentally friendly and is the way that Waikato District Council should be thinking. If WDC wants to only do development a long way away from these shops then I can't see anything other than empty shops and the whole idea being a big fat Lemon for TeKowhai!!!



Nick and Pauline

From: "Emma Ensor" <Emma.Ensor@waikato.govt.nz>
Date: Tuesday, 14 July, 2020 4:05 p.m.
To: "Nick and Pauline" <nickandpauline@xtra.co.nz>
Subject: RE: information about Te Kowhai

Hi Nick and Pauline,

Thanks for sending that information through.

The information you refer to comes from a structure plan issued in 2017. Some of that structure plan information was then incorporated into the operative district plan by way of Plan Change 17 which became operative on the 24th of February 2017.

Some of that structure plan information has now been used as background information, as referred to in the Landscape and Visual Assessment report which is an appendix to the section 32 report for Te Kowhai Airport.

The Proposed District Plan maps as notified in 2018 do not show any walkway along the gas line on your property and it does not show road on the adjoining property. The Proposed District Plan maps are the first go to for what we are proposing now.

People were able in 2018 to make submissions on the Proposed District Plan as notified.

People may have viewed that Landscape and Visual Assessment report and may have asked Council in their submission to put those features back on the planning maps. But I am not sure if this happened or not.

I am happy to talk with you by phone on this. You can call 0800 492 452 and ask to speak to me if you want to.

Regards Emma

Emma Ensor

Senior Planner

Waikato District Council

■ P 07 824 8633 ■ F 07 824 8091 ■ Call Free 0800 492 452

Private Bag 544, Ngaruawahia 3742

www.waikatodistrict.govt.nz



Please consider the environment before printing this e-mail

From: Nick and Pauline [mailto:nickandpauline@xtra.co.nz]

Sent: Monday, 13 July 2020 10:45 p.m.

To: Emma Ensor

Subject: Fw:

These are the 3 Waikato District Council Pages attached that alerted me to the fact of a proposed walkway on the gas line which goes through our property as per the map and index. It also shows the roads that I mentioned in the neighbours on Horotiu Rd reaching our boundary. All the properties with roads drawn up are currently within the new zoning area. This is obviously something we had missed as in 2017 we were working and living full time in Ohaupo on a dairy farm and only commuting back daily to TeKowhai to move stock. Our house at TeKowhai was not

02/08/2020

lived in for 3 years and although our kids stayed in the school here we did lose touch with what was going on due to our Ohaupo commitments. Obviously Waikato District Council has publicly put these plans out for something.....and this I imagine is what stemmed the talk about shops going to be possibly built by the relocated church – and why at one point a potential developer knocked on our and our neighbours doors saying that we were going to be right by the new town centre where shops will be built??? Uhhmm.....very very puzzled that you have never seen or heard of this publicly available information.

From: [nickandpauline](#)

Sent: Monday, July 13, 2020 10:39 PM

To: nickandpauline@xtra.co.nz

Sent from my Samsung Galaxy smartphone.



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A handwritten signature in dark ink, located in the bottom right corner of the page.



TE KOWHAI

Key Moves

- Rivers & Streams
- Existing Reserves
- Natural Environment
- Future Employment Focus
- Community Amenities Focus
- Future Residential Expansion

- Existing/ Potential Walking and Cycle Trail
- Potential On-road Cycle Route
- Potential Road Connections
- Rail Line
- Proposed / Enhanced Green Spaces

- Town Centre Gateway
- Township Gateway
- Town Centre as a Focal Point
- Indicative Location for Future Neighbourhood Centre
- Opportunity for Cultural Art Installation

Handwritten signature

Nick and Pauline

From: "Emma Ensor" <Emma.Ensor@waide.govt.nz>
Date: Monday, 13 July, 2020 12:55 p.m.
To: <nickandpauline@xtra.co.nz>
Subject: questions regarding Te Kowhai

Good morning Pauline and Nick,

I have received your email about your property at 509B Horotiu Road.

Variation 1

The link to the variation 1 section on Council's website can be found below.

<https://www.waikatodistrict.govt.nz/your-council/plans-policies-and-bylaws/plans/waikato-district-plan/district-plan-review/variations/variation-1-te-kowhai-airport-ols->

It is proposed that there are rules in the Proposed District Plan which would restrict the height of buildings, structures, trees and vegetation so that to be permitted and not require a resource consent then those features must be under the Airport Obstacle Limitation Surface.

For your site in the Rural Zone the rule as proposed in 2018 is below.

22.3.4.3 Height - Buildings, structures and vegetation within an airport obstacle limitation surface

PI	A building, structure or vegetation must not protrude through any Airport Obstacle
NCI	A building, structure or vegetation that does not comply with Rule 22.3.4.3 PI

Some people have made submissions regarding the rule above.

The dimensions of the Airport Obstacle Limitation Surface are described in the variation document which is provided in the link below. These detail the required height.

https://wdcsitefinity.blob.core.windows.net/sitefinity-storage/docs/default-source/your-council/plans-policies-and-bylaws/plans/district-plan-review/variations/variation-1-te-kowhai-airport/variation-1---te-kowhai-airport-obstacle-limitation-surface-1480393143.pdf?sfvrsn=910088c9_2

The link below is to one of the posters we had on the wall at the open day.

https://wdcsitefinity.blob.core.windows.net/sitefinity-storage/docs/default-source/your-council/plans-policies-and-bylaws/plans/district-plan-review/variations/variation-1-te-kowhai-airport/height-restrictions-under-the-ols.pdf?sfvrsn=3a778bc9_2

For your property **when considering only** Rule 22.3.4.3 above, you would be allowed to have buildings, structures, trees and vegetation that were over 40m in height. But they still must be under 71.6m Moturiki Datum to be permitted.

The exact height for your site is a combination of the height of your site above Moturiki Datum and the Obstacle Limitation Surface inner horizontal surface of 71.6m above Moturiki Datum.

In other words:

71.6m Moturiki Datum minus (your site height at Moturiki Datum) = permitted maximum height of

buildings, structures, trees and vegetation

For example: 71.6m minus – 36 (a site height) = 35.6m permitted maximum height of buildings, structures, trees and vegetation

Other District Plan rules may also restrict your permitted height of buildings and structures.

District Plan map

I have checked out your property on the Proposed District Plan maps. Below is a snapshot of the Proposed District Plan maps as it relates to your property.

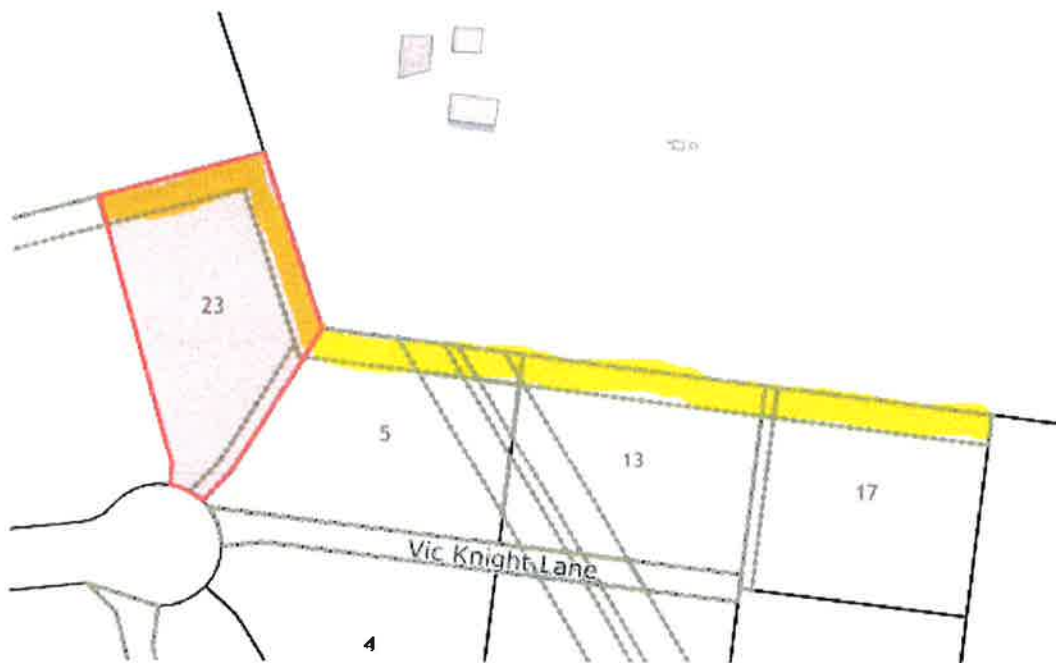


Your property is in the Rural Zone. It has the following overlays: Gas Line, Waikato River Catchment, Hamilton Basin Ecological Area.

The black lines on your property above are the gas lines. They are not a public walkway. I am unsure why you think the Proposed District Plan shows a public walkway over your property. If you can provide me something / plan showing what you think is a walkway then I am happy to take a look at it.

Subdivision

Regarding the subdivision to the south-west of your property, the below shows a stormwater easement (in yellow) adjoining your boundary (not a road). I have also checked the property immediately to the west and I can't see any granted subdivision consent for that site which would show any road adjoining your boundary. If you can email me a copy of the plan you have seen showing future streets up to your boundary driveway, then I can look at this further.

**Address:**

Your email mentions about your addresses. While we have your postal address as 509 Horotiu Road, we have your property address as 509B Horotiu Road. Would you like your property address on Council's system to be looked a to see if it can be changed? If yes then call our call centre on 0800 492 452 and ask them to lodge a property address enquiry for you.

Please let me know if you require any further clarification.

Regards Emma

Emma Ensor

Senior Planner

Waikato District Council

■ P 07 824 8633 ■ F 07 824 8091 ■ Call Free 0800 492 452

Private Bag 544, Ngaruawahia 3742

www.waikatodistrict.govt.nz



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Rec'd email 17/8/20
8.39am

Submission form

(Form 13)

For internal use only

ECM Application # LUC0427/19

ECM

SUBMISSION # 21

CUSTOMER #

**Submission on an application concerning resource consent that is subject to public notification
by consent authority Section 95a of the Resource Management Act 1991**

**SUBMISSIONS MUST BE RECEIVED BY WAIKATO DISTRICT COUNCIL NO LATER
THAN 5PM ON MONDAY 17TH AUGUST 2020**

To: Waikato District Council

Name of submitter (full name) Nadine Anne Stewart

This is a submission on an application from Quattro Property Holdings Limited to construct and operate a seven unit commercial development which comprises retail, takeaways, a hair salon and superette with associated carparking, signage and earthworks in the Country Living Zone at 561 Horotiu Road TE KOWHAI

*I am ☐ am not ☒ a trade competitor for the purpose of Section 308B of the Resource Management Act 1991

* Select one

† I am ☐ am not ☒ directly affected by an effect of the subject matter of the submission that

(a) adversely affects the environment; and

(b) does not relate to trade competition or the effects of trade competition

†Delete this paragraph if you are not a trade competitor

Select one

The specific parts of the application that my submission relates to are:

Give details (attach separate sheets if necessary):

Character and Amenity of the proposal

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I ☐ support ☒ oppose ☐ am neutral to the part/s named above.

Give details:

The reasons for my views are.....

Refer appendix A

.....

.....

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.....

.....

I seek the following decision from Waikato District Council:

☐ Approve

☒ Decline

Give precise details, including any parts of the application you wish to have amended and the general nature of any conditions sought.

.....

.....

.....

Refer Appendix B

Number of additional sheets attached 2

I wish to be heard in support of my submission

Yes ☐

No ☒

If others make a similar submission, I will consider presenting a joint case with them at the hearing

Yes ☒

No ☐


Pursuant to section 100A of the Resource Management Act I request that you delegate your functions, powers and duties required to hear and decide the application to one or more hearings commissioners who are not members of the local authority

Yes ☐

No ☒

If you make a request under section 100A of the Resource Management Act, you must do so no later than 5 working days after the close of submissions and you may be liable to meet or contribute to the costs of the hearings commissioner or commissioners.

Signature of submitter of person authorized to sign on behalf of the submitter



Date 17.8.2020

A signature is not required if you make your submission by electronic means

Address 165 Fullerton Road, RD9, TE Kowhai

Postcode 3289

Email nadinestewart222@gmail.com

Phone 021668749

Contact person's name (name and designation if applicable) Nadine Stewart

This is the person and the address to which all communications from the Council about the submission will be sent

Note to Submitter

The closing date for serving submissions on the consent authority is the 20th working day after the date on which public or limited notification is given. If the application is subject to limited notification, the consent authority may adopt an earlier closing date for submissions once the consent authority receives responses from all affected persons

You must serve a copy of your submission on the applicant whose address for service is Chris Dillon – Terra Consultants Ltd, PO Box 5028, Frankton, Hamilton 3242 or email chris.dillon@terragroup.co.nz as soon as reasonably practicable after you have served your submission to Waikato District Council

If you are a trade competitor, your right to make a submission may be limited by the trade competition provisions in Part 11A of the Resource Management Act 1991

Written Submission

Postal Address Waikato District Council, Private Bag 544, Ngaruawahia 3742

Telephone 0800 492 452

Email Submission

Consent.submissions@waikato.govt.nz

The information you have provided on this form is required so that your submission can be processed under the RMA, and your name and address will be publicly available. The information will be stored on a public register and held by the Council, and may also be made available to the public on the Council's website. In addition, any on-going communications between you and Council will be held at Council's offices and may also be accessed upon request by a third party. Access to this information is administered in accordance with the Local Government Official Information and Meetings Act 1987 and the Privacy Act 1993. If you have any concerns about this, please discuss with a Council Planner prior to lodging your submission. If you would like to request access to, or correction of your details, please contact the Council.

Appendix A

This proposal does not compliment the current development in the Te Kowhai area, which is a country living zone development. Although this area is to be zoned commercial, the zone in its entirety should reflect country living and not a concrete jungle urban area.

The new church / café on Horotiu Road is a category B heritage item and the proposed façade and signage of this business development as attached to the proposal does not compliment it, but contradicts it.

This proposal states although the building while greater than the expectations of the Country Living Zone aligns with the scale and character of the café site.

I disagree, the current proposal including visual aids does not represent a property that aligns with the character of the heritage café and country living zone. This will both devalue property nearby and will conflict the lifestyle of Te Kowhai.

Secondly, this proposal introduces a building that is 15.6% larger than the maximum building coverage allowed. The proposal also contradicts this breach by stating it is a modest design, this is not a modest design and includes a significant building zone that breaches the max build area as stated.

The sign that is included in this proposal and proposed to be erected is crude and suitable only for an urban area. Te Kowhai is not a Hamilton city suburb and should not mimic the shopping areas of Flagstaff or Dinsdale with their concrete blocks of shops and signs.

Although new buildings and retail outlets are inevitable and in my view welcome any building must be sympathetic to the surrounding country zones and properties of Te Kowhai which have class and character. The plans outlined in this proposal do not.

Appendix B

The points I wish to amend are the external façade and design of the building. Included in figure 10 and 11 of this proposal show a façade and design that is not in line with the country living zone of Te Kowhai and totally out of character of the newly relocated heritage church next door.

The signage shown in Figure 9 of this proposal does not represent the country living zone that is Te Kowhai.

Further consideration must be taken into the design and appearance of this proposal and I wish the council to amend the requirements for design to represent this.



Submission form

(Form 13)

Rec'd email 17/8/20

10.38 am.

For internal use only

ECM Application # LUC0427/19

ECM

SUBMISSION # 22

CUSTOMER #

**Submission on an application concerning resource consent that is subject to public notification
by consent authority Section 95a of the Resource Management Act 1991**

**SUBMISSIONS MUST BE RECEIVED BY WAIKATO DISTRICT COUNCIL NO LATER
THAN 5PM ON MONDAY 17TH AUGUST 2020**

To: Waikato District Council

Name of submitter (full name) Fay Kay

This is a submission on an application from Quattro Property Holdings Limited to construct and operate a seven unit commercial development which comprises retail, takeaways, a hair salon and superette with associated carparking, signage and earthworks in the Country Living Zone at 561 Horotiu Road TE KOWHAI

*I am ☐ am not ☒ a trade competitor for the purpose of Section 308B of the Resource Management Act 1991

* Select one

† I am ☐ am not ☐ # directly affected by an effect of the subject matter of the submission that

(a) adversely affects the environment; and

(b) does not relate to trade competition or the effects of trade competition

†Delete this paragraph if you are not a trade competitor

Select one

The specific parts of the application that my submission relates to are:

Give details (attach separate sheets if necessary):

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I ☐ support ☒ oppose ☐ am neutral to the part/s named above.

Give details:

The reasons for my views are:

I feel if further commercial development was to be considered it would be more logical to have it alongside existing Te Kowhai outlets already in existence.

I seek the following decision from Waikato District Council: ☐ Approve ☐ Decline

Give precise details, including any parts of the application you wish to have amended and the general nature of any conditions sought.

Number of additional sheets attached

I wish to be heard in support of my submission

Yes ☐ No ☒

If others make a similar submission, I will consider presenting a joint case with them at the hearing

Yes ☐ No ☒

Pursuant to section 100A of the Resource Management Act I request that you delegate your functions, powers and duties required to hear and decide the application to one or more hearings commissioners who are not members of the local authority

Yes ☐ No ☒

If you make a request under section 100A of the Resource Management Act, you must do so no later than 5 working days after the close of submissions and you may be liable to meet or contribute to the costs of the hearings commissioner or commissioners.

Signature of submitter of person authorized to sign on behalf of the submitter

W. Kay Date *17.8.20*
A signature is not required if you make your submission by electronic means

Address *726 Tekauhai Rd* Postcode *3288*

Email *penkay48@gmail.com* Phone *027 233 2504*

Contact person's name (name and designation if applicable)

This is the person and the address to which all communications from the Council about the submission will be sent

Note to Submitter

The closing date for serving submissions on the consent authority is the 20th working day after the date on which public or limited notification is given. If the application is subject to limited notification, the consent authority may adopt an earlier closing date for submissions once the consent authority receives responses from all affected persons

You must serve a copy of your submission on the applicant whose address for service is Chris Dillon – Terra Consultants Ltd, PO Box 5028, Frankton, Hamilton 3242 or email chris.dillon@terragroup.co.nz as soon as reasonably practicable after you have served your submission to Waikato District Council

If you are a trade competitor, your right to make a submission may be limited by the trade competition provisions in Part 11A of the Resource Management Act 1991

Written Submission

Postal Address Waikato District Council, Private Bag 544, Ngaruawahia 3742

Telephone 0800 492 452

Email Submission

Consent.submissions@waikato.govt.nz

The information you have provided on this form is required so that your submission can be processed under the RMA, and your name and address will be publicly available. The information will be stored on a public register and held by the Council, and may also be made available to the public on the Council's website. In addition, any on-going communications between you and Council will be held at Council's offices and may also be accessed upon request by a third party. Access to this information is administered in accordance with the Local Government Official Information and Meetings Act 1987 and the Privacy Act 1993. If you have any concerns about this, please discuss with a Council Planner prior to lodging your submission. If you would like to request access to, or correction of your details, please contact the Council.

**SCANNED**

Set No _____

RECEIVED

17 AUG 2021

Waikato District Council

Submission form

(Form 13)

For internal use only

ECM Application # LUC0427/19

ECM

SUBMISSION #

CUSTOMER #

Submission on an application concerning resource consent that is subject to public notification
by consent authority Section 95a of the Resource Management Act 1991

**SUBMISSIONS MUST BE RECEIVED BY WAIKATO DISTRICT COUNCIL NO LATER
THAN 5PM ON MONDAY 17TH AUGUST 2020**

To: Waikato District Council

Name of submitter (full name) Nienke van der Helm

This is a submission on an application from Quattro Property Holdings Limited to construct and operate a seven unit commercial development which comprises retail, takeaways, a hair salon and superette with associated carparking, signage and earthworks in the Country Living Zone at 561 Horotiu Road TE KOWHAI

* I am ☐ am not ☒ a trade competitor for the purpose of Section 308B of the Resource Management Act 1991

* Select one

† I am ☐ am not ☒ # directly affected by an effect of the subject matter of the submission that(a) adversely affects the environment; and(b) does not relate to trade competition or the effects of trade competitionboth

† Delete this paragraph if you are not a trade competitor

Select one

The specific parts of the application that my submission relates to are:

Give details (attach separate sheets if necessary):

I oppose the design submitted with this application as the very concrete-looking structure does not fit in the design scope of the rest of the community. I also don't believe an additional superette or hair salon are required as we already have these in the community.

I ☐ support ☒ oppose ☐ am neutral to the part/s named above.

Give details:

The reasons for my views are... The design of the proposed structure will bring down the quaint community feel, we are not an industrial style community. Also, I support the current businesses which are already established in the community. I am not opposed to takeaway options or retail growth. A local GP or pharmacy option would be great.

I seek the following decision from Waikato District Council:

☐ Approve

☒ Decline

Give precise details, including any parts of the application you wish to have amended and the general nature of any conditions sought.

I think the design should be declined as it is such a commercial/industrial-styled complex. The types of businesses approved for this project should consider the livelihoods of people well respected by the community.

Number of additional sheets attached

I wish to be heard in support of my submission

Yes ☐

No ☒

If others make a similar submission, I will consider presenting a joint case with them at the hearing

Yes ☐

No ☒

Pursuant to section 100A of the Resource Management Act I request that you delegate your functions, powers and duties required to hear and decide the application to one or more hearings commissioners who are not members of the local authority

Yes ☐

No ☒

If you make a request under section 100A of the Resource Management Act, you must do so no later than 5 working days after the close of submissions and you may be liable to meet or contribute to the costs of the hearings commissioner or commissioners.

Signature of submitter of person authorized to sign on behalf of the submitter

N. Saito Date 10/8/2020

A signature is not required if you make your submission by electronic means

Address 13 Duck Road, Rotokauri Postcode 3288

Email ~~xxxx~~ Phone

Contact person's name (name and designation if applicable) Nienke van der Helm

This is the person and the address to which all communications from the Council about the submission will be sent

Note to Submitter

The closing date for serving submissions on the consent authority is the 20th working day after the date on which public or limited notification is given. If the application is subject to limited notification, the consent authority may adopt an earlier closing date for submissions once the consent authority receives responses from all affected persons

You must serve a copy of your submission on the applicant whose address for service is Chris Dillion – Terra Consultants Ltd, PO Box 5028, Frankton, Hamilton 3242 or email chris.dillion@terragroup.co.nz as soon as reasonably practicable after you have served your submission to Waikato District Council

If you are a trade competitor, your right to make a submission may be limited by the trade competition provisions in Part 11A of the Resource Management Act 1991

Written Submission

Postal Address Waikato District Council, Private Bag 544, Ngaruawahia 3742

Telephone 0800 492 452

Email Submission

Consent.submissions@waikato.govt.nz

The information you have provided on this form is required so that your submission can be processed under the RMA, and your name and address will be publicly available. The information will be stored on a public register and held by the Council, and may also be made available to the public on the Council's website. In addition, any on-going communications between you and Council will be held at Council's offices and may also be accessed upon request by a third party. Access to this information is administered in accordance with the Local Government Official Information and Meetings Act 1987 and the Privacy Act 1993. If you have any concerns about this, please discuss with a Council Planner prior to lodging your submission. If you would like to request access to, or correction of your details, please contact the Council.

WAIKATO DISTRICT COUNCIL	
261	SCANNED
17 AUG 2020	et No 2715553
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Submission form

(Form I3)

For internal use only

ECM Application # LUC0427/19

ECM 2715553 -

SUBMISSION # 24

CUSTOMER # 31004

Submission on an application concerning resource consent that is subject to public notification by consent authority Section 95a of the Resource Management Act 1991

SUBMISSIONS MUST BE RECEIVED BY WAIKATO DISTRICT COUNCIL NO LATER THAN 5PM ON MONDAY 17TH AUGUST 2020

To: Waikato District Council

Name of submitter (full name) Jeffery Hugh Tasman STEWART

This is a submission on an application from Quattro Property Holdings Limited to construct and operate a seven unit commercial development which comprises retail, takeaways, a hair salon and superette with associated carparking, signage and earthworks in the Country Living Zone at 561 Horotiu Road TE KOWHAI

*I am ☐ am not ☒ a trade competitor for the purpose of Section 308B of the Resource Management Act 1991

* Select one

† I am ☐ am not ☐ # directly affected by an effect of the subject matter of the submission that

(a) adversely affects the environment; and

(b) does not relate to trade competition or the effects of trade competition

†Delete this paragraph if you are not a trade competitor

Select one

The specific parts of the application that my submission relates to are:

Give details (attach separate sheets if necessary):

The commercial development on 561 Horotiu Rd,
Te Kowhai.

I ☐ support ☒ oppose ☐ am neutral to the part/s named above.

Give details:

The reasons for my views are...

- We already have established businesses in Te Kowhai (Dairy, vege shop, cafe), and feel that they would be detrimentally affected if this development goes ahead.
- We feel that these businesses would be marginal at best as most people would prefer to go to The Base.
- It will change the nature of our community (re village to small town).
- There will be increased traffic flow!

I seek the following decision from Waikato District Council:

☐ Approve☒ Decline

Give precise details, including any parts of the application you wish to have amended and the general nature of any conditions sought.

.....

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Number of additional sheets attached

I wish to be heard in support of my submission

Yes ☐No ☒

If others make a similar submission, I will consider presenting a joint case with them at the hearing

Yes ☒No ☐

Pursuant to section 100A of the Resource Management Act I request that you delegate your functions, powers and duties required to hear and decide the application to one or more hearings commissioners who are not members of the local authority

Yes ☐No ☒

If you make a request under section 100A of the Resource Management Act, you must do so no later than 5 working days after the close of submissions and you may be liable to meet or contribute to the costs of the hearings commissioner or commissioners.

Signature of submitter of person authorized to sign on behalf of the submitter

Jeff Stewart

Date

16/8/20

A signature is not required if you make your submission by electronic means

Address

575 Horotiu Rd, RD8 Hamilton

Postcode

3288

Email

jeffstewart2154@gmail.com

Phone

027 529 7974

Contact person's name (name and designation if applicable)

Jeff Stewart

This is the person and the address to which all communications from the Council about the submission will be sent

Note to Submitter

The closing date for serving submissions on the consent authority is the 20th working day after the date on which public or limited notification is given. If the application is subject to limited notification, the consent authority may adopt an earlier closing date for submissions once the consent authority receives responses from all affected persons

You must serve a copy of your submission on the applicant whose address for service is Chris Dillon – Terra Consultants Ltd, PO Box 5028, Frankton, Hamilton 3242 or email chris.dillon@terragroup.co.nz as soon as reasonably practicable after you have served your submission to Waikato District Council

If you are a trade competitor, your right to make a submission may be limited by the trade competition provisions in Part 11A of the Resource Management Act 1991

Written Submission

Postal Address Waikato District Council, Private Bag 544, Ngaruawahia 3742

Telephone 0800 492 452

Email Submission

Consent.submissions@waikato.govt.nz

The information you have provided on this form is required so that your submission can be processed under the RMA, and your name and address will be publicly available. The information will be stored on a public register and held by the Council, and may also be made available to the public on the Council's website. In addition, any on-going communications between you and Council will be held at Council's offices and may also be accessed upon request by a third party. Access to this information is administered in accordance with the Local Government Official Information and Meetings Act 1987 and the Privacy Act 1993. If you have any concerns about this, please discuss with a Council Planner prior to lodging your submission. If you would like to request access to, or correction of your details, please contact the Council.

Waikato

WAIKATO DISTRICT COUNCIL
DISTRICT COUNCIL
Te Kaitiaki o Te Kaitiaki o Waikato
17 AUG 2020
Time 1.55 Initials M.T
NGARUAWAHIA

264

SCANNED

Set No 2715555

For internal use only

ECM Application # LUC0427/19

ECM 2715555

SUBMISSION # 25

CUSTOMER # 42329 + 26167

Submission form

(Form 13)

Submission on an application concerning resource consent that is subject to public notification by consent authority Section 95a of the Resource Management Act 1991

SUBMISSIONS MUST BE RECEIVED BY WAIKATO DISTRICT COUNCIL NO LATER THAN 5PM ON MONDAY 17TH AUGUST 2020

To: Waikato District Council

Name of submitter (full name) MARSHALL & KRISTINE STENO

This is a submission on an application from Quattro Property Holdings Limited to construct and operate a seven unit commercial development which comprises retail, takeaways, a hair salon and superette with associated carparking, signage and earthworks in the Country Living Zone at 561 Horotiu Road TE KOWHAI

* I am ☐ am not ☒ a trade competitor for the purpose of Section 308B of the Resource Management Act 1991

* Select one

† I am ☐ am not ☒ directly affected by an effect of the subject matter of the submission that

(a) adversely affects the environment; and

(b) does not relate to trade competition or the effects of trade competition

† Delete this paragraph if you are not a trade competitor

Select one

The specific parts of the application that my submission relates to are:

Give details (attach separate sheets if necessary):

A. THE LOCATION OF THE PROPOSED COMMERCIAL DEVELOPMENT
B. THE LACK OF CONSIDERATION GIVEN TO HOW THIS DEVELOPMENT WILL LOOK. WE HAVE ONE CHANCE TO PORTRAY A UNIQUE FEEL TO ANY SHOPS IN TE KOWHAI AND THE DEVELOPERS ARE NOT RESPECTING THE VILLAGE FEEL AT ALL

I ☐ support ☐ oppose ☐ am neutral to the part/s named above.

Give details:

The reasons for my views are... I BELIEVE THAT GIVEN TIME, TE KOWHAI WILL BE ABLE TO SUPPORT A FEW SELECT LIGHT RETAIL SHOPS, BUT CONSIDERATION SHOULD BE GIVEN TO LAND AVAILABLE ON THE SOUTHERN SIDE OF THE FRUIT & VEGETABLE WHICH OFFERS PARKING, EASY & SAFER ACCESS, WOULD DEVELOP A CENTRAL FBZ & COULD BE PLANNED WITH MORE HEART TO IT.

I seek the following decision from Waikato District Council:

☐

Approve

☒

Decline

Give precise details, including any parts of the application you wish to have amended and the general nature of any conditions sought.

TO DECLINE THE CURRENT RUSHED THRY
PROPOSAL THAT WILL SERIOUSLY AFFECT ESTABLISHED
CURRENT BUSINESSES

Number of additional sheets attached

I wish to be heard in support of my submission

Yes

☒

No

☐

If others make a similar submission, I will consider presenting a joint case with them at the hearing

Yes

☒

No

☐

Pursuant to section 100A of the Resource Management Act I request that you delegate your functions, powers and duties required to hear and decide the application to one or more hearings commissioners who are not members of the local authority

Yes

☒

No

☐

If you make a request under section 100A of the Resource Management Act, you must do so no later than 5 working days after the close of submissions and you may be liable to meet or contribute to the costs of the hearings commissioner or commissioners.

Signature of submitter or person authorized to sign on behalf of the submitter

h k Stead

Date

17-8-2020

A signature is not required if you make your submission by electronic means

GMAIL

Address

marshallstead@gmail.com

Postcode

3288

ADDRESS

7036 TE KOWHAI ROAD

Phone

021841625

Contact person's name (name and designation if applicable)

MARSHALL STEAD

This is the person and the address to which all communications from the Council about the submission will be sent

Note to Submitter

The closing date for serving submissions on the consent authority is the 20th working day after the date on which public or limited notification is given. If the application is subject to limited notification, the consent authority may adopt an earlier closing date for submissions once the consent authority receives responses from all affected persons

You must serve a copy of your submission on the applicant whose address for service is Chris Dillon – Terra Consultants Ltd, PO Box 5028, Frankton, Hamilton 3242 or email chris.dillon@terragroup.co.nz as soon as reasonably practicable after you have served your submission to Waikato District Council

If you are a trade competitor, your right to make a submission may be limited by the trade competition provisions in Part 11A of the Resource Management Act 1991

Written Submission

Postal Address Waikato District Council, Private Bag 544, Ngaruawahia 3742

Telephone 0800 492 452

Email Submission

Consent.submissions@waikato.govt.nz

The information you have provided on this form is required so that your submission can be processed under the RMA, and your name and address will be publicly available. The information will be stored on a public register and held by the Council, and may also be made available to the public on the Council's website. In addition, any on-going communications between you and Council will be held at Council's offices and may also be accessed upon request by a third party. Access to this information is administered in accordance with the Local Government Official Information and Meetings Act 1987 and the Privacy Act 1993. If you have any concerns about this, please discuss with a Council Planner prior to lodging your submission. If you would like to request access to, or correction of your details, please contact the Council.

APPENDIX G

DRAFT CONDITIONS

Proposed Draft Conditions

- 1 The retail complex development shall be undertaken in general accordance with the information and Waikato District Council approved plans submitted by the consent holder in support of landuse application number WDC Ref: LUC427/19 and officially received by Waikato District Council on the and all further information received during the processing of this application except as amended by the conditions below.

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

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

The following plans produced by DDL Architecture

	Plan / Drawing Title	Dated	Drawing number
(a)	Te Kowhai Village Commercial Development COVER	15/02/2019	SK0 18/039 Rev I
(b)	Te Kowhai Village Commercial Development SITE PLAN	15/02/2019	SK01 18/039 Rev I
(c)	Te Kowhai Village Commercial Development ELEVATIONS A-C	15/02/2019	SK02 18/039 Rev I
(d)	Te Kowhai Village Commercial Development ELEVATIONS D-F	15/02/2019	SK03 18/039 Rev I
(e)	Signage Elevation	15/02/2019	SK04 18/039 Rev I
(f)	Earthworks	15/02/2019	SK05 18/039 Rev I

The following plans produced by Boffa Miskell

	Plan / Drawing Title	Dated	Drawing number
(g)	Commercial Complex – 561 Horotiu Road, Te Kowhai - Planting Plan	26 th November 2019	Figure 8
(h)	Commercial Complex – 561 Horotiu Road, Te Kowhai Landscape Palettes	26 th November 2019	Figure 9

Monitoring Costs

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

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

Monitoring Notification and Pre Start Meeting

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

The pre-start meeting shall address:

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

Advice note

To notify Waikato District Council Monitoring Department, email monitoring2@waidec.govt.nz with the consent number, address of property and date for when the works will commence.

Construction Management Plan (CMP)

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

The CMP shall include the following information:

- (a) Staging of works planned and the description of works including site plans;
- (b) An erosion & sediment control plan;
- (c) Detail management procedures for material, fill placement and treatment, stockpiling and disposal of unsuitable materials;
- (d) A Dust Management Plan;
- (e) Communications Plan;
- (f) Health and Safety Plan;
- (g) Providing safe pedestrian access along Horotiu Road during construction
- (h) Address and provide a construction parking and loading management plan to ensure all parking and loading/unloading is completed within the construction site.

Construction Noise Management Plan (CNMP)

- 6 15 working days prior to commencement of excavation construction activities on the site the consent holder shall prepare and submit a Construction Noise Management Plan (CNMP) for certification by the Team Leader, Monitoring.

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

- i. a description of noise sources, including machinery, equipment and construction techniques to be used;
- ii. the identification of activities and locations that will require the design of noise mitigation measures;
- iii. the measures that will be undertaken by the Consent Holder to communicate noise management measures to affected stakeholders;
- iv. the Best Practicable Option for compliance with relevant noise levels
- v. methods for monitoring and reporting on construction noise;
- vi. methods for receiving and responding to complaints about construction noise;
- vii. contact details of the key staff responsible for the implementation of the CNMP and for the handling of complaints;
- viii. construction operator training procedures;
- ix. duration of the construction works

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

Engineering Design Plans

- 7 At least 15 working days prior to construction starting, engineering design reports and plans for Rooding, Stormwater, Water Supply and Wastewater shall be submitted to, and approved by, the Waikato District Council's Senior Land Development Engineer. Engineering designs for the overall project shall be undertaken in general accordance with the following documents and shall address the specific design matters set out in conditions 7 to 9 below:

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

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

Roading

- 8 The Consent Holder shall prepare and submit Engineering Detailed Design Plans for roading and accesses/vehicle crossings (including geometric standards for the new signage, road markings, footpath design). The works shall be designed in general accordance with the approved plans and RITS except where changed by conditions of consent. The Engineering Design Plans shall be submitted to the Waikato District Council's Senior Land Development Engineer for approval. The works shall include:
- Installation of a 1.5m wide flush median in general accordance with MOTSAM, Part 2 Markings, Figure 3.28 at the northern vehicle crossing, except that the 1.5m wide flush median shall extend at least 10m south of the northern vehicle crossing before tying to the existing flush median. (no seal widening is required).
 - Formation of a two-way vehicle crossing and an exit only service vehicle crossing as shown on DDL Architecture (Job No. 18-039 dated 15-02-2019) concept plans. The design and construction of the vehicle crossings shall be in general accordance with the Regional Infrastructure Technical Specification (RITS) diagram D3.3.4 for commercial vehicle crossings except the width shall be modified to accommodate movements by a 17.9m semi-trailer.
 - Extension of the existing footpath to the proposed pedestrian access to the site.
 - Signs and markings restricting the southern vehicle crossing to exit only movements for service vehicles.

Independent Road Safety Audit (RSA)

- 9 At the time of submitting the detailed design required by **Condition 8** above, the consent holder shall provide an Independent Road Safety Audit (RSA) of the detailed design for roading and accesses/vehicle crossings in accordance with NZTA guidelines for Independent Road Safety Audits.

The Audit shall address:

- Pedestrian access and safety in the immediate vicinity of the subject site.
- Ingress and egress of Large vehicles from Horotiu Road

Commented [MC1]: Yet to work through and gain agreement from Traffic engineers on this matter.

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

The design shall be amended until all significant and serious concerns identified in the safety audit have been addressed to the satisfaction of WDC as road controlling authority, and where any safety concerns have not been addressed, engineering drawings shall be accompanied by a statement explaining why those safety concerns have not been addressed.

Stormwater and Water Supply

- 10 The Consent Holder shall prepare and submit Engineering Detailed Design Plans and a design report for stormwater treatment and management, and for Water Supply. The engineering design plans and design report shall be in accordance with the report Proposed Commercial Development, 561 Horotiu Road, Te Kowhai – Three Waters Management Plan by Wainui Environmental dated 4th April 2019 Ref: WE1919-01 and shall include:
- a. Evidence of a contract with a local water contractor to provide water to the development if required.
 - b. Details of the location of water tanks for potable water and tanks for firefighting supply to be positioned outside of yard requirements and details of screening , or alternatively earthworks volumes if the tanks are to be fully buried.
 - c. Details on site specific limitations, load capacity and methods to measure and monitor activities.
 - d. The location of the tanks shall not conflict with the approved Planting and Landscaping Plan or with the dedicated service areas (such as rubbish disposal and loading zones)

Wastewater

- 11 The Consent Holder shall prepare and submit Engineering Detailed Design Plans and a design report for onsite wastewater and maximum design loadings. The engineering design plans and design report shall be in accordance with the report Proposed Commercial Development, 561 Horotiu Road, Te Kowhai – Three Waters Management Plan by Wainui Environmental dated 4th April 2019 Ref: WE1919-01 and shall include:
- a. The site-specific limitations, load capacity and methods to measure and monitor activities
 - b. Ongoing Monitoring considerations.

Landscaping – Onsite

- 12 Prior to commencement of works, the consent holder shall submit to Council Monitoring Officer for certification, a finalised set of detailed landscape design drawings and supporting written documentation which have been prepared by a landscape architect or suitably qualified professional. The submitted information shall be consistent with the consented landscape concept. At a minimum, shall include landscape design drawings, specifications and maintenance requirements including:
- An annotated planting plan(s) which communicate the proposed location and extent of all areas of planting, including mitigation planting (if relevant).

- Annotated cross-sections and/or design details with key dimensions to illustrate that adequate widths and depths are provided for planter boxes / garden beds.
- A plant schedule based on the submitted planting plan(s) which details specific plant species, plant sourcing, the number of plants, height and/or grade (litre) / Pb size at time of planting, and estimated height / canopy spread at maturity.
- Details of draft specification documentation for any specific drainage, soil preparation, tree pits, staking, irrigation and mulching requirements.
- An annotated pavement plan and related specifications, detailing proposed site levels and the materiality and colour of all proposed hard surfacing.
- An annotated street furniture plan and related specifications which confirm the location and type of all seats, bins, lights, fences, walls and other structural landscape design elements.
- Details of screening measures required for any above ground tanks.
- A landscape maintenance plan (report) and related drawings and specifications for all aspects of the finalised landscape design, including in relation to the following requirements:
 - i. Irrigation
 - ii. Weed and pest control
 - iii. Plant replacement
 - iv. Inspection timeframes
 - v. Contractor responsibilities

Advice note:

It is recommended that the consent holder consider a minimum three-year management / maintenance programme for plant establishment and provide, in particular, details of maintenance methodology and frequency, allowance for fertilising, weed removal / spraying, replacement of plants, including specimen trees in case plants are severely damaged / die over the first five years of the planting being established and watering to maintain soil moisture.

Lighting – Onsite

- 13 Prior to commencement of works, the consent holder shall submit for certification by the Waikato District Council Monitoring Team Leader, a lighting design plan for the outdoor areas within the site in particular but not limited to the signage, outdoor seating amenity area and security lighting within the service and parking areas. The

lighting design plan shall demonstrate how the lighting across the site will comply with the light spill/glare requirements in **condition 42** of this consent.

Acoustic Design of the Mechanical Plant

- 14 Prior to application for building consent for the retail complex, the consent holder shall submit for certification by the Council Monitoring Team Leader, a report from a suitably qualified acoustic expert demonstrating that any proposed mechanical services design for the Retail complex (all external mechanical plant and ventilation equipment) will comply with the permitted noise levels of Rule 27.18 of the Waikato Section of the District Plan.

Implementation of the Management Plans

- 15 All earthworks and construction activities carried out on site shall be conducted and managed in accordance with the certified Construction Management Plan and certified Construction Noise Management Plan throughout the duration of construction works.
- 16 Prior to operation of the retail complex, all construction shall be carried out in accordance with the approved Engineering Design Plans.
- 17 Prior to operation of the retail complex, all onsite lighting shall be installed in accordance with the approved lighting plan and in accordance with the ongoing **condition 42** for glare and lighting below.

Complaints

- 18 Any complaints received by the consent holder as a result of the construction activities authorised by this resource consent shall be recorded by the consent holder in the form of a complaints register. The information recorded shall include:
- (a) The date, time and nature of the complaint;
 - (b) Name, phone number and address of the complainant unless the complainant wishes to remain anonymous;
 - (c) Action taken by the Consent Holder to remedy the problem;
 - (d) Any equipment failure and remedial action taken;
 - (e) The weather conditions at the time, including wind direction, wind strength and temperature; and
 - (f) Date and Name of the person making the entry.

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

Hours of Operation – Construction and Earthworks

- 19 All construction works (including earthworks) on the site must only be undertaken between 7:30am – 6.00pm Monday to Saturday. This does not prevent works that comply with the relevant standards from being undertaken outside these hours, as specified in the certified Construction Noise Management Plan (CNMP).

Accidental Discovery Protocols

- 20 In the event of any archaeological artefacts being discovered the works shall, in the vicinity of the discovery, cease immediately and the Waikato District Council, Heritage New Zealand Pouhere Taonga and representatives of local iwi (where artefacts are of Maori origin) shall be notified within 24 hours. Works may recommence on the written approval of the Waikato District Council after considering:
- a) Tangata Whenua interests and values;
 - b) Protocols agreed upon by Tangata Whenua and the consent holder, where required;
 - c) The consent holders interests;
 - d) Any approvals from Heritage New Zealand Pouhere Taonga; and
 - e) Any archaeological or scientific evidence.

Dust Control

- 21 All earthwork activities carried out on site shall be conducted and managed in such a manner as to ensure that all dust and particulate emissions are kept to a reasonable practical minimum.
- 22 The consent holder shall ensure that an adequate supply of water for dust control (sufficient to apply a minimum of 5 mm/day to all exposed areas of the site during the winter period, and a minimum of 10 mm/day to all exposed areas of the site during the summer period), and an effective means for applying that quantity of water, is available at all times during construction, and until such time as the site is fully stabilised.
- 23 The consent holder shall ensure that, at all times, the soil moisture of exposed areas is maintained at sufficient levels, under prevailing wind conditions, to prevent dust generated by normal earthmoving operations from remaining airborne beyond the boundary of the work site.

Debris on the Road

- 24 The consent holder shall take all practical measures to ensure that any debris tracking/ spillage onto any public roads as a result of the exercise of this consent shall be removed as soon as practical, and within a maximum of 24 hours after the

occurrence, or as otherwise directed by the Waikato District Council's Roding Area Engineer, to the satisfaction of the Waikato District Council's Team Leader-Monitoring.

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

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

Earthworks and Cleanfill Activities

- 25 Any fill areas shall be undertaken in accordance with NZS4431:1989 (Code of Practice for Earthfill for Residential Development) unless otherwise approved by the Waikato District Council's Senior Land Development Engineer. Any fill areas shall be certified by a Geo-professional as meeting the approved standard prior to any further development in those areas.
- 26 Any underfill drainage systems shall be designed by, and their installation supervised by, a suitably qualified and experienced Chartered Professional Engineer (CPEng) and their position recorded by a Registered Surveyor.
- 27 The site shall be stabilised against erosion as soon as practicable and in a progressive manner as earthworks are finished over various areas of the site. Appropriate methods of site stabilisation may include re-spreading of topsoil and grassing, hay mulching or placement of aggregate surfaces (roads/building platforms). The consent holder shall monitor and maintain the site until stabilisation is achieved to such an extent that it prevents erosion and prevents sediment from entering any watercourse.

Geotechnical Completion Report

- 28 After completion of the earthworks, and prior to undertaking any building works, the consent holder shall provide a "Statement of Professional Opinion as to Suitability of Completed Earthworks" completed and signed by a Geo-professional (who carries appropriate professional indemnity insurance for the works being supervised/certified) to certify that the site is suitable for:

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

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

The Statement is to be accompanied by the following:

- (a) A schedule with dates/results etc of all supervision and testing undertaken to certify the areas of cut/fill, and
- (b) An as-built plan of the earthworks, clearly showing the areas/depths of cut and fill, and defining areas of fill which have been engineered, and those areas

of fill which have not been engineered.

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

Landscaping Design Implementation

- 29 In the planting season (May to Sept) following completion of site works, all landscaping designs and planting included in the Landscaping plan approved under condition 12 shall be implemented in accordance with the approved methodologies schedules and Landscaping Plans.

Acoustic Fence

- 30 Prior to the operation of the retail complex, acoustic screening shall replace the proposed horizontal slatted fences around each 18m² outdoor service area. The acoustic fences shall be installed in the location shown currently as proposed horizontal slatted fences on the Site Plan SK01 and Elevations D-F SK03. The acoustic screens shall be 1.8m high and constructed of close-boarded timber with a minimum surface mass of 10 kg/m², such as 20-25mm thick timber palings or 17mm plywood.

As Built Information

- 31 As Built information for all works covered in the approved Engineering Design Plans shall be provided to Council for acceptance. As Built information shall be in accordance with Section 1.7.3 of the requirements of the RITS and shall also include all details of street lighting installed, in a format suitable for entering into Council's RAMM database.
- 32 The Consent Holder shall:
- (a) Appoint a suitably qualified and competent person, to the satisfaction of Waikato District Council's Roading Compliance Officer who shall be responsible for gathering all information necessary for RAMM data collection for the works to Horotiu Road .
 - (b) This representative shall gather and submit RAMM data, which shall conform to Waikato District Council's ROAD ASSET DATA STANDARD SPECIFICATION, to the Waikato District Council's Roading Compliance Officer for assessment and technical certification. All RAMM data shall be provided on the prescribed forms.

Construction Certification

- 33 A 'Contractors Certificate – construction', for each separate work undertaken by each individual contractor as part of the consent, shall be provided to the satisfaction of the Land Development Engineer, Waikato District Council.

Advice Note: An acceptable format for certification upon completion of works can be found in the NZS4404-2010 Schedule 1B (Contractor's certificate upon completion of land development).

- 34 A 'Certificate of Completion of Development Works' prepared and signed by the Developers Representative/ a suitably qualified professional, shall be provided to the satisfaction of the Land Development Engineer, Waikato District Council, to confirm that all works have been carried out in accordance with the approved plans and appropriate standards.

Advice Note: An acceptable format for a 'Certificate of Completion of Development Works' can be found NZS4404-2010 Schedule 1C (Certification upon completion of land development).

Onsite Parking

- 35 Prior to occupation and during operation of the retail complex, the consent holder shall provide car parking generally in accordance with site plans from DDL Architecture, Job No. 18-039 Dated 15-02-2019, and shall meet the following:
- Provision shall be made for a minimum of 36 parking spaces including two accessible parking spaces.
 - Provision shall be made for a minimum of four cycle parking spaces.
 - Parking and manoeuvring areas shall be maintained on site in a weed free, dust free, with a permanent surface.
 - Vehicle parking spaces shall be delineated with white painted lines with the exception of the accessible needs and loading spaces, which shall be delineated with yellow painted lines and have appropriate signage in accordance with NZS 4121 requirements. Spaces are to be appropriately identified by numbering or other means. Markings shall be regularly maintained.

Hours of Operation

- 36 The hours of trading shall seven days a week (Monday to Sunday) as follows:
- One Takeaway / pizza outlet – 10am to 10pm
 - Retail and hairdressers - 8am to 6pm
 - One Superette - 7am to 10pm
- 37 Delivery of goods, loading dock use, heavy vehicle movements and waste collection shall be limited to between 7am and 7pm, seven days a week. Loading and unloading and rubbish removal shall be restricted to within the rubbish and loading service area shown on the approved plans.

Acoustic Mitigation to be maintained

- 38 The acoustic fences required to be installed in accordance with **condition 30** shall be maintained for the duration of the activity and any damages repaired in accordance with the design specifications listed in the condition 30.

Landscaping / Planting to be maintained

- 39 Landscaping and planting located within the site as approved and undertaken in accordance with the approved Landscaping Design shall be implemented and maintained on an ongoing basis.

Signage

- 40 There shall be a maximum of one free-standing sign associated with the retail complex located on the subject site, this shall be in the design and location shown on the approved site plan and be in accordance with the SK04 Signage elevation. The free-standing sign shall have a maximum height of 7 metres and width of 2.6 metres with a maximum number of two sign faces. The sign shall be installed prior to operation of the retail complex.

Advisory Note: For clarity this condition excludes small scale directional signage and other small scale signs such as bicycle parking signs

- 41 During the operation of the retail complex, the consent holder shall ensure that all signs associated with the activity are maintained to a high standard and ensure that signage does not fall into a state of disrepair.

Glare and Lighting

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

Advisory Notes

1 Lapse Date

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

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

2 Other consents/permits may be required

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

3 Corridor Access request

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

4 Enforcement Action

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