RESOURCE CONSENT APPLICATION AND ASSESSMENT OF ENVIRONMENTAL EFFECTS

To establish and operate a commercial and retail complex and reform Parapara-iti Pā with associated parking, servicing and landscaping

for

BLUEHAVEN

Rev 2E - 06/07/2018

BTW COMPANY

SURVEYING | ENGINEERING | PLANNING & ENVIRONMENT






To establish and operate a commercial and retail complex and reform Parapara-iti Pā with associated parking, servicing and landscaping

Original AEE lodged

Report Author		06/12/2017
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Peer Review by		06/12/2017
	Cam Twigley MNZPI Director, Planning and Environment BTW Company Limited	Date
Project Manager Review by		06/12/2017
	Bryan Perring Development Director Kaitiaki Property Services Limited	Date

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Amended AEE as a result of Section 92 request dated 21 Feb 2017

Report Author		6/7/2018
	Jeremy Brophy MNZPI Team Leader Planning BTW Company Limited	Date
Peer Review by		6/7/2018
	Cam Twigley MNZPI Director, Planning and Environment BTW Company Limited	Date
Project Manager Review by		6/7/2018
	Bryan Perring Development Director Kaitiaki Property Services Limited	Date

EXECUTIVE SUMMARY

Bluehaven Commercial Limited (Bluehaven), are proposing to establish a commercial and retail complex (including a recontoured Pā site to be used as community/recreation space, large format retail (LFR), visitor accommodation, supermarket, offices, food and beverage premises, cinema, other complementary specialty retail, and associated parking, servicing and landscaping) at the property on the corner of Devon Road, Smart Road and Katere Road, New Plymouth. Upgrades to the surrounding road network are also proposed to ensure that the development maintains the safety and efficiency of this road network. Roading improvements will be completed over two stages.

Land use resource consent is required from the New Plymouth District Council (NPDC) for non-compliances with maximum building height, earthworks and over height buildings near a Waahi Taonga Site/Site of Maori Significance or Archaeological Site, provision of loading and standing space, minimum loading height, onsite parking, onsite manoeuvring space and onsite queuing space under the Industrial C Environment Area rules. Approval of a right of way under Section 348 of the Local Government Act 1974 (LGA) is also sought for use of service vehicles to the proposed LFR hardware shop building. The right of way would be over the access road from Smart Road to Ravensdown's new bulk storage facility.

As a result of required earthworks and the proposed change of use, land use consent is also required from the NPDC under the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NES-CS). A detailed site investigation (DSI) has been undertaken on the application site because 'fertiliser manufacture or bulk storage' is listed on the hazardous activities and industries list (HAIL). The proposed soil disturbance activities and change of land use shall be considered as a restricted discretionary activity under the NES-CS.

The risk to human health from the proposed change of use and soil disturbance can be effectively managed through implementation of the proposed remediation action plan (RAP) and contaminated site management plan (CSMP) to avoid risk to human health during the earthworks/soil remediation phase.

Additionally, this report concludes that the risk to human health from the change of use of the site from an industrial land use scenario to the intended commercial, retail and recreational use (e.g. Parapara-iti Pā) of the site will be low.

This application is supported by a number of other technical reports including an integrated traffic assessment (ITA) and a landscape and visual impact assessment (LVIA). The traffic related rule non-compliances are considered to result in effects that are internalised to the application site and have been assessed within the ITA as being acceptable. Further traffic assessment and modelling in relation to the roading upgrades proposed has also been addressed in the ITA to give NPDC confidence that the proposed upgrades are fit for purpose. The LVIA concludes that the landscape effects and visual effects that would be generated by the 'extra-height' of the proposed buildings would be appropriately avoided and mitigated. The LVIA concludes that the proposed building height on the corner of Devon and Smart Road is appropriate and will generate "*minor to less than minor adverse effects*". The site is considered to be very suitable for the proposed commercial and retail complex and will serve as a key gateway point for users of State Highway 3.

The proposal is a significant scale development that will generate positive effects on the local New Plymouth community, creating employment opportunities and modern commercial and retail

facilities. The development will also positively contribute to regional growth and provide a point of difference attracting visitors and tourists to New Plymouth.

This version of the AEE has been updated as a result of improvements to site layout and design to satisfy Section 92 request matters. The change proposed are all considered to be within the scope of the original consent application.

It is anticipated that the application can be processed on a non-notified basis, subject to confirmation of the formal notification decision to be completed by NPDC's processing planner.

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1 INTRODUCTION

1.1 Purpose

The purpose of this application is to seek land use resource consent and a right of way easement under a Section 348 of the LGA on behalf of the applicant Bluehaven. The application form (Form 9) is included in Appendix A.

The application is supported by a number of technical reports and the proposed development plans that are included in Appendix E to Appendix I. Finally, an analysis of rule compliance with the Industrial C Environment Area of the New Plymouth District Plan (NPDP) is included in Appendix T.

1.2 The Applicant

Bluehaven Commercial Limited
c/- BTW Company Limited
PO Box 551
New Plymouth
Attention: Jeremy Brophy

1.3 Site Description Summary

Land Location:	Corner of Devon, Smart and Katere Roads, New Plymouth
Legal Description:	Lot 1 DP 491841, Lot 1 DP 339878 and Lot 1 DP 440933
Computer Freehold Registers ('Site' as defined under NPDP):	713443 and 163951 (copies included in Appendix C).
Consents Sought:	Land Use Consent and Right of Way Approval
Zone:	Industrial C Environment Area
NPDP Map:	C27
Special Notions that affect the application site:	Waahi Taonga Site 677 Appendix 26 (Parapara-iti Pā), Waahi Taonga Site 673 Appendix 26 (Carved Maaori Toko), Volcanic Hazard Overlay (H3), Limited Access Road on Devon Road (SH3) frontage, Entrance Corridor on Devon Road (SH3). Mangaone Stream adjoining the Katere Road boundary is a "Priority Waterbody". The Mangaone Stream is a tributary of the Waiwhaikaiho River. All tributaries of the Waiwhaikaiho River are listed as statutory acknowledgments for Te Kotahitanga o Te Atiawa Trust (Te Atiawa).

1.4 Summary of Rules Land Use Consent is Sought Under

The following table provides a summary of the relevant rules (under the NPDP, NES-CS and LGA) that the proposal does not comply with. Overall, the consent application shall be assessed as a Restricted Discretionary Activity.

Table 1.1: NPDP Rule Non-Compliances

Rule No	Parameter	Comment	Activity Status
Ind9	10m maximum height of buildings (exclusions for roof towers).	The highest building proposed onsite is the hotel building, which has a maximum height of 26.216m (measured to top of mechanical plant room). This exceeds the maximum height rule of 10m by 16.216m.	Restricted Discretionary
Ind84	Vehicle Access Point	The proposed use of the Ravensdown access way (proposed Lot 2) for inward LFR hardware shop movements requires land use consent because the vehicle access point does not meet the required sight visibility south bound on Smart Road. Ravensdown hold a land use consent to utilise this vehicle access point on Smart Road. Therefore, this application would assess potential additional traffic effects generated by the proposed LFR hardware shop traffic on top of existing Ravensdown traffic movements through this vehicle access point.	Restricted Discretionary
Ind86	Parking	To meet the NPDP permitted activity standards for onsite parking, a total of 2,205 onsite parking spaces are required. The development proposes a total of 1,200 onsite parking spaces.	Restricted Discretionary
Ind87	Loading and Standing Space	The following loading space areas require consent. <u>Two Medium Rigid Truck Loading – For LFR and Specialty Retail</u> Two loading areas are proposed on the upper platform area, adjoining the speciality retail areas. Each loading space would enable a medium ridged truck to reverse into the space. There is no dedicated standing area for a second medium truck to stand adjoining the loading zone. Given that these loading areas are only to be utilised after hours, standing would be provided informally at a location not in use on the upper car parking area. Refer to Ignite Plan 1433-002, sheet RC 09 and 10 and Team Traffic Plan 17127, sheets 2 and 3, Rev A	Restricted Discretionary

Rule No	Parameter	Comment	Activity Status
		<u>Katere Road – Lower Platform:</u> Ignite Plan 1433-002, sheet RC 09 and 10 and Team Traffic Plan 17127, sheet 5, Rev A shows tracking curves for a 17.5m long semi-articulated truck. The loading space would be located in a staff parking manoeuvring space/aisle width. The standing space can be provided adjoining the proposed sliding gate, which opens to provide a path to exit the property. The standing space is clear of tracking curves in a location that would not impede any car park movements. Consent is required for a non-compliant loading space given it is located in a parking manoeuvring area. The heavy service vehicle loading space would not have a minimum height of 5m, 4.6m is proposed. Consent is triggered for this aspect of the proposal. <u>Katere Road – Upper Platform:</u> Ignite Plan 1433-002, sheet RC 09 and Team Traffic Plan 17127, sheet 4, Rev A shows tracking curves for a 17.5m long semi-articulated truck. The loading space would be located in a staff parking manoeuvring area. Consent is required for a non-compliant loading and standing space given it is located in a parking manoeuvring area.	
Ind88	On-site manoeuvring space	<u>Loading and Standing</u> A number of the proposed manoeuvring areas for parking spaces will be used at times for loading and standing space. The proposal therefore does not comply with this aspect. <u>Parking</u> The proposed parking layout does not meet the manoeuvring space/aisle width of 7.9m required for a 90° nose in with a right turn or a blind bay. The proposed design provides a 7.0m manoeuvring space/aisle width for all 90° angle parking spaces. The proposed parking layout has been designed to fully comply with or exceed the stall widths and depths required.	Restricted Discretionary

Rule No	Parameter	Comment	Activity Status
Ind89	On-site queuing space	The proposal includes more than 30 parking spaces and vehicle access from State Highway 3 (Devon Road) and an Arterial Road (Smart Road). There will be no queuing on Devon Road. Smart Road includes a proposed intersection where queuing would occur through the normal phasing of traffic lights.	Restricted Discretionary
OL81	Erection of structures within 50m of a Waahi Taonga/Site of significance to Maori or Archaeological Site.	The proposal includes buildings within 50m of Parapara-iti Pā (NPDP, Appendix 26 Ref 677) and Te Pou Tutaki (Carved Maaori Toko - NPDP, Appendix 26 Ref 673) which are recorded Waahi Taonga/Sites of Significance to Maori or Archaeological Sites.	Restricted Discretionary
OL82	Erection structures that exceed 10m in height within 100m of a Waahi Taonga/Site of significance to Maori or Archaeological Site.	The proposed cinema building would have a maximum height of 15.97m and the hotel building 26.216m. Both of these buildings would be between 50 and 100m of the Pā and Carved Maaori Toko. The proposed hardware shop would have a height of up to 11.029m (mechanical plant).	Restricted Discretionary
OL85	Excavation and filling, clearance of trees within 50m of any Waahi Taonga/Site of significance to Maori or Archaeological Site listed in Appendix 26.	The proposal includes earthworks and clearance of trees on and within 50m of Waahi Taonga/Sites of significance (Parapara-iti Pā and Carved Maaori Toko).	Restricted Discretionary

Table 1.2: NES-CS Consent Requirements

Legislation	Parameter	Comment	Activity Status
National Environmental Standard – Contaminated Soil	Section 10, NES-CS (a) a detailed site investigation of the piece of land must exist: (b) the report on the detailed site investigation must state that the soil contamination exceeds the applicable standard in regulation 7: (c) the consent authority must have the report: (d) conditions arising from the application of subclause (3), if there are any, must be complied with.	The proposed soil disturbance activities and change of use meet the requirements set out in Section 10 of the NES-CS.	Restricted Discretionary

Table 1.3: Approval sought under the Local Government Act 1974

Legislation	Parameter	Comment
Section 348 of the Local Government Act	Creating a right of way to be used for only loading and servicing activities related to the proposed LFR hardware shop. We expect that authorisation under the Local Government Act will be issued via a separate approval document.	The proposal seeks to create a right of way for proposed Lot 1 DP 509004 over the proposed Lot 2 DP509004 accessway. Approval of this ROW shall be completed after computer freehold registers are issued for SUB17/46785.

A full analysis of the proposal against the NPDP Industrial C Environment Area permitted activity conditions is included in Appendix T of this report.

1.5 Other Approvals

Resource consent is required from the Taranaki Regional Council (TRC) to establish a bridge over the Mangaone Stream on Katere Road, and for bulk earthworks. This application has not yet been lodged with TRC.

A general archaeological authority will be sought from Heritage New Zealand Pouhere Taonga (Heritage NZ). Ivan Bruce (Consultant Archaeologist) has investigated the requirements with Kathryn Hurren at Heritage NZ, who has confirmed that a general archaeological authority would be required for the proposed earthworks on Parapara-iti Pā.

Approvals from the New Zealand Transport Agency (NZTA) under the Government Roading Powers Act 1989 will be required to undertake upgrades to Devon Road, including additional lanes, reconfigured road markings, new centre islands and an additional signalised intersection opposite Katere Road.

Approval from NPDC's Planning Committee will be required for changes to the Smart Road carriageway markings and the establishment of a signalised intersection opposite the main entrance to the proposed commercial and retail complex on Smart Road. An encroachment licence will also be required from NPDC to establish a bridge across the Mangaone Stream adjoining Katere Road.

2 SITE AND EXISTING ENVIRONMENT

2.1 'Site' and 'Application Site'

For the purposes of applying NPDP rules and considering the establishment of the proposed buildings and associated infrastructure and operating the proposed commercial and retail development and associated parking and landscaping the 'site' includes land within the existing computer freehold registers (CFRs) 713443 and 163951 (this aligns with the NPDP definition of 'site').

However, the applicant proposes to establish and operate the commercial and retail development, create a right of way easement and undertake earthworks to re-establish a Pa within a specific area of this 'site' which shall be thereafter referred to as the 'application site'. This specific area has been identified within drawing no 16216-11, Sheet 1, Revision 1 attached in Appendix B. The area identified in this map reflects the extent and areas of Lots that will be created by subdivision SUB17/46785 (comprising of proposed Lots 1, a portion of the access way to Lot 2 and Lot 3).

2.2 Defined 'Piece of land' (NES-CS)

For the purposes of considering the NES-CS the 'piece of land' that relates to NES-CS soil remediation is identified within the 4Sight Consulting RAP in Appendix K. For ease of use this plan produced by 4Sight Consulting has also been included in Appendix B. Prior to any vesting of road reserve areas, the applicant will remediate soils within the proposed Lot 4 and 5 of SUB17/46785 adjoining Devon and Smart Roads.

2.3 Buildings and Historical Use

The site is occupied by large fertiliser storage and manufacturing buildings, substantial hard stand and driveway areas and an office building adjoining the Devon Road site vehicle access point. The majority of buildings onsite were established circa 1920 to 1950's, some of which were established for use as part of the freezing works activity that was present onsite from the early 1900's. An unmanned aerial vehicle (UAV) photo taken in October 2017 and shown in Figure 2.1 below displays the extent of the site, the buildings and the light brown, orange coloured asbestos floor areas.

Figure 2.1: Approx. application site described in Section 2.1 with existing fertiliser buildings and surrounding roading network (Source: BTW Oct 2017)

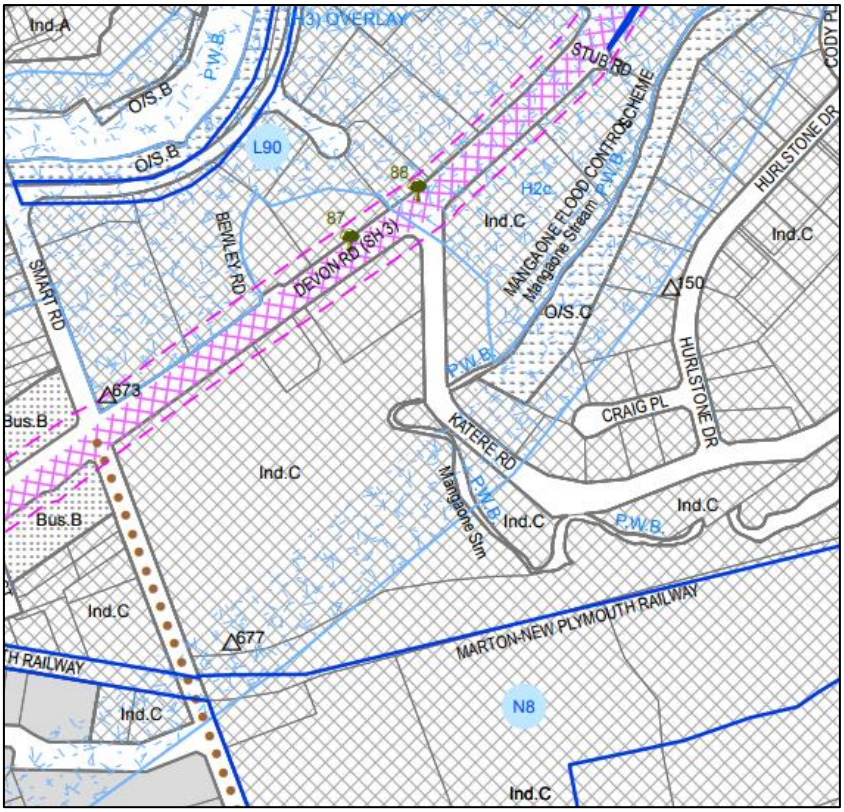

Figure 2.2: NPDP Map C27

2.3.1 Vehicle Access

The site currently has one active vehicle access point on Devon Road (ROW easement in favour of NZ Couriers and the main Ravensdown site office entrance alongside). The Devon Road frontage is used to access the Ravensdown main site office across a 15m wide vehicle access point. The current lawfully established traffic movements from Devon Road include a north east bound right turn into the site and left in/left out and a right turn from the application site onto Devon Road. There is a connection through the site, from Devon Road to vehicle access points on Smart Road.

There are two vehicle access points on Smart Road. The vehicle access point positioned 45m from Devon Road is not currently active, access is restricted by a locked pipe/wire mesh gate. The Smart Road main site access for heavy vehicles is through a 10m wide vehicle access point located 155m from Devon Road.

The site also has a historical access point on Katere Road, located approximately 98m from Devon Road. The access point is not currently active, access is restricted by a pipe/wire mesh gate. The access point comprises of a lower kerb height and metal surface across the road reserve area.

A new vehicle access point has recently been established for the new Ravensdown bulk store on the southern side of Parapara-iti Pā.

2.3.2 Vegetation

The most visually prominent vegetation on the application site is the tall Pōhutukawa /Taupata shelter belt (approximately 7-9m high) which extends for a length of approximately 200m along

Devon Road, and for a short section of Smart Road. The primary function of this group of trees appears to be to screen the Ravensdown operation, buildings and current industrial use.

There are a number of mature trees located on the lawn areas adjoining Smart Road including a number of Pōhutukawa, Macrocarpa, Phoenix Palm, Norfolk Pine, Taupata, Oak, Conifer and Woolly Nightshade trees. There are also a number of Pōhutukawa trees located within the Smart Road, road reserve area.

The Katere Road frontage has a number of mature Conifer and Pōhutukawa trees that provide visual screening of the site. There are examples of isolated Pōhutukawa trees and lower height scrubs located across the balance of the site.

The application site has no notable trees protected within the NPDP, by covenant or any other private means listed on the CFR.

2.3.3 Waterbodies

The Mangaone Stream meanders along the north-eastern boundary of the application site adjoining Katere Road, before it flows underneath Katere Road through a large culvert and through the Katere Scenic Reserve that runs along the vegetated cliff edge below properties on Hursltone Drive. The Mangaone Stream flows directly into the Waiwhakaiho River approximately 1km north of the site, next to Lake Rotomanu.

The Mangaone Stream is listed as a 'Priority Waterbody' within the NPDP. Priority waterbodies, have been identified primarily for natural character and/or public access/recreation purposes. Whilst the value of priority waterbodies is acknowledged, there are no relevant land use rules within the NPDP that relate to priority waterbodies. It is only during a proposed subdivision that esplanade reserves or strips shall be required to be vested adjoining priority waterbodies. There is no esplanade strip or reserve on the application site adjoining the Mangaone Stream as the stream is not identified in Appendix 17 of the NPDP as a 'Preferred esplanade strip/reserve' area. Through historical subdivision the Mangaone Stream parcel has been incorporated into the adjoining Katere Road Reserve area.

Between 2008 and 2013 TRC completed flood protection investigations and works adjoining the site establishing culvert headwall and wingwalls, and gabion baskets providing a spillway over the twin culverts that were currently imbedded in the stream channel.

The site falls within the Volcanic Hazard (H3) NPDP Overlay that relates to the risk posed by a potential lahar flow down the Waiwhakaiho River, in the event that Mt Taranaki erupts. The NPDP only seeks to control the location of hazardous facilities within this hazard overlay. As a result, the proposal not including storage or use of any hazardous substances as they are defined within the NPDP. the overlay is not relevant to this proposed development.

2.3.4 Topography

The site has two main platform areas, divided by a central cliff edge that aligns with the Katere Scenic Reserve located to the east of the site across Katere Road.

Parapara-iti Pā is positioned in the south eastern corner of the site and has a slightly raised presence.

2.3.5 Sites of Cultural Significance

The site has a recorded Waahi Taonga/Site of Significance to Maori listed, which is Parapara-iti Pā listed as reference 677 in the NPDP. This Pā site is located in the south-western corner of the site, adjoining the newly formed driveway to Ravensdown's new bulk storage facility. The Mana Whenua Iwi identified in the NPDP is Ngāti Tawhirikura.

The New Zealand Archaeological Association database (Archsite) lists the Pā feature as site reference number P19/401. The site is described within the 2013 archaeological assessment completed by Ivan Bruce as "*A series of circular depressions on a small remnant of hill, now largely destroyed by earthworks*". The Pā site is of Māori origin and dates back to pre-1769 according to the archaeological assessment. The Pā site is partly covered by a mixture of native and exotic unkempt trees, vines, shrubs and weed surrounded by mown lawn area. There is a sign on the application site which refers to the site as 'Aotere Pā'.

There are no other Waahi Taonga/Site of Significance to Māori or Archaeological Sites recorded on the application site. The nearest other Waahi Taonga/Site of Significance to Māori or Archaeological Sites are:

- Te Pou Tutaki referenced in the NPDP as "Carved Maaori Toko" reference 673 in Appendix 23 of the NPDP. The Pou is located on the Harvey Norman corner adjoining Smart Road and Devon Road in a small triangular Local Purpose (Historic) Reserve owned by NPDC.
- Pararoa Pā is located approximately 202m to the north east of the application site, on the property legally described as Lot 1 DP 18339 (no street number). The site reference is 150 in Appendix 23 of the NPDP.

2.3.6 Soil Contamination

The site has historically been used for residential activities, abattoir activities and bulk fertiliser storage and distribution. Bulk storage of fertiliser is a listed activity on the HAIL produced by the Ministry for the Environment. In addition, the TRC records the site as being on the Selected Land Use Register (SLUR) which identifies sites that have been systematically identified and investigated as a possibly contaminated site.

The 'piece of land' is identified in Appendix B as a result of this historical HAIL activity onsite. Golder and Associates Limited (Golder) have undertaken a DSI in 2013 on the lower platform onsite and a separate DSI in 2015 on the upper platform onsite. Copies of these reports and a 2017 DSI addendum referred to as a supplementary environmental site assessment (ESA) report are included in Appendix K. These investigations identify that "*Fertiliser manufacture and other potentially hazardous activities and industries have been undertaken at the site since the 1920's*" and that "*from a health risk perspective the principal contaminants identified at the site are polychlorinated biphenyls and asbestos. Acids, fertiliser residues and potentially toxic trace elements are also present but less likely to pose risk to human health*".

During the subdivision consent process, Council's Consultant AECOM, completed a review of the 2013 and 2015 Golder DSI reports. The AECOM review identified a number of information gaps in these reports that would relate to a future potential change of use, with a recommendation that the gaps be addressed if a land use consent to change the use onsite or disturb soil is proposed.

Golder completed a ESA report in October 2017, in addition 4Sight Consulting (4Sight) have also addressed further questions raised by AECOM. The ESA found that with the exception of asbestos, the additional soil samples did not detect the presence of contaminant concentrations exceeding

applicable standards for the protection of human health. Asbestos was detected in the form of Asbestos Containing Material (ACM) and friable asbestos (FA+AF) at different locations across the site. Three of the nine samples contained concentrations of FA+AF exceeding the investigation criterion of 0.001% w/w (WADoH 2009).

The 2013 and 2015 Golder DSI reporting confirms that the following contaminants are detected in soils on the site:

- sulphur (as oxidised sulphuric acid, or reduced hydrogen sulphide);
- selenium-based and phosphate-based fertilisers;
- organochloride pesticides (OCP's);
- dichloro-diphenyl-trichloroethane (DDT);
- trace elements such as cadmium, fluoride and uranium;
- asbestos and ACM;
- lead (from lead-based paints);
- total petroleum hydrocarbons (TPH) and benzene, toluene, ethylbenzene and xylene compounds (BTEX);
- polycyclic aromatic hydrocarbons (PAHS);
- polychlorinated biphenyls (PCB's); and
- heavy metals (arsenic, boron, chromium, cobalt, copper, nickel, zinc).

With the exception of asbestos in soil, all soil sample laboratory results were below applicable guidelines for protection of human health in a commercial/industrial or recreational setting. In addition, the applicant proposes to meet the residential guidelines for earthworks on Parapara-iti Pā.

There is uncertainty as to whether an underground storage tank (UST) that has historically existed within the piece of land has been removed. As a result, this application seeks consent under the NES-CS to remediate soils in the instance that the removal of the tank cannot be completed under permitted activity standards (e.g. more than 30m^3 of soil require removal due to contaminant concentrations) in the NES-CS. This is further explained in Appendix K.

2.4 Surrounding Land Use

The site and surrounding area is located in the Industrial C Environment Area zone. There is a short row of properties directly west on Devon Road which have a Business B Environment Area zoning. Uses in this zone include a Z Service Station, Hirepool, a car wash business and motorhome dealer yard.

Figure 2.3: Surrounding environment land use

2.4.1 Devon Road (State Highway 3)

The Devon Road frontage of the site adjoins a four-lane section of Devon Road (SH3). The Valley Shopping Centre is located on the opposite side of Devon Road to the application site. Pedestrian access is not available along the Devon Road frontage, all vehicles must enter the shopping centre via Rifle Range Road. The Valley Shopping Centre provides large format retail, with examples of smaller retailing and food and beverage offerings interspersed.

Land between the Valley Shopping Centre and Devon Road contains mown lawn areas with Pōhutukawa and Taupata trees. The Valley Shopping Centre architectural form turns its back on Devon Road therefore the purpose of the landscape planting has been to visually screen the flat painted pre-cast concrete building wall lines.

Devon Road along this site frontage has two centre islands, separating east and west bound traffic lanes. There is a right turn bay on the north east bound lane, which enables traffic to cross the south west bound lane accessing the Ravensdown Office, Post Haste, New Zealand Couriers and Entec. This right turn bay also extends to allow right turn east bound traffic out of the site. The bay continues north east bound providing right turn access, for north east bound traffic into Katere Road.

2.4.2 Katere Road

Katere Road serves as one of the main entrance points to the Waiwhakaiho Industrial Area. The property on the corner of Devon Road and Katere Road is occupied by Entec, Post Haste and New Zealand Couriers. Land use adjoining the application site on Katere Road includes Palmers Garden World (with Café Botanix), Value Building Supplies, Mecasso Interior Concepts, The Hospice Shop and Pacific Rim Furniture.

South of the Mangaone Stream businesses present include Café and Mega Bounce Trampoline Arena, Taranaki Steelformers and Rivet Engineering. Kibby's Metal Pressing has recently established their premise on the southern side of Katere Road adjoining the eastern-most portion of the application site.

2.4.3 Smart Road

Land use on Smart Road adjoining the site includes the Z Service Station, located on the corner of Devon and Smart Road, Hirepool and property north of the Marton to New Plymouth Railway line that is currently used as a yard for storage of heavy vehicles, machinery and metal/chip.

South of the railway line land use changes to residential activities west of Smart Road. There is a railway storage and shunting yard located on the east side of Smart Road, south of the railway line. NPDC's landfill (Colson Road Landfill) is located further south of this piece of railway land.

Smart Road is a transport route south towards a rural and lifestyle area. The road also provides a connection via Dorset and Egmont Road's to satellite towns of Egmont Village and Inglewood

2.5 Traffic Environment

The application site has frontage to Smart Road to the west (defined in the NPDP as an 'Arterial Road'), Devon Road (Defined in the NPDP as State Highway 3 Limited Access Road) to the north and Katere Road (defined in the NPDP as a 'Local Road') to the east.

Devon Road is the main entrance corridor to New Plymouth from the north, and is identified as an 'entrance corridor' in the NPDP. The Smart Road and Devon Road intersection is the first urban signalised intersection on SH3 heading into the city and is the only urban bridge crossing over the Waiwhakaiho River towards the New Plymouth CBD. Historically, NZTA traffic counts recorded an average daily traffic (ADT) volume of 25,470 vehicles per day (VPD) including both lanes in 2010. More recent NZTA traffic counts on Devon Road near Egmont Road record an ADT of 27987 vehicles per day (both directions).

Katere Road feeds the adjacent industrial areas with connections into Hurlstone and Egmont Roads. NPDC traffic count records (ADT) at a location near Devon Road recorded 3,203 vehicles per day (VPD) including both lanes on July 2007, with a peak traffic volume of 377 VPD recorded at 7am. More recent Traffic Engineering and Management Limited (Team Traffic) survey traffic counts on Katere Road recorded a five-day ADT of 3,974 vehicles per day (both directions), and a seven- day ADT of 3,256 vehicles per day (both directions).

Smart Road at a location between Devon Road and the railway yards recorded an ADT volume of 4,604 VPD including both lanes on March 2016. The peak traffic volume was 435 VPD recorded at 5pm. More recent Team Traffic survey traffic counts on Smart Road recorded a five-day ADT of 4,546 vehicles per day (both directions), and a seven-day ADT of 4,246 vehicles per day (both directions).

A detailed ITA has been undertaken by Team Traffic of the existing traffic environment surrounding the application site. The ITA includes recent tube count and video survey data conducted to inform the assessment and modelling. This assessment is included in Appendix L. The ITA addresses relevant NPDP non-compliances and provides an assessment that confirms that upgrades are required to the existing road network to ensure the network provides for the additional traffic generation proposed.

3 PROPOSAL

3.1 Overview

The proposal is to establish a commercial and retail complex on approximately 7.89ha of land (including right of way area) positioned on the corner of Devon, Smart and Katere Roads, New Plymouth. The application site has been occupied by Ravensdown Fertiliser for almost a century and for many years the majority of the buildings have been dilapidated and an eyesore on the New Plymouth entrance corridor. There is now an opportunity to develop the site and establish a visually attractive complex that will provide a range of commercial, retail and recreational uses for New Plymouth and for the wider Taranaki Region.

The proposal would result in a significant increase in traffic generation on the surrounding road network. As a result, the existing roading network would not have the required capacity to service this proposed development. The proposal therefore includes upgrades to Smart Road, Devon Road and Katere Roads, that would be completed in two main stages. A condition precedent has been offered up by the applicant to ensure that these road upgrades are completed prior to building consents being granted for each stage of the development. Draft wording of this condition precedent is included in Section 9 of this assessment of environment effects (AEE).

Figure 3.1: Perspective image of the commercial and retail complex from the Smart Road and Devon Road intersection

An integral part of the overall commercial and retail complex masterplan is the reformation of Parapara-iti Pā, located in the south western corner of the site. The redevelopment of the Pā has been developed in consultation with Ngāti Tawhirikura and will enhance their tribal presence in the area as well as providing a cultural statement when viewed from the main entrance to the commercial and retail complex which faces towards the Pā site.

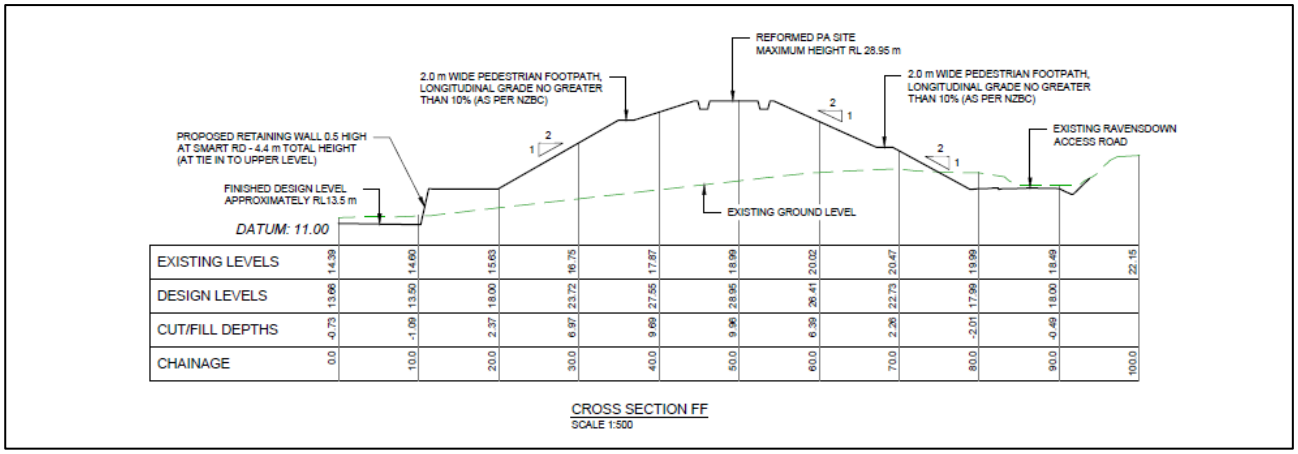

Figure 3.2: Proposed reformation of Parapara-iti Pā (refer to Appendix I for further detail)

The site has long been occupied by large utilitarian fertiliser buildings. Effort has been made by the current site owner to establish Pōhutukawa/Taupata shelter-belts along Devon Road, a short section of Smart Road and sections of Katere Road to hide the unsightly, large deteriorating buildings. As a prominent entrance corridor site to New Plymouth, the removal/deconstruction of these old buildings and re-development will be a positive change for the area, both from an amenity perspective but also from a health and safety perspective with the old fertiliser buildings containing asbestos.

Demolition contractors would carefully deconstruct these buildings (safely disposing of asbestos material from the site). The site would be rejuvenated introducing a mixture of commercial and retail activities producing a gross leasable floor area (GLFA) of approximately 38,172m^2 across the site. The development masterplan includes five anchor tenants comprising of 26,055m^2 (GLFA). These large anchor tenants occupy the majority of the proposed buildings, connected by specialty retail activities serviced by three main onsite parking areas.

Given the large size of the site, and the level of known contamination (specifically asbestos fibres in the soil) it is anticipated that demolition crews would focus their building deconstruction and soil remediation work on specific areas of the site, and work their way across the site rather than working on the whole site in one sweep.

3.2 Staging of Development

The proposal includes the following stages:

- **Stage 1:** Removal/deconstruction of buildings, infrastructure and trees. Soil remediation and earthworks (including Pā site reformation).
- **Stage 2:** Development of the upper platform area including the LFR hardware shop building.
- **Stage 3:** Development of the lower platform area and the remaining upper platform areas, including Large Format Retail (LFR), specialty retail, food and beverage offerings, offices, cinema and hotel.

Please refer to the staging plan included in Appendix B. The applicant anticipates the full development (including all stages) to be completed within a three-year period (consent is sought for a normal lapse period of 5 years). Each stage is intended to roll out back to back, the purpose of the staging is to allow the upper level LFR anchor tenancy to become operational first and to provide a

set of triggers to complete specific roading upgrades prior to buildings within stage 2 and 3 areas being constructed.

3.3 Removal of Existing Buildings, Infrastructure and Trees

The applicant intends to remove all buildings on site by method of cutting each building off at foundation level and leaving as much of the concrete foundations in situ as possible. This method aims to minimise disturbance of soil onsite, which is broadly affected by various historical contaminants most notably asbestos fibres.

An asbestos survey was completed by Environmental Resource Management (ERM) and BTW Company Limited (BTW) in June 2017 which identified the presence of asbestos within buildings onsite. The demolition contractors Nikau Construction Limited (Nikau) will complete removal and disposal of asbestos to an authorised facility prior to the buildings being demolished. Asbestos removal will be monitored by Worksafe NZ (Worksafe).

Building removal is not captured by the provisions of the NES-CS, because the method that will be employed is to cut building structures off at their foundations leaving all building foundations in situ. As a result, soil will not be disturbed, and the land use would not change as part of the building demolition phase. An asbestos survey has been completed and identifies a significant volume of asbestos within the buildings onsite. Removal and safe disposal of asbestos material will be carefully managed and overseen by Worksafe NZ. Exclusion of building deconstruction from being captured as part of the NES-CS assessment has been observed in other recent deconstruction projects in New Plymouth that have known asbestos risks such as the Barrett Street Hospital demolition.

The site features a number of mature trees, with most of these trees scattered across mown lawn areas adjoining Smart Road. A Pōhutukawa/Taupata shelter belt adjoining Devon Road and Smart Road will be retained during stage 1. For Stage 1 the pohutukawa/taupata shelter belt on Devon Road and a short section of Smart Road will be maintained to provide visual screening of soil remediation activities.

The shelter belt will be removed prior to stage 2 to enable a view shaft through to the proposed LFR hardware shop tenancy from Devon Road. Once the shelter belt is removed landscaping along the site frontage would be established and a solid hording would be positioned within the application site to provide additional screening. The hoarding would include screening material that may include promotional information about the development (which meets any necessary requirements NZTA may have for font size, content etc).

After stage 1 is complete there will be an open view across both the lower and upper level platforms, separated by the internal retaining wall structure. An open site that will be presented to adjoining roads after stage 1 will not appear out of place within this industrially zoned area.

For stages 2 and 3 landscape planting will be implemented as the buildings, sealed parking, and access area are completed as per the staging identified on the concept landscape plan in Appendix J.

The building deconstruction and site development works would be managed by a series of management plans. These include a contaminated site management plan (CSMP).

3.4 Earthworks

3.4.1 Development Platforms and Retaining Walls

BTW Civil Engineers have designed two platform levels that are to be developed on the application site. The platforms would be separated by a centralised retaining wall structure that will orientate

parallel to Devon Road (refer to earthworks plans in Appendix I). The retaining wall structure would be approximately 5.0m in height.

Once the earthworks are completed the finished design level for the upper platform would be RL19.0m, and RL13.5m for the lower level. A total of 29,000m^3 of cut (solid measure) and 61,000m^3 (solid measure) of fill are required to establish the platform areas. The finished design level has been set to allow the foundations of buildings onsite to be left in situ, with proposed building foundations punching through sections of the old foundations and parking for sealed areas being established overtop.

3.4.2 Parapara-iti Pā Site Recontouring and Future Use

The archaeological assessment (full report in Appendix M) confirms that there are no plans, historical images or photography showing the original layout and construction of Parapara-iti Pā. In discussions with Ngāti Tawhirikura, Parapara-iti appears to have been one of seven Pā that were positioned along the top of the cliff escarpment, running through the application site and through the Katere Scenic Reserve to the north. Ngāti Tawhirikura have requested that the general shape of the reformed Pā reflects that of Whakawhitiwhiti Pā (P19/16), situated on Oranga Street, Westown.

Earth fill from the main site development area will be used to build up and recontour Parapara-iti Pā, which is located in the south-western corner of the site (refer to earthworks plans in Appendix I). The proposed Pā profile has been modelled as a traditional Pā shape with a rectangular trench established on the top of the Pā cone. The Pā has been engineered with a walkway (grade no greater than 10% as per NZ Building Code) that circulates to the crest where a traditional trench would be established. The height of the Pā would establish a grade of slope that will be stable from an engineering standpoint. Approximately 2,000m^3 of cut (solid measure) and 14,000m^3 of fill (solid measure) would be required to establish the engineer designed Pā. The recontoured Pā would be formed to a formed height of RL 28.95 (maximum height of 9.95m above the upper platform RL19.0).

3.5 Soil Remediation

3.5.1 Remediation Action Plan and Construction Site Management Plan

A RAP has been prepared by 4Sight, which is to be viewed in conjunction with the CSMP (Refer to Appendix K for full report). The primary objective of the RAP is to "*summarise the options and provide an appropriate plan for the remediation of contaminant impacted soil at the site so there is no significant risk to human health*".

The RAP has utilised laboratory results and findings within the 2013 and 2015 Golder DSI reports. The ESA completed by Golder on October 2017 addresses a number of data gaps that NPDC's consultant peer reviewer AECOM had raised during consideration of the Ravensdown subdivision resource consent application currently being processed. The subdivision consent application included both the 2013 and 2015 Golder DSI reports.

As outlined in Section 1.3.3 of the RAP, it appears that an underground storage tank (UST) which reportedly contains waste oil may be present at the site. It is possible that the tank removal would meet permitted activity standards under the NES-CS, is this is the case the requirements of a permitted UST removal will be followed.

However, in the instance that more than 30m^3 of soil is disturbed and more than 30m^3 requires removal from the site due to contaminant concentrations, land use consent is sought (as contingency) for the UST removal as a restricted discretionary activity. Please refer to the RAP attached in Appendix K which addresses removal of the UST.

The RAP includes the following methods:

Conceptual site model

A risk assessment has been completed identifying exposure pathways, based on known potential sources of contamination identified in the DSI report. Refer to Appendix K for further details.

Human health receptors are identified as existing visitors to the site, deconstruction and construction workers, visitors to surrounding properties, and sub-surface maintenance works on surrounding properties.

Environmental/ecological receptors identified include soil and shallow groundwater beneath and down-gradient of the site, nearby surface water and future plants/vegetation for the site.

Remediation drivers, goals, objectives and targets

The goal of the RAP is to "*remove contaminant impacts soils from, such that the proposed redevelopment can commence*".

The Western Australian Asbestos Guidelines have been applied in the RAP. Other contaminants evaluated on site are below commercial/industrial soil contamination standards (SCS) or other applicable guideline values. Therefore, remediation is required only for asbestos in soil. Any soil imported to the Pā area of the site will meet the recreational guideline values.

Remediation options assessment

The remediation options assessment focuses on technically feasible technologies that would facilitate the remediation of soils at the site. The assessment identifies each 'technology', a summary of advantages and disadvantages, site specific application, estimated efficiency and feasibility.

Remediation will be conducted in a staged approach, incorporating a mix of strategies outlined in Table 9 of the RAP. This is likely to include:

1. Initial 'Chicken-pick' across likely remediation areas, extending approximately 5.0 linear metres from buildings to visually inspect and manually remove visible pieces of ACM to the extent practicable.
2. Adopting a 'Presumptive Remedy' approach, assume all soils in upper 50mm of landscaped areas within an approximate 5.0 linear metres adjacent to on-site buildings containing ACM are 'asbestos contaminated' unless demonstrated 'clean' by sampling and analysis. These soils will be bulk excavated and disposed of off-site at a suitably licensed facility as 'asbestos waste'.
3. Subsequent inspection of soil, excavation and stockpiling on-site for further characterisation as to whether soil is: Contaminated – requires off-site disposal, or can be managed on-site in a Controlled Area or under buildings/hard stand in specific areas; or Not Contaminated – suitable for on-site re-use in all areas.
4. Subsequent validation of remediated areas to determine appropriate management of the area, as described in Section 8.

This remediation strategy is considered most likely to achieve successful remediation of the site, within timeframes required by the project, while also allowing for re-use of soil on site where appropriate.

Remediation feasibility studies

The proposed remediation strategy comprises of excavation, off-site disposal, on-site management, and capping and covering of impacted soil and is a proven method of soil remediation.

Based on the available data, and by taking a 'presumptive remedy' approach (of assuming all soils in landscaped areas extending 5.0m laterally from ACM buildings are contaminated unless proven otherwise), 4Sight has inferred the lateral and vertical (0.05 to 1.0 m depth) extent of asbestos / ACM impacted soils.

4Sight proposes to undertake post-remediation soil validation following the decommissioning and removal of the waste oil UST and associated infrastructure (if present), and bulk excavation of immediately abutting soils.

Remediation strategy

The proposed approach including reviewing remediation plans, earthworks, validation sampling and analysis and reporting is outlined within Section 8 of the RAP and Section 3 of the CSMP.

3.6 Proposed Building Heights

The following table identifies the key buildings proposed, identifying maximum height above 'ground level' as defined in the NPDP and the RL height. For further detail please refer to the section plans included in Appendix F.

Table 3.1: Table of maximum proposed building heights

Building	Max height above 'ground level'	RL
Food and beverage adjoining Devon Road	8.361m	22.167
Cinema	15.97m	30.630
LFR hardware shop	11.029m	30.354
LFR/Supermarket adjoining Devon Road	13.793m	26.930
Offices (office core)	13.793m	26.930
LFR/Supermarket adjoining Katere Road	13.484m	26.830
Hotel	26.216m	39.354
Specialty retail LFR concourse roofing	15.159m	28.230

3.7 Proposed Buildings and Activities

The proposed development includes one large LFR hardware shop tenant on the upper level, with associated parking and landscaping and the reformed Parapara-iti Pā development. This upper level encompasses almost half the development site.

The northern and western faces of roofs are proposed to have solar panels. The solar panels have a reflectivity less than a normal roof and visually they will be hidden by parapets. The solar system will be connected to a battery storage area constructed behind the main central retaining wall dividing the upper and lower platforms near Katere Road.

The lower level platform consists of an interconnected series of buildings, with under-croft parking, pedestrian entrances directly out onto the upper car parking level with an escalator at each end of

the building providing access from the lower level car parking areas into the main specialty retail concourse area.

Please refer to Appendix D of this report which contains an architectural design statement. Refer to Appendix E of this report includes details on the master planning concepts for the proposed design.

The applicant will stage the opening of individual tenancies in a controlled manner to ensure that relevant roading upgrades are completed first to maintain the safety and efficiency of the roading network. The ITA considers that a staged approach to tenancies opening is commonplace for commercial and retail developments of this scale. Refer to the proposed staging plan in Appendix B and draft staging conditions in Section 9 of this report.

The following GLFA is proposed as part of this development:

Table 3.2: Proposed Activities

Activity	GLFA
Food and Beverage	2,327m^2
Cinema	3,154m^2
Supermarket/Major Retail	3,537m^2
LFR hardware shop	13,012m^2
Major Retail/Supermarket	4,025m^2
Offices	1,695m^2
LFR and Speciality Retail	6,322m^2
Hotel	75 Rooms

Please refer to the development site plans in Appendix F for location reference to each description below. A detailed description of each proposed building area and activities is described below:

3.7.1 LFR hardware shop

A LFR hardware shop building is proposed on the upper site platform adjoining the southern boundary of the site. Operating hours would be generally between 7.00am and 6.00pm seven days a week. The building would have an internal trade supplies load in area positioned on the eastern end of the northern building façade. Vehicles would enter into the timber trade sales and building materials and landscape yard area, and exit out the southern side of the building turning east back up to the Katere Road vehicle access point. The bagged goods canopy and outdoor nursery would be situated on the western end of the building. General retailing would be located in the centre of the LFR hardware shop building.

The design of the proposed building is rectangular in shape with a low pitch gable roofline. The main entrance would be positioned midway along the north eastern façade, for pedestrians to access in through each end of the weather protection foyer.

A open air parking area would be located to the north east of the proposed building. Access to these parking spaces would be via a new bridge or box culvert over the Mangaone Street on Katere Road or from the lower platform car parking area via two car ramps.

The hardware store building would have two potential loading and servicing options. The first option would be with semi-articulated trailers entering and exiting the site across a bridge from Katere Road. The second loading and servicing option would be via a right of way across the new Ravensdown bulk store access leg north of the rail overbridge on Smart Road. This would see heavy vehicles entering on Smart Road, continuing on along the rear wall line of the hardware store and exiting the site across the bridge onto Katere Road. No outward traffic movements are proposed from the proposed right of way onto Smart Road, and only service vehicles would use this right of way i.e. no passenger vehicles.

A covered pedestrian walkway is proposed between the LFR hardware shop and the main entrance to the commercial and retail complex buildings situated to the north.

3.7.2 Supermarket or Major Retail

The proposal has provided for parking, loading and servicing for a supermarket activity. A tenant has yet to be secured, therefore some flexibility is sought on the final location of this anchor tenant i.e. ground level of the lower platform or first floor level of the lower level, both large tenancies adjoin the property 674 Devon Road (currently occupied by NZ Couriers). It is noted that this tenancy could also be utilised for LFR depending on future tenant requirements.

3.7.3 Major Retail or Supermarket

A tenant has yet to be secured for this premise. The tenancy is likely to be utilised by a LFR activity or a supermarket.

3.7.4 Cinema

A six-screen cinema building would be established near the Smart Road frontage, adjoining food and beverage areas. The cinema building would sit above the main Smart Road entrance to the site, with access to all parking areas.

3.7.5 Commercial Accommodation

A three storey, 75 room hotel is proposed. The hotel would not include any conference or function facilities. The hotel activity would be located above the food emporium near the Devon Road and Smart Road intersection. The hotel would be the highest building proposed on site with a maximum height of 26.216m. The hotel's bus area/porte-cochere would be located within the under-croft parking area. The western area of under-croft parking would be provided for hotel guests, with easy access into the hotel lobby area.

The acoustic assessment letter submitted with this application does not confirm compliance with NPDP rule Ind22. However, it does acknowledge that this is because the detailed design of the proposed hotel has not yet been completed, and in the acoustic engineers experience such buildings can be designed to meet the acoustic requirements of rule Ind22.

The application offers up a condition of consent that requires a letter from a suitably qualified and experienced acoustic engineer confirming compliance with NPDP rule Ind22 with respect to the proposed hotel building to be provided to Team Leader Planning or nominee with the building consent for the proposed hotel building as part of proposed stage 3. Refer to Section 9 of this AEE for suggested condition wording.

In any case under Section 108AA(1)(b)(ii) of the RMA, a condition is able to be placed on a resource consent that is directly connected to an applicable district or regional rule. Therefore, even if the

condition was not offered up NPDC could impose such a condition to require a permitted activity condition, as a condition of consent.

3.7.6 Commercial Standalone Offices

Commercial standalone offices of between approximately 275m^2 and 1,023m^2 are proposed. These offices would be available for separate lease and would be unrelated to other activities proposed onsite with the exception of a centre management office which would be accessed from the specialty retail concourse. The office tenancies would be located above the ground floor anchor tenant that could be occupied by either a supermarket or large format retail activity. There are a number of angle parks directly north of the offices, these would have restricted access through a swipe card barrier reserved for office staff. Staff using these parks would circulate back out through the right of way onto Devon Road shared with the NZ Couriers site immediately to the east.

3.7.7 Complementary Specialty Retail

A total of 30 specialty retail stores are proposed at first floor level, with kiosks through the centre of the first concourse between the retail shops. Six larger format retailers would be positioned on the lower platform creating active frontages adjoining the adjacent car park area. The retail shops range in size from 107m^2 to 644m^2 in area. The section of specialty retail stores connects the anchor tenants positioned on the western and eastern ends on the lower platform area. Subject to final tenant requirements the proposed tenancies may change in size. This is considered to be appropriate considering that tenants are yet to be finalised and that the land use consent for onsite parking has consider the total area of retail GLFA. Flexibility within any grant of consent is sought by the applicant to allow for these potential changes to tenancy sizes and final number of tenancies.

3.7.8 Café/Restaurant and Bar Activities

The ground floor level adjoining the Devon Road and Smart Road corner of the site is planned to provide a pedestrian gateway to the complex, with multiple café/restaurant/bar activities creating a vibrant dining lane experience. A number of the tenancies will be licenced to service alcohol. The proposed development would be fully compliant with NPDP rules with licenced premises operating within the hours of 7am to 1am 7 days a week.

When viewed from the surrounding roading network the frontage would be activated with the presence of bar patrons and people dining within the café/restaurants. The positioning of these tenancies will make best use of the late day sunshine across the wide adjoining road reserve area.

At first floor level on the corner of Smart and Devon Street a food emporium is proposed. The emporium is not a typical food court layout and would look to attract café style operators within a modern designer aesthetic (refer to Appendix F for examples of potential internal layout design).

3.8 Cultural Design References

The proposed development will include strong references to the cultural values of the area and seeks to recognise these values on both a macro level (broader environment context) and on a micro level (development design detail). Project Architects Ignite have identified a number of cultural values within their Architectural Design Statement (included in Appendix D) that identify and interpret the cultural and natural landscape values of the area.

The applicant has been consulting with Ngāti Tawhirikura and are seeking their input on cultural items that they hold as having significance. Until these cultural items have been confirmed with Tangata Whenua, the following points have been broadly identified by the project architects as

having a general cultural and landscape influence on the design and inspiration for the architectural forms that have been developed. These include:

- The recreation of the Katere Scenic Reserve tree canopy/greenbelt, with an Ethylene Tetrafluoroethylene (ETFE) and timber diagrid roof over the retail concourse which connects back to the Pā site.
- The façade and massing of the food emporium and hotel building are inspired by Mt Taranaki.
- The white translucent cladding on top of the specialty retail stores are reminiscent of the snow-capped ranges leading up to Mt Taranaki.
- The water feature and Pou positioned on the corner of Devon Road and Smart Road provide a gateway statement, and will complement the existing Carved Maaori Toko on the opposite side of the road.

The applicant has spent time with Glen Skipper of Ngāti Tawhirikura to understand the cultural perspective. Through these discussions with Glen the concept of reforming Parapara-iti Pā by creating a more traditional profile has now been developed (refer to Appendix I for proposed Pā site earthworks plans). A reformed Pā site cone, will have visual and pedestrian connectivity through the development to the main upper level entrance into the commercial and retail complex building.

One of the important contributions the reformed Pā can provide is from a visual perspective when viewed from within the commercial and retail complex. The recreational use (i.e. pedestrian access from commercial and retail site to Pa) of the Pā has been identified as generating positive effects. However, this use (i.e. physical pedestrian access for recreation use) of the Pā site land does not avoid or mitigate any potential adverse effects as part of the land use consent application. The recreational use of the Pā (whilst generating positive benefits for Tangata Whenua and the community) is not considered to be a critical factor for this land use consent application.

There will be a visual connection over the top of the reformed Pā toward Mt Taranaki. Creation of this reformed Pā now forms an integral part of this proposal. The proposed specific cultural design items that could be incorporated into the Pā include interpretive panels, cultural markers and an entrance waharoa.

The proposal also includes a Pou that would be established opposite the existing Carved Maaori Toko on Devon Road. This Pou is intended to provide a cultural marker and an entrance statement to the city. The design of this Pou would likely be developed with the assistance of Rangi Kipa a prominent local Maori artist, with whakapapa to Ngāti Tawhirikura.

The proposed cultural references within the buildings and site layout and Pou proposals have been developed with input from Tangata Whenua and have been developed with the intention of benefiting Ngāti Tawhirikura and respecting their mana whenua. The items listed above are not relied on, or necessary mitigation measures for actual or potential adverse effects generated by the proposal, but are commitments that the applicant has made to Ngāti Tawhirikura as part of respecting their mana whenua.

3.9 Relationship between the Applicant and Ngāti Tawhirikura

Whilst the applicant is working with Ngāti Tawhirikura, it is acknowledged that if Ngāti Tawhirikura have any future plans for the Pā, which will have its own CFR in the future, that they will need to develop their own onsite parking in accordance with the relevant NPDP requirements at that time. In short – the applicant can't be responsible for future plans the hapū may have for their land.

Currently the commercial and retail development is likely to attract visitors primarily for its retail shopping and food and beverage offerings – recreational use of the proposed Pā would be secondary to this, therefore not creating any additional parking demand than will already be generated by the commercial and retail activities onsite. In addition, there is currently no NPDP requirement for the proposed Pā site to provide any onsite car parks as no buildings exist or are currently proposed.

The applicant will have complete control over use of parking areas on the commercial and retail development site (i.e. areas within proposed Lot 1 under SUB17/46785) near the Pā, as all future tenants will need to sign lease agreements that will acknowledge that from time to time people may wish to park nearer to the Pā site (whilst accessing other areas of the commercial and retail development) and that there will be no possible avenue for complaint should there be a perceived conflict with use of onsite car parking. The model proposed is that Bluehaven will maintain ownership of the land and buildings and will secure long term leases with potential future tenants.

The proposed reformed Pā would be connected to the commercial and retail complex by a pedestrian pathway, providing a visually appealing outdoor recreation space for visitors to experience the Pā. An outdoor playground is also proposed. Visits to the Pā are likely to be ancillary to the primary purpose of visitors to the retail and commercial complex i.e. to shop and/or eat.

It is acknowledged that the reformed Pā will be located on its own CFR in the future. This is confirmed by SUB17/46785 being approved on 12 April 2018, which states that Lot 3 will be gifted to Ngāti Tawhirikura. The applicant intends to enable pedestrian access between the commercial and retail development and the Pā with Ngāti Tawhirikura through use of a memorandum of understanding. To this end, whilst the applicant wishes to foster a positive relationship into the future, if Ngāti Tawhirikura decide to establish a boundary fence restricting access from the commercial and retail development site onto their Pā site they would be within their rights to do so as owners of the property.

The applicant is working with Ngāti Tawhirikura to develop the proposed Pā on an area of land that will eventually have its own CFR, which hapu will take ownership of. However, at this point Parapara-iti Pā is part of the wider Ravensdown existing land holding and this proposal has been applied for on the basis of current title. There is not considered to be any issue in terms of future CFRs being created, as the application site and a potential approved land use consent will still apply to the Parapara-iti Pā area of land.

3.10 Construction Traffic Management Plan

The ITA has broadly addressed the standard practice of implementing a Construction Traffic Management Plan (CTMP) to manage potential construction traffic. It is noted that construction traffic is not captured by any of the NPDP rules that consent is sought under. However, the applicant is willing to offer up a condition that requires a CTMP to be prepared. There is currently no firm date when the building deconstruction and remediation works would commence.

With regard to staging and soil remediation and construction traffic the applicant proposes to prepare and submit a Construction Traffic Management Plan (CTMP) for approval of Planning Team Lead or nominee for each of the three stages to ensure that site access, parking and loading is well coordinated and agreed with relevant appointed contactors onsite completing the work. This method was considered to be most appropriate and enables the appointed soil remediation experts (Nikau Group) to take ownership over management of their construction site prior to the works taking place.

Nikau Group who will be completing the soil remediation, have confirmed that approximately 6-8 passenger vehicles would access the site generally parking near the existing Ravensdown offices on Devon Road. Heavy machinery and earth transporting vehicles would access the site by either the main access point on Smart Road, the existing Katere Road crossing or across the proposed bridge on Katere Road.

At this point a construction firm has not been appointed, therefore a condition of consent requiring a CTMP is considered to be most appropriate and practical to identify access points, loading, car parking areas relative to each stage.

3.11 Parking and Manoeuvring

The proposal includes a total of 1,200 onsite parking spaces, to service the 38,172m^2 of GLFA. The ITA confirms this number of onsite parks is adequate for the proposed demand that is likely to be generated by this development. Manoeuvring standards of the NPDP are non-compliant in some areas i.e. manoeuvring aisles are 7.0m instead of 7.9m, and some of the staff parking manoeuvring aisle areas would have a dual use for loading and standing activities. Please refer to the site plan which includes dimensions on the parking areas in Appendix F.

Two internal ramps are proposed which provide connectivity between the upper and lower parking areas. The eastern ramps would have a gradient of circa 1:8 with no transitions at either end. The western ramp would have a gradient of circa 1:6, with transitions at each end.

The application site also includes a circulation driveway around a water feature providing connectivity between the under-croft parking and the open parking area adjoining Devon Road. The view of this internal driveway would be softened by a strip of landscaping between the application site and a pedestrian footpath. Landscaping is proposed within the parking areas to visually mitigate the large sealed parking areas.

The proposal will include provision for electric vehicle charging with a battery store installed behind the main central retaining wall dividing the upper and lower platforms near Katere Road.

A total of 120 bicycle park racks are proposed onsite, complying with NPDP permitted standards.

3.12 Loading, Servicing, Manoeuvring

The site plan provides for coach access to the proposed hotel. Coach turning circles have been designed in accordance with Appendix 23 standards of the NPDP. A total of six separate loading and standing areas are proposed across the site to service the proposed commercial and retail development. These loading spaces would unload products for sale and also remove refuse from the tenancies. Heavy vehicle tracking curves are included in Appendix H of this report. Tracking curves at both a 1:250 scale and a full site plan have also been provided.

As noted above the proposed specialty retail stores internal wall configurations may change as a result of future tenant requirements. The ITA makes comments that the proposed loading can readily accommodate any such change without creating any significant increase in loading and servicing demand "*These smaller areas are also considered appropriate for the fine-grained retail proposed in the area, with changes to the tenancy walls to accommodate larger or smaller retail areas within the general confines of this retail type are able to be accommodated by them*" Page 92 of the ITA in Appendix L.

The under-croft parking area would provide connectivity to enable future connections through the site (Smart Road to Katere Road) by local public bus services. The applicant is interested in creating a bus stop on the TRC managed Citylink bus service - Route 20, City (Ariki Street) to Bell Block/Waitara.

Section 3.10 of the ITA (within Appendix L) includes a detailed description of the main loading and servicing areas across the site.

The proposal includes circulation of loading/service vehicles under the proposed supermarket/LFR tenancy adjoining Katere Road on the lower platform. The circulation of vehicles is unable to fully comply with the minimum height on the loading zone of 5m, with 4.6m being proposed. Land use consent is therefore sought for this non-compliance. A condition of consent has been offered up to establish an overhead strike bar to avoid potential adverse effects that may be caused by heavy vehicles that have extra height. For detail on the suggested wording refer to stage 3 conditions in Section 9.

Proposed Amendments to Loading and Standing Proposed Design

As a result of further design work, the proposed loading and servicing of the LFR tenancy that had previously gained access from the northern most Katere Road vehicle access point has change. The amended proposal requires semi-trailers to enter the application site from the northern proposed vehicle access point, manoeuvring through an internal sliding gate and exiting from a separate vehicle access point that would also be utilised by buses, and passenger vehicles.

The proposed change is considered to provide more suitable standing and loading areas, and avoids the requirement of truck drivers to circulate and manoeuvre entering and exiting the same vehicle access point. However, the tracking curve would require semi-trailer vehicles to circulate under a portion of the LFR tenancy. The current design can provide a maximum of 4.6m height clearance and is unable to meet the minimum height clearance requirement for an “Extra Heavy Service Vehicle” of 5m for the proposed loading and standing spaces (in Table 23.16, Appendix 23 of the NPDP). This is an additional non-compliance with NPDP rule Ind86 and the applicant formally applies for land use consent for this aspect of the proposal.

Section 3.1.2 of the ITA has assessed the loading and standing area. The ITA recommends specific mitigation to avoid potential adverse effects on service vehicles potentially having difficulty accessing this loading and standing area:

> *“Due to the height limitations imposed by the structure of the upper level in this area (4.6 metres), an overhead strike bar set at a height of circa 4.4 metres and in a location a short distance in from the property boundary is considered beneficial in this area.*
>
> *This recommended height provides a buffer to the actual anticipated available headroom in the service area (discussed later), and will exceed the maximum vehicle height of 4.3 metres allowed by the NZ heavy vehicle regulations (without the need for a special permit).*
>
> *As the locational and specification details of this strike bar will be considered at the time of detailed design, it is recommended that a condition of consent is imposed that requires a strike bar to be erected at this access at a height, in a manner, and a position that is to the satisfaction of Council”.*

The applicant wishes to adopt the ITA recommendations above, and proposes a condition of consent to require the location and specific details of a height strike bar to be considered at time of detailed

design. Please refer to the draft wording of this 'offered up' condition in Section 9 of this AEE. Overall, any potential effects generate by the non-compliance with loading and standing area roof height can be effectively avoided to an acceptable level through the installation of a 'strike bar' and through the fact that the complex will be able to manage their own suppliers and provide advisory on-site limitations in specific areas.

3.13 Proposed Right of Way for LFR Hardware Shop Servicing Access

As explained above in Section 3.13 the proposal includes an application under Section 348 of the Local Government Act to create a legal right of way (ROW) to use the sole vehicle access point and driveway to the new Ravensdown Fertiliser Bulk Storage Facility. Refer to (Appendix R for a copy of the proposed ROW scheme plan).

The applicant has obtained approval from Ravensdown to utilise approximately the first 140m of driveway length as ROW for only heavy vehicle movements (service vehicles) that will service the LFR hardware shop activity. The ROW survey certification will be finalised with LINZ after the CFRs to be created under SUB17/46785 are issued.

The proposed ROW plan relates to the current proposed scheme plan layout as part of SUB46785/17. It is understood that a draft LT Plan has been prepared for SUB46785/17 that shows a different Lot configuration this will need to be revised before it is formally lodged with LINZ. BTW Survey Manager Kathryn Barrett has confirmed that any changes to this LT plan will not impact on the proposed ROW as shown in Appendix R.

It is acknowledged that Ravensdown have an existing land use consent to utilise this vehicle access point, which has a sight visibility non-compliance to the south on Smart Road. The applicant therefore seeks a separate land use consent to generate additional heavy service vehicle movements (over and above those authorised under land use consent LUC15/46669) for the LFR hardware shop activity (no passenger vehicles are proposed to use this ROW).

NPDC approved resource consent ref: LUC15/46669 which provides approval for 30-40 heavy vehicle movements per eight-hour day and 60 light vehicles, cars and light trade vehicles per eight-hour day. Up to 5-6 times per year, bulk fertiliser is loaded into the store by trucks from Port Taranaki. These trucks would carry out loading movements for 1-2 days until the full consignment is loaded into the Smart Road storage facility. In the summer and winter business hours are typically 7.30am to 4pm, and in spring and autumn 7am to 5pm.

Proposed loading movements onto the site related to servicing of the proposed LFR hardware shop include between 10-12 single unit rigid trucks and 3-4 semi-trailer deliveries per day. All movements on the proposed ROW would be left turn in movements from Smart Road only, with vehicles exiting the site onto Katere Road. For detail on heavy vehicle tracking curves please refer to plans in Appendix H.

3.14 Vehicle Access Points

The proposed development includes multiple vehicle access points designed by suitably qualified and experienced traffic engineers to ensure that the flow of traffic is evenly dispersed across the site and that uncoordinated overloading of one or two vehicle access points is avoided.

The proposed development includes the following vehicle access points:

- One dual entry/exit vehicle access point on Smart Road;

- One entry only vehicle access point, south bound on Devon Road;
- Retaining an existing ROW in favour of the NZ Couriers lot on Devon Road; and
- Three dual entry/exit vehicle access points on Katere Road.

Detailed design of these access points is described below.

3.14.1 Smart Road Entrance

The main visitor entrance to the site will be via a new signalised intersection on Smart Road. The intersection would have four lanes between the intersection and Devon Road, and three lanes south of the intersection on Smart Road. Vehicles would enter the site and make a free left turn under the cinema building into the under-croft carparking space. From the lower level vehicles are able to access the upper level car parking area via two car ramps.

Use of the existing Ravensdown vehicle access point (south of the Pa site) is also proposed for LFR hardware shop, heavy service vehicle loading and servicing activities, as an entry only vehicle access point.

3.14.2 Devon Road Entrances

Consultation has been carried out with Shaun Harvey (Planning Advisor) at NZTA to inform an appropriate vehicle access point design onto the busy State Highway roading network. The site currently has a dual entry/exit vehicle access point adjoining the Ravensdown Site Office. The development would see this vehicle entrance closed, and a new left turn, entry only vehicle access point established with a 75m long (Approx.) slip lane to enable traffic to exit the live road lane and decelerate into the site parking area. There are no proposed exit points onto Devon Road, due to potential disruption and confusion with the potential for motorists to make manoeuvres into different lanes which NZTA considered to be a safety concern.

3.14.3 Existing ROW from Devon Road in Favour of the NZ Couriers Lot

The existing ROW on Devon Road providing legal access to the NZ Couriers site would be maintained. The development would introduce an extended central traffic island and close the existing right-hand turn bay for north east bound traffic in the ROW.

The proposed site plan shows that no buildings or parking spaces are positioned within the ROW area. The project traffic engineers have designed the proposed carriageway and kerbing within the ROW to enable unobstructed use of the ROW for NZ Couriers site trucks. An 11m design vehicle tracking curve has been used on the NZ Couriers site to ensure that there is sufficient space on the ROW for vehicles exiting onto Devon Road. This size vehicle has been used, because it is the largest possible service vehicle that can circulate in behind the NZ Couriers building. Trucks of a greater length would not be able to turn through the gap between the NZ Couriers building and the application site boundary. Refer to tracking curve detail in 'Tracking Curves – Full Site Plan', SHT RC09 in Appendix H.

This ROW would also provide access for office staff who would park in the angled parks adjoining the Devon Road frontage. As a result of the angled parking, office staff on the application site would need to continue manoeuvring to the east out onto Devon Road to exit the site. Please find a copy of the ROW easement document in Appendix C.

3.14.4 Katere Road Entrances

Three proposed vehicle entrance points would be established on Katere Road. Each vehicle access point complies with the sight visibility distance of 80m on a section of Katere Road that has a posted speed of 60km/h. The vehicle access points comprise of the following:

Northern - Lower Platform Access

The northern vehicle access point would provide access for loading and servicing movements to the east of the lower platform anchor tenant and for staff parking. The vehicle access point would be approximately 12.4m wide. There is no connectivity through this vehicle access point access further into the site, all vehicles that enter in this location also need to exit out the same vehicle access point. Loading activities and staff parking are able to be coordinated to avoid conflict.

Under-croft Parking - Lower Platform Access

The under-croft parking entrance is located approximately 30m south of the northern service vehicle access point. The vehicle access point would be approximately 13.2m wide. Access through the site is available through this vehicle access point across to the Smart Road entry/exit.

LFR Hardware Shop - Upper Platform Access

The southernmost vehicle access point requires construction of a bridge structure over the Mangaone Stream to enable both passenger vehicles and heavy service vehicles to access the upper parking and loading areas. Recent further civil and traffic engineering work has been completed on this bridge location and design. The bridge location has been repositioned south of the original location, clear of the TRC gabion baskets installed in the Mangaone Stream.

This new bridge location results in a number of benefits to the development:

- Improved sight visibility on Katere Road in both directions;
- It allows heavy vehicles to access to and from Katere Road, to service the LFR hardware shop building, as well as maintaining access via a ROW proposed on the new Ravensdown bulk store driveway on Smart Road;
- The tracking curve arc from Katere Road into the site provides an opportunity to close off the loading area using kerbing from general customers accessing the site. This will reduce potential confusion around this access area;
- It is the preferred bridge location for Te Atiawa and Ngāti Tawhirikura being clear of the gabion basket structures; and
- It will better marry in with adjoining RL's on Katere Road and across to the development site, reducing the volume of necessary earthworks.

The vehicle access point would be approximately 10m wide. Connectivity is available across the upper platform areas and into the under-croft car parking areas via two car ramps.

3.15 Onsite Queuing

The NPDP requires on-site queuing space for any activity that has more than 30 parking, loading and/or standing spaces combined or is accessed from a State Highway or Arterial Road. The proposed site triggers each of these requirements, with large areas of onsite parking and access from Devon Road (SH3) and Smart Road (Arterial Road).

The NPDP design standard requires that the vehicle access points are designed so that any vehicle entering the application site is not required to queue on any State Highway or Arterial Road. The vehicle access points have been designed by the project traffic engineers, with the Devon Road entrance featuring a slip lane that enables vehicles to either turn right in the car park area or progress straight ahead. The size of this car park means that queuing length will not extend onto the live Devon Road carriageway.

The Smart Road vehicle access point would be controlled by a signalised intersection, whereby queuing onto Smart Road will occur. This intersection, with associated remarking or additional lanes up to the Devon Road intersection would ensure that any onsite queuing is managed as platoons of vehicles are directed to and from the application site. The ITA has undertaken a full Sydney Coordinated Adaptive Traffic System (SCATS) assessment which confirms that the configuration of the intersection lights would minimise any potential onsite queuing into the application site.

3.16 Landscape Planting Treatment

A landscape concept plan has been prepared by Boffa Miskell Limited (refer to Appendix J of this report). The proposed landscaping is able to meet the permitted activity conditions set out in rules Ind19 and Ind90 regarding the number of trees to be planted per number of parking spaces and length of road frontage onsite. The proposed landscape plan has been prepared to soften and complement the architecturally designed buildings, and celebrate the modern attractive development rather than attempting to screen it. Only planting of trees, shrubs and groundcover is proposed within the landscape concept plan.

The proposed landscape concept plan considers the proposed staging of the development and draws specific assessment on this in the LVIA addendum letter dated 19 April 2018. For further detail and a copy of the staging version of the landscape concept plan please refer to Appendix J.

The landscape concept plan includes a mixture of native and exotic trees and groundcover planting. Native trees include Kōwhai (Sophora microphylla), cabbage tree/tī kōuka (Cordyline australis), kōhūhū (Pittosporium tenuifolium), renga renga (Arthropodium cerratum ‘te puke’), NZ nīkau (Rhopalostylois sapida), Mānuka (Letospermum scoparium), Titoki (Alectryon excelsus) and flax/harakeke (Phorium tenax).

The landscape plan has provided for a selection of frangible plants adjoining Devon Road, to satisfy the NZTA’s requirements that seek to maintain traffic safety by avoiding thick tree species that may exacerbate impact to vehicles, in the instance that a crash causes a vehicle to career off the road onto the landscaped area of the application site.

The proposal only includes landscaping within the application site plan 16216-11, sheet 1, Rev 1 in Appendix B. The LVIA refers to potential future landscaping of the Devon Road, road reserve. As a point of clarification, this potential future landscaping on Devon Road (including areas under SUB17/46785 to be vested as future road reserve) does not form part of this proposal. The LVIA is clear on the role of this potential future landscaping and that it would not be considered as mitigation of over height buildings “*Further planting is also proposed external to the site boundary adjacent to Devon Road, which will further integrate the proposed development with the Devon Road frontage. Whilst this planting does not form part of the proposed landscape mitigation, it will further enhance the end outcome*” Paragraph 2, page 14 of LVIA in Appendix J of this report.

Additional detail has been provided, which shows methods of planting within the car park and for ‘Area 2’ identified on the landscape concept plan. Tree pits with metal tree protectors will be utilised within car parking areas to ensure trees are not damaged by vehicles. Please see images attached

in Appendix J that identify the tree pit and barrier designs that will be used in locations where parking spaces are within the dripline of tree canopies. The kerbs and tree trunk barriers have been reviewed by the project traffic engineer, who confirms that the presence of these features will not impact on the formation standards set out in (NPDP, Appendix 23) and that vehicles will be able to comfortably park in each space clear of these features.

The visual effects of staging with respect to the restricted discretionary matter of overheight buildings. Assessment has also been considered including reformation of the Paraparaiti Pā (Pā). Even though consent conditions are now intended to be staged (as a function of enabling the upper LFR tenancy to become operational before the balance of the site), the development itself would roll out contemporaneously, it is unlikely that any delay between development Stages 2 and 3 would be discernible.

The most relevant mitigation measure for providing a high level of visual screening onto the application site through stage 1 is the existing pohutukawa/taupata shelter-belt planting adjoining the majority of the Devon Road frontage and a short section of the Smart Road frontage. The shelterbelt has been designed to screen the dilapidated Ravensdown buildings from sight, once these buildings are deconstructed, removed from site and the soil are remediated the shelterbelt will cease to have any purpose. The project landscape architect has re-assessed the proposal now considering a staged approach.

The overall conclusion of the LVIA report remains relevant, as the change in the visual appearance of the site will only occur (in part) for Stage 2 and completely once stage 3 of the project is developed. The additional assessment notes that there will be an improvement after the Ravensdown buildings are removed. Once stage 3 commences the mitigation as discussed in the LVIA and proposed on the landscape concept plan, will provide suitable new mitigation. For further detail please refer to Appendix J.

Removal of these shelterbelts will therefore be at completion of stage 1. The project NES-CS experts have confirmed that soil remediation can occur around these trees and that they do not need to be removed to complete the necessary remediation of the soils onsite.

3.17 Signage

The proposed elevation plans identify signage locations and area dimensions (refer to Plan 1433-002 SHT – RC 051, 052, 053 and 054 in Appendix G). The signage would be static, internally illuminated not by means of flashing blinking or moving lights. The applicant confirms that no digital signage is proposed as part of this application. The proposed signs would meet all relevant NPDP performance standards. As a result, the NPDP does not require land use consent for any of these proposed signs, as they do not extend beyond the roofline of the proposed buildings. No freestanding signage is proposed.

3.18 Hazardous Substances

The proposed hardware shop (13,000m^2 in area), does not yet have a proposed tenant. However, the scale of the proposed activity is likely to be similar to the existing Mitre 10 Mega in the Valley Shopping Centre (Mite 10 Mega is 11,191m^2 in area and also located within the Volcanic Hazard Area). The resource consent application and granted consent for Mitre 10 Mega has been reviewed (which was approved under the current Operative NPDP). Land use consent was not required for storage and retail sale of quantities of hazardous substances, as 'hardware shops' are exempt from needing to meet any effects ratio under Appendix 6 of the NPDP. Given this clear interpretation of

the NPDP, the proposed LFR hardware shop within this application is considered to be exempt from having to meet any hazardous substance effects ratio requirements.

The battery store for the solar power and electric vehicle charging supply has been considered in terms of whether it should be assessed under NPDP hazardous substance rules. The current capacity being proposed for the development would require up to a capacity of 2.5MW and 10.5MWh.

This would require either:

- 50 Tesla Powerpack 2's.
- 63 LG Chem R1000 racks.
- or 2 LG Chem 40ft HC ISO containers.

Based on the above systems the estimated total weight of battery cells is 40,000-50,000kg.

These systems consist of many individual cells that can be configured and scaled according to the systems requirements. Andrew Hart, Senior Environmental Scientist from Golder and Associates has obtained advice from the Environmental Protection Authority (EPA) that the batteries do not meet the definition of a 'hazardous substance' under Section 2 of the Hazardous Substances and New Organisms Act 1996 (HSNO). This is on the basis that these are closed batteries and do not emit a substance as part of the activity they were designed for, they would be considered to be 'manufactured articles' and are not, therefore, covered by HSNO. See email advisory from Mr Hart and an EPA information sheet on Manufactured Articles attached in Appendix U.

The batteries proposed are not considered to be a 'Hazardous Substance' and are therefore are not required to meet any hazardous facility screening procedure effects ratios within the NPDP. A report detailing the number, specifications, and Safety Data Sheets (SDS) for these cells is included in Appendix U. As a result of the information above the proposal does not trigger any NPDP rules with respect to storage or use of hazardous substances.

3.19 Permitted Activities

Schedule 4, Clause 3(a) of the RMA requires a description of permitted activities as part of any proposal. The proposed development is able to fully comply with a number of the permitted activity standards in the NPDP. These include minimum setbacks for buildings from front yards (3m) under Rules Ind14 and Ind16, landscaping under Rules OL19 and OL90 and providing sufficient acoustic insulation for 'noise habitable rooms' under Rule Ind22.

The proposal complies with all relevant signage rules; all signs will be attached to buildings, there will be no free-standing signage onsite. Consent is not required for proposed earthworks (except under the NES-CS requirements and Waahi Taonga/Site of Significance to Māori), as per Rules Ind49 (slope of earthworks) and Ind51 (reinstatement) and Ind52 (composition of fill). The application site would have licenced premises that are able to meet the permitted hours of operation of between 7am and 3am under Rule Ind67.

All proposed lighting will comply with the lux requirements of Ind78 and onsite construction noise will comply with Rule Ind80. For a full detailed analysis of compliance with all relevant NPDP permitted activity conditions, please refer to Appendix T of this report.

3.20 Incidental Roading Infrastructure Upgrades

The proposal represents a significant increase in traffic movements on the surrounding road network. As a result, upgrades to Devon Road, Smart Road and Katere Road will be required to facilitate the safe and efficient access to and from the proposed commercial and retail complex. The following upgrades and roading improvements will be progressed by the applicant (outside of this land use consent process) through various other NZTA and NPDC roading authorisations and necessary private agreements with adjoining landowners (i.e. Z Service Station).

The applicant has commenced discussions with the lessee of the Z Service Station property regarding acquisition of land to provide for the proposed left turn bay west bound into the city centre. Further discussions are also intended with the property owner once lessee consultation is complete.

As explained earlier in this AEE the applicant proposes the use of a condition precedent to ensure that the roading upgrades occur prior to building consents being granted for the development. This will ensure that the road network will be sufficient to provide for the proposed tenancies when they become operational. The condition precedent will resolve all of the concerns raised within the NPDC's Section 92 request including acquisition of third party land, and financial responsibility on how the works are to be funded. These matters will all need to be dealt with to complete the terms of the condition precedent to enable building consents to be granted for the development to proceed.

3.20.1 Road Take Proposed in Subdivision SUB17/46785

The subdivision application SUB17/46785 submitted by Ravensdown was granted on 12 April 2018. The subdivision includes a road take along Devon and Smart roads that will enable a free left turn from Devon Road onto Smart Road. The additional road reserve width will also provide for landscaping and beautification of the road side. As part of this subdivision process NZTA and NPDC agreed on landscaping to provide for beautification of an identified 'entrance corridor' to the city. The applicant has allowed for the road takes in their development plans.

The landscape plan identifies indicative landscaping within this future proposed NZTA road reserve area on Devon Road. However, the LVIA report is clear that this landscaping that will be within road reserve is not located on the application site and does not form mitigation for over height buildings proposed (proposed mitigation needs to be located within the application site). Long term the applicant considers that these adjoining road reserve areas would enhance views into the proposed development and the entrance corridor to the city, therefore it is in their best interests to ensure the health of these planted areas is maintained.

3.20.2 Road Widening and Signalisation of Smart Road and Devon Road

The applicant has offered up a condition precedent in Section 9 of this report that seeks to mitigate any effect that may potentially be created by queuing onto Devon Road and Smart Road and which is directly linked to a matter for which consent is required i.e. Rule Ind89 on-site queuing space. A signalised intersection on Smart Road, road widening on Smart Road, intersection upgrades up to the Smart/Devon Road intersection, and road widening associated with a slip lane on Devon Road are proposed within this application to mitigate potential queuing effects.

The proposal also includes the creation of an additional north east bound lane on Devon Road, adjoining Harvey Norman creating a total of three north east bound lanes up to the proposed signalised intersection on Devon Road adjoining Katere Road.

Roading upgrades are not necessary during site deconstruction or during soil remediation, as Smart Road has a wide heavy vehicle access point that will provide safe and efficient ingress and egress. Traffic volumes will be much lower during construction than when the complex is operational.

The project traffic engineers have undertaken traffic modelling and have confirmed upgrades required to Devon and Smart Road to ensure that the proposed development can operate in a safe and efficient manner.

The ITA proposes an intersection with traffic lights on the Smart Road entrance to the application site. As part of the condition precedent, the applicant will progressing discussions with Z Service Station on the corner of Smart Devon Road to acquire a small portion of their land to enable establishment of the free left turn towards the city centre.

A pedestrian pathway would also be established adjoining Smart Road, with a cross connection to the western side of Smart Road where the signalised intersection would be positioned. Pedestrian connectivity is also to be provided directly across Devon Road across the Harvey Norman frontage, connecting to the wider Valley Shopping Centre. An additional pedestrian crossing is also proposed from Katere Road crossing Devon Road for a potential future pedestrian footpath on the northern edge of Devon Road. The ITA includes an assessment in respect of pedestrian phases and the potential impact this will have on the intersection performance at the Smart/Devon Road intersection and the wider roading network beyond the immediate vicinity of Smart, Katere and Devon Roads.

3.20.3 Katere Road Bridge Crossing

An encroachment licence will be required to authorise a bridge structure that would be located partly in NPDC road reserve which will facilitate access from Katere Road across the Mangaone Stream onto the application site.

3.20.4 Baseline Transport Network Information

The project traffic engineers through the further information request process have acquired a substantial amount of current transport network data that has now been incorporated into a fully revised ITA in Appendix L. A detailed breakdown of how this information has now been provided in included in the Team Traffic Letter dated 22 May 2018, pages 6-12.

3.20.5 Modelling of NPDC's Projected Traffic Growth Rates

Through the further information process NPDC has requested that the applicant models a growth rate of 3.1% per annum, over a 10-year time horizon (i.e. 31% growth in year 10). The growth rate was requested to be modelled on Devon Road (SH3), Smart Road and Katere Road. The project traffic engineers have modelled this NPDC growth rate as described above and included data outputs which are included in an addendum letter in Appendix L.

The project traffic engineers and the applicant both consider the NPDC projected growth rate of 3.1% per annum (compounding) to be unusually high for New Plymouth. Past NZTA records obtained at the Devon Road telemetry site near Egmont Road consider an average of 1% per year (over the past 5 years) being more realistic. This figure aligns with New Plymouth's population growth rates published in the Tapuae Roa strategy document (www.makeway.co.nz/strategy) of 1.15% between 2006 and 2013. The applicant is therefore unable to reconcile how NPDC have arrived at this, especially when considering key figures that drive the rate e.g. population growth, tourism growth being the main two variables. The applicant notes that through review of large consents and NPDC and Regional growth predictions 3.1% is inconsistent in other large consents accepted for processing by NPDC.

The project traffic engineers have therefore modelled both the 3.1% per annum and 1% per annum traffic growth rates, on Devon, Katere and Smart Roads over a 10-year time horizon and have provided the modelling outputs for this in Appendix L. A 'no development' scenario has also been modelled with the 3.1% growth rate per annum which provides a good frame of reference if this rate and time period is to be assessed by NPDC.

In addition, the applicant envisages the development to be operational within three years of grant of consent. Once the earthworks and soil remediation commence the land use consent will be given effect to. It is therefore unlikely that no works would occur for up to five years i.e. worst-case scenario in terms of consent lapse date. A 10-year period to model growth rates would extend well beyond completion of the development.

3.20.6 Safety Audit

The applicant confirms that a safety audit should be completed but does not agree that a safety audit needs to be completed on roads in the vicinity of the application site that will not be physically changed or significantly altered by the development.

The project traffic engineers recommend that an independent safety audit be completed at engineering approval stage. The applicant has offered up a condition of consent that requires the safety audit to be completed as part of the condition precedent. For draft wording of the condition refer to Section 9.

3.20.7 Pedestrian Connectivity

Further Sidra modelling has been competed to consider pedestrian movements across the following proposed intersections:

- the Devon Road/Smart Road intersection;
- the Devon Road/Katere Road intersection; and,
- the Smart Road site access.

The proposal has been amended through the further information request process to include pedestrian signals at the Devon Road/Katere Road intersection to enable a future connection should NPDC construct a footpath on the northern side of Devon Road that would connect to Vickers Road. A pedestrian connection plan has is included in Appendix F.

3.21 Site Stormwater and Bridge Engineering Assessment

NPDP restricted discretionary activity status, assessment criteria 12 has been cited as a reason that information on stormwater can be required as part of this land use consent. The Section 92 request letter paraphrases assessment criteria 12 (for traffic rules Ind84, Ind86, Ind87, Ind88 and Ind89) and misses out key words that alter the intent of the assessment criteria.

The NPDP wording is included below (underline emphasises key words omitted from Section 92 request):

"12) Whether the design, grade or formation <u>of the alternative construction of</u> parking, LOADING or STANDING SPACE, or DRIVEWAY will assist in managing any actual or potential adverse effects that arise".

The wording above refers to the '*alternative construction of parking, LOADING OR STANDING SPACE, or DRIVEWAY*". As it stands the proposal fully complies with the industrial sections of Table

23.10 (Parking) and Table 23.17 (Loading and Standing) which relates to the minimum construction standards. The applicant is not seeking an alternative construction method, therefore the assessment criteria is not relevant to this application.

However, to provide NPDC with comfort that this matter will be addressed, the building consent process requires stormwater detention to be provided as per the building code, and the TRC Regional Fresh Water Plan requires any structure over the Mangaone Stream to consider potential flood heights. Further information has been provided below with regard to stormwater disposal, bridging and flood protection engineering related to the Mangaone Stream.

Site Stormwater Assessment

Project civil engineers have been progressing stormwater modelling, which was identified as an important item to address in parallel to the resource consent work stream, as it has a bearing on site layout. The stormwater report attached in Appendix V identifies pre-development flows from the application site (stage 2 and 3) and has designed a stormwater detention system to manage a 1% AEP flood event on the site. Stormwater drainage of roof areas and hardstand has been assessed in the engineer's stormwater report. The application site is divided into two main areas, with stormwater being detained and discharged to both the NPDC stormwater system in Devon Road and to the Mangaone Stream.

The detail within the engineer's report has been developed in response to the Building Act 2004 requirements for stormwater management. As a result of the proposed stormwater detention systems, it is considered that site stormwater will be better managed than rainfall runoff that currently occurs on site from the large buildings – many of which have no guttering whereby rain freely runs into the Mangaone Stream.

Flood Water Assessment – Flood Protection Structures

An item for the applicant to consider is how the proposed development will maintain a similar level of food protection near the 3,100mm diameter galvanised steel culvert that runs under Katere Road. As the Section 92 request rightly points out, one of the Ravensdown buildings does form part of the existing flood protection structures on the true left bank of the Mangaone Stream. Refer to the engineer's report which includes photos and details of this building in Appendix V.

The development would retain the engineered block wall directly adjoining the Katere Road culvert. South of this block wall the existing building would be removed. However, it is unclear as to whether the building's concrete foundations could be partly retained to continue providing a flood protection structure; or whether the foundations would need to be completely removed and a new pre-cast concrete panel or block wall would replace this building.

Regardless of what the final flood protection structure looks like, project civil engineers have completed flood modelling and can confirm that the works proposed along the true left bank of the Mangaone Stream will maintain the current level of flood protection (which is critical for the safe and efficient function of the lower level parking, loading and complex entrances) and will not reduce the ability of the Mangaone Stream channel to accommodate flood events.

Flood Water Assessment – Katere Road Bridge Height

The proposed bridge design has recently been progressed in close consultation with TRC River Engineers, Dan Harrison. TRC have provided minimum flood height levels and requested that the engineered bridge design shall provide a freeboard of 600mm above the flood height RL measured

to the underside of the bridge. The bridge design included in Appendix V satisfies TRC's requirements regarding bridge height and will not impact on potential future flood events within the Mangaone Stream.

As further clarification, this information provided above on stormwater, bridging and flood water assessment is not considered necessary to support this application for resource consent given that they are not restricted discretionary assessment matters. This information has been provided to NPDC to demonstrate that the project team is planning for these matters as part of future TRC or building consent applications.

Proposed Katere Road Bridge Design and Location

As a result of recent loading and parking plan reconfiguration to accommodate internal circulation for LFR hardware shop heavy servicing vehicles to and from Katere Road, the bridge location has now been repositioned to the south of the original position in an area that does not cross over the gabion basket structures. Refer to Appendix V for engineering drawings of the bridge.

3.22 Surrender of Historical Rail Siding on Application Site

Ravensdown have confirmed that they intend to remove the rail siding easement outside of the recently approved subdivision consent process. This would be completed prior to the new CFR for Lot 1 being transferred into the ownership of the Bluehaven. The rail siding itself cannot physically be accessed from the rail line south of the application site due to a steep embankment, it is clear there is no future use intended to be retained by Kiwirail.

4 ASSESSMENT OF NPDP OBJECTIVES AND POLICIES

The following objectives and policies are identified in the "*Cross reference matrix: Policies to Rule*" as being of relevance to this application.

Figure 4.1: NPDP Objectives and Policies

Rule	Policies and Objectives	Assessment
Ind9	Objective 1, Policy 1.1 Objective 9, Policy 9.1	Amenity and Health and Safety
Ind84 Ind85 Ind86 Ind87 Ind88 Ind89	Objective 1; Policy 1.1 Objective 9, Policy 9.1 Objective 20, Policy 20.1, 20.2, 20.3, 20.7	Traffic and Transport
OL81 OL82 OL85	Objective 11; Policy 11.5 Objective 19; Policy 19.2	Heritage and Tangata Whenua

4.1 Issue 1: The adverse effects of activities on the character of areas and on other activities

Objective 1	To ensure activities do not adversely affect the environmental and amenity values of areas within the district or adversely affect existing activities.
Policy 1.1	Activities should be located in areas where their effects are compatible with the character of the area.
Policy 1.2	Activities within an area should not have adverse effects that diminish the amenity of neighbouring areas, having regard to the character of the receiving environment and cumulative effects.

Assessment:

The Waiwhakaiho Valley Industrial C Environment Area can be characterised as a 'mixed-use' environment, with large functional buildings dominating street frontages particularly Devon Road.

The NPDP Management Strategy describes how character is determined, and that Industrial areas generally have lower levels of visual amenity than within residential areas.

> "*The character of each area has been determined, to a large extent, by the nature of the activities taking place within it, their operational requirements, and the community's perception of an appropriate level of amenity. For example, traditionally, industrial areas generally have had higher noise levels, higher levels of traffic and lower levels of visual amenity than would be expected within a residential area*" Page 13, NPDP Management Strategy.

As a result, the NPDP manages the scale, height, bulk or appearance of buildings in the Industrial Environment Areas, to specifically seek to avoid adverse effects on the amenity of residential

environment areas. In this case the application site does not directly interface with any residential environment areas. A section from the NPDP Management Strategy below clarifies this intention.

> *"Differing operational requirements mean that visually, the RESIDENTIAL, RURAL, BUSINESS, OPEN SPACE and INDUSTRIAL ENVIRONMENT AREAS are very different. Scale, HEIGHT, bulk or appearance of BUILDINGS and STRUCTURES, large areas used for parking of VEHICLES or outdoor storage, and the lack of amenity planting create marked differences between areas. HEIGHT and setback controls, daylighting requirements and the use of landscaping (including TREES), fences and walls to screen or soften are all mechanisms that will be used to ensure the amenity of RESIDENTIAL ENVIRONMENT AREAS is protected where such an interface occurs"* Page 16, NPDP Management Strategy.

The NPDP Management Strategy excerpt below reinforces this point that residential areas that interface with industrial areas shall be protected from the visual effects of large bulky buildings, as well as providing landscaping to mitigate potential effects. Again, the application site does not interface with any residential areas, therefore the proposed over height buildings are not considered to present an adverse effect on the amenity values of adjoining properties along Smart Road (Z Service Station and Hirepool) which are within the Business C Environment Area.

> *The interface between industrial areas with residential and rural areas can be sensitive. For this reason, the rules relating to effects between ENVIRONMENT AREAS apply where there is an interface with, or the activity is in close proximity to, these environment areas. Scale and bulk of buildings and structures as well as landscaping as a mitigation measure all need to be considered. In addition, consideration to the exterior cladding and colour of buildings will be controlled to ensure they are sensitive to the surrounding area Page 16a,* NPDP Management Strategy.

The activities proposed as part of this land use consent application, are considered to be compatible with the existing environment that includes bulky buildings. As outlined in Section 5 above, all relevant potential adverse effects are able to be avoided, remedied and mitigated. The proposal is therefore consistent with the above objectives and policies.

4.2 Issue 9: Activities which adversely affect industrial amenity

Objective 9	To maintain a level of amenity within the industrial environment which is consistent with the character of the area and provides a safe working environment.
Policy 9.1	The bulk and location of buildings, structures and other activities within industrial areas should be consistent with the amenity of the area.

Assessment:

As outlined in Section 5.3 of this report, the proposed bulk and location of buildings can be accommodated within this industrial zone environment. The development would re-purpose an old run-down, contaminated industrial site and provide a modern, high quality mixed use development which would significantly enhance the character and amenity of the area. The proposal is consistent with the relevant objectives and policies listed above.

The NPDP Management Strategy does not present any correlation between scale, height and bulk of buildings and any adverse effect on the amenity values of persons on a non-residential site. The most that can be said is that the NPDP anticipates that "*People working on an industrial SITE have*

a right to expect a reasonable working environment both in terms of amenity and health and safety" Page 52 NPDP Management Strategy. The removal of old fertiliser buildings and introduction of a modern commercial and retail complex will certainly achieve this for the surrounding industrial area.

The functional use of industrial sites, and generally lower levels of amenity values anticipated are described in the NPDP Management Strategy, within the excerpt below. The proposed development is considered to significantly improve the amenity values of the adjoining area, transitioning from a rundown old fertiliser storage use.

> "*Industrial areas are not generally high in amenity values. BUILDINGS tend to be large, stark and practical in nature with more emphasis on their intended use rather than visual appearance. SITES also tend to be practical in nature, used for outside storage, VEHICLE parking and other operational requirements*" Page 52, NPDP Management Strategy.

The excerpt below from the NPDP Management Strategy is important as it reinforces that "*any use can establish provided it meets the standards*". In terms of amenity values the proposal will positively impact on the surrounding environment. In particular the over-height aspect of the proposal is not considered to generate any adverse effects on adjoining businesses.

> *"While past planning practices have tended to exclude particular uses in an attempt to ensure differing amenity requirements do not cause conflict, under the ACT, any use can establish provided it meets the required standards. It is therefore important for activities intending to establish within the industrial area to recognise that amenity levels are lower, and either locate in other areas more suitable or make appropriate provision" Page 52 NPDP.*

The NPDP Management Strategy, again in the excerpt below, explains that amenity value in industrial areas relates to whether sites are pleasant areas to work. Typical industrial style buildings tend to be utilitarian in nature and can be visually imposing. The proposed architecturally designed buildings are able to successfully mitigate the visual building bulk that extends beyond 10m in height. As a result the visual amenity of the Devon Road, Smart Road and Katere Road environment would be enhanced as a result of this development and the site would provide a pleasant working environment.

> *"Although industrial areas within the district do not have high levels of amenity, they do have baseline levels which ensure they remain pleasant areas in which to work. The conditions, standards and terms relating to HEIGHT of BUILDINGS and STRUCTURES, setbacks, ADVERTISING SIGNS, and landscaping are different between the INDUSTRIAL ENVIRONMENT AREAS to reflect their different visual characteristics. This will ensure that activities are designed and located in such a way that they do not adversely affect the visual amenity of the area in which they are located, without unnecessarily constraining their development"* Page 52b, NPDP Management Strategy.

4.3 Issue 11: Degradation of heritage resources

Objective 11	To recognise the district's heritage resources, provide for their protection and promote their enhancement.
Policy 11.5	Archaeological sites should be protected from destruction and alteration that will adversely affect their archaeological values.

Assessment:

Parapara-iti Pā is identified as being of significant cultural value and is an archaeological site. Proposed earthworks on the archaeological site would be managed under a general archaeological authority required from Heritage NZ. To enable filling on the Pā site it is likely that a top soil strip would occur and a geotextile material layer would be established before filling occurs. This method would protect both any potential archaeological material and would satisfy RAP methods required to manage potential contamination that may exist in the soil. Although the site would be substantially altered, the proposed changes will bring a greater awareness to the history of the site which will ultimately enhance archaeological values. The proposal requires land use consent for earthworks and buildings exceeding 10m in height in proximity to the Pā.

The proposal also requires land use consent for earthworks and buildings within 50m and within 100m exceeding 10m in height in proximity to the Carved Maaori Toko, Waahi Taonga Site. Mana Whenua Iwi identified in the NPDP for this site is both Ngāti Tawhirikura and Puketapu Hapu. The proposal includes establishment of a second Pou on the application site which together with the Carved Maaori Toko would create a cultural entry statement to New Plymouth.

The proposal is consistent with the relevant objectives and policies listed above.

4.4 Issue 19: The traditional relationship of tangata whenua with the natural environment of the district

Objective 19	To recognise and provide for the cultural and spiritual values of tangata whenua in all aspects of resource management in the district in a manner which respects and accommodates tikanga maori.
Policy 19.2	Subdivision, land use or development should not adversely affect the relationship, culture or traditions that tangata whenua have with waahi taonga/sites of significance to maori.

Assessment:

The development acknowledges the cultural and spiritual values of Ngāti Tawhirikura with respect to Parapara-iti Pā. The NPDP acknowledges that historically within the district there has been much damage and desecration to Waahi Taonga/Sites of Significance to Maori and Taonga which has resulted from a variety of land use activities, including earthworks.

The proposal to reform Parapara-iti Pā seeks to enhance this relationship for Tangata Whenua and to re-assert their tribal identify within their rohe. Ngāti Tawhirikura support this proposal (refer to letter of support in Appendix P of this report). The relationship of Puketapu to the Carved Maaori Toko is also recognised within this application, consultation is ongoing to understand if Puketapu have any further feedback on the proposal. Although it is noted that the Carved Maaori Toko is located on a close site across the state highway and there will be no physical effect from the development on this waahi taonga. The proposal is consistent with the objectives and policies listed above.

4.5 Issue 20: Adverse effects of activities on the safe and efficient operation of the district's road transportation network

Objective 20	To ensure that the road transportation network will be able to operate safely and efficiently.
Policy 20.2	The safe and efficient operation of the road transportation network should not be adversely affected by land use activities that have insufficient or substandard parking or loading areas.

Policy 20.3	Potential conflict between vehicles, pedestrians and cyclists moving on the road transportation network should be minimised to protect the safety and efficiency of road and footpath users.

Assessment:

The development has taken into account suggested safety improvements on Devon Road by NPDC and NZTA, with the applicant removing traffic movements exiting the application site onto Devon Road. The proposed design will ensure that potential conflict between vehicles, pedestrians and cyclists on the surrounding transportation network would be minimised.

Section 5 of this AEE and the ITA addresses potential effects of the proposal on road transport networks and it is considered that, as the adverse environmental effects are appropriately avoided, remedied or mitigated, that the proposed land use is consistent with the relevant transport related objectives and policies of the NPDP.

5 ASSESSMENT OF ENVIRONMENTAL EFFECTS

5.1 Permitted Baseline

When assessing the environmental effects of the proposal it is useful to compare these effects against the permitted baseline. When applying the permitted baseline, it is only the effects that are other or further than those of activities within the permitted baseline that may be taken into account in assessing the application. It must be noted that use of the permitted baseline is not mandatory for consent authorities to apply when considering resource consent applications.

This principle was incorporated into the RMA by the 2003 amendment. Section 104(2) states "…*when forming an opinion for the purpose of subsection 1(a), a consent authority may disregard an adverse effect of the activity on the environment if the plan permits an activity with that effect*."

The purpose of the comparison is to discount the environmental effects generated by a permitted activity. The function of the test is to provide a frame of reference against which the acceptability of the effects of a proposed development can be considered.

The permitted baseline includes activities that meet the conditions for permitted activities and are not included as a controlled, restricted discretionary, discretionary or non-complying activity. The baseline has been defined by case law as comprising the 'existing environment' and non-fanciful (credible) activities that would be permitted as of right by the plan in question.

In this case the existing environment includes a number of tall industrial buildings on the site, which provides a relevant frame of reference when considering the proposed buildings. The 10m maximum building height permitted activity condition also forms a relevant permitted baseline for this consent application.

The permitted baseline is not considered to be useful in discounting any potential effects related to parking, loading and standing, onsite manoeuvring, onsite queuing, earthworks in relation to NES-CS and earthworks and structures in proximity to a Waahi Taonga/Site of Significance to Maori.

5.2 Matters to be considered for Restricted Discretionary Activities

Under Section 88(2) of the RMA an application for resource consent must include, in accordance with Schedule 4, an assessment of environmental effects in such detail as corresponds with the scale and significance of the effects that the activity may have on the environment. This application is supported by a number of technical reports each addressing relevant assessment criteria for the NPDP rules that consent is required under.

The proposal is overall considered to be a restricted discretionary activity, therefore NPDC is restricted in the NPDP assessment matters it shall consider. The words in capitals below have a listed definition in the NPDP and have been maintained to assist with assessment of this application.

Relevant assessment criteria and assessment of effects are set out in the following sections:

5.3 Rule Ind9 - Potential Visual Effects on Character and Amenity Values related to the Proposed Over Height Buildings

The following relevant assessment matters are listed in the NPDP for a proposal that exceeds the maximum building height of 10m within the Industrial C Environment Area.

1) The extent to which the extra HEIGHT of the proposed BUILDING will:

- adversely affect the character and visual amenity of the surrounding area;

- have an overbearing effect on SITES within the RESIDENTIAL ENVIRONMENT AREA;

- be visually intrusive from the ROAD; and

- adversely affect the natural character of the coastal environment or PRIORITY WATERBODIES.

Assessment:

The assessment criteria above focus on the 'extra height' of the proposed building, with respect to a number of assessment points. The terminology extra height refers to building bulk that exceeds 10m in height. This reinforces the use of the permitted baseline approach when considering the effects of an over height building. However, it is also important to consider the existing environment on the application site that includes a number of bulky, tall fertiliser buildings that provide a frame of reference when assessing 'extra height'.

The Ignite Architect Plans in Appendix F include a number of perspective images (Plans 1433-002 SHT-RC sheets 049 and 050) that show the bulk of the existing fertiliser buildings against the proposed commercial and retail complex buildings. One point that these images illustrate well is the level of existing building bulk that is positioned close to Devon Road which currently screens views across a long portion of the Devon Road frontage (in conjunction with the Pōhutukawa and Taupata shelter belt) into the property.

The proposed buildings that do not meet the 10m maximum height plane broadly relate to three areas.

<u>The hotel, food emporium and cinema buildings</u>

The application site layout has positioned the tallest proposed building on the Smart and Devon Road corner, both as a logical layout for receipt of sunlight to the remainder of the development, but also as a statement piece for the development to be visible from the Devon Road frontage. The proposal focuses on good architectural design as the main mitigation measure against the extra height proposed rather than separation distances, topography, planting or setbacks.

The three-storey hotel building has been designed to angle back into the application site which serves to mitigate the visual bulk of the building. Seven structural white beams have been included, providing a link to the seven Pā cultural reference verbally acknowledged to the project team by Ngāti Tawhirikura. Large portions of the hotel wall area would be glazed with a 'curtain wall faced window system' providing a sense of openness. The materials would successfully break up the visual bulk of the building when viewed from Smart Road. Other cladding systems on the Smart Road façade, also provide an effective method of mitigating building bulk. This is achieved by using a dark colour palette would be used at ground floor level with a 'dark granite wall tile' proposed. At first floor, a light coloured 'Aluminium composite cladding' is proposed.

The proposed cinema building would exceed the maximum permitted 10m height plane by 5.97m. The extra height of the proposed cinema building façade on Smart Road is visually mitigated by use of alternating vertical 'pre-cast panels with a selected off form finish' and lighter 'Aluminium composite cladding'. The alternating design avoids a bulky flat wall line that would otherwise produce a higher degree of overbearing building bulk on Smart Road. A landscaped mound with clusters of trees would also soften the visual bulk of this building, which would be mainly visible to vehicles making their way to the Smart Road intersection main entrance to the commercial and retail complex.

When assessing an over height building within the Industrial C Environment Area, it is important to reflect on the functional use and existing environment amenity values of adjoining sites. The NPDP does not seek to control shading (there are no daylighting rules in the Industrial C Environment Area), therefore the adverse effects of extra height are considered to be limited to visual building bulk. The suite of mitigation measures described above are considered to successfully mitigate the 'extra-height' of the proposed buildings.

The speciality retail and concourse buildings

The section of building that would be occupied by specialty retail activities on the ground floor of the lower platform, and at first floor of the lower platform (above the under-croft parking) would have a maximum height of 15.159m. The most effective mitigation measure of the 5.159m of extra height building in this location on, is a substantial separation distance from Devon Road of approximately 52m. The building would be viewed in the background to extensive landscaping along the road frontage and across an open car parking area also planted with a number of trees.

Materials proposed on this building include long sections of glazed retail shop front on ground floor level. At first floor 'Equitone cement sheet prefinished cladding' is proposed, which will be viewed against a backdrop of 'profiled translucent cladding' leading up to the Ethylene Tetra Flouro Ethylene (ETFE) dia-grid roof structure. The first-floor building bulk is broken into three sections, with glazed view portals through to the central concourse area where kiosks are positioned. Proposed commercial signage also breaks up the flat bulk of the building façade.

Two 'Major Retail' eastern anchor tenants and office buildings

Whilst two anchor retail tenancies are positioned on the east side of the application site, the lower anchor tenant with offices at first floor would be most visible when viewed from Devon Road. The first-floor anchor tenancy would be positioned in behind the existing NZ Couriers building, setback approximately 62m from the Devon Road frontage.

The architectural design of the lower platform anchor tenant, utilises 'sleaving' of specialty retail tenancies (138m^2 to 201m^2 GLFA) along the building frontage which breaks up the visual bulk of the building. Pre-cast panels with a selected plain finish would be used on the lower half of the wall line. The upper portion of the building that exceeds 10m in height has been articulated using timber vertical panels. The building would have a maximum roof height of approximately 13.484m.

The mitigation measures outlined above are considered to mitigate potential adverse effects on the character and visual amenity of the surrounding area and when viewed from adjoining road areas (specifically Devon and Smart Road).

A landscape and visual impact assessment (LVIA) has been completed by Boffa Miskell (refer to Appendix J of this report). The grading of effects has been categorised within the LVIA under the headings of visual sensitivity and magnitude of change. The 'significance of effect' grading is an overall assessment of visual sensitivity and magnitude of change, which helps quantify the visual effects at different viewpoints around the application site.

The LVIA finds that the visual effects of the proposal, related to the extra-height aspect of buildings overall, would be '**moderate-low'** on the receiving environment.

Four main viewing areas have been considered within this assessment. The conclusions have been summarised below:

From the Devon Road Corridor

The assessment considers a number of viewpoints taken from Devon Road, adjacent to the Harvey Norman building. Overall, the significance of effect of the development is graded as being '**moderate-low'**. This is due to the transient nature of receptors on the road corridor and the context of the existing industrial buildings on the application site.

From the surrounding roads and commercial/industrial neighbourhood

This section of the assessment includes a range of differing foregrounds and backdrops. The sensitivity to change is graded as being 'low', with the surrounding neighbourhood being a functional industrial and commercial area. The proposal would generate additional height above 10m that is positioned further away from the nearest residential properties positioned on higher contours of Atiawa Street (approximately 400m away). The significance of effects is considered to be '**moderate-low**'.

From residential properties (at a distance of 450m) on Clemow Road

The additional height component is considered to be relatively indiscernible when viewed from this location. The proposed development would be viewed in the background, across existing industrial buildings and the Valley Shopping Centre. The significance of effect is graded as '**low**'.

The majority of the proposed building on the lower platform area would have a height of 8 -13.7m. This exceedance is consistent across the northern elevation, with the proposed food emporium and hotel building rising up to approximately 26.2216m.

To provide some context on building height in the immediate vicinity, the Harvey Norman building has a maximum height of 10.5m. The roof height of the building adjoining Devon Road steps down to a height of 8m.

The application site is well separated from the nearest residential environment area located on Atiawa Street. This significant separation distance is considered to mitigate any potential effects resulting from the over-height buildings. The proposed building development would not generate any overbearing effects on these residential sites or on the adjoining road reserve areas.

From the Mangaone Stream (priority waterbody)

It is noted that the Mangaone Stream which runs along the eastern boundary of the application site is a priority waterbody listed in the NPDP. The section of stream that adjoins the application site has been modified to achieve an engineering solution with regard to flooding. Gabion baskets have been utilised along the riparian margins to provide flood protection of the banks, these structures have degraded the natural character of the stream, with little thought having been given to planting along the stream edge.

The applicant intends to plant this area adjoining the Mangaone Stream within the application site with natives in an effort to beautify the stream edge. Given the engineering outcomes achieved by

the gabion baskets, no changes are proposed within this application to alter the rock lined baskets. The proposed over height buildings are considered to have no adverse effect on the Mangaone Stream. The taller proposed buildings are on the opposite side of the application site adjoining Smart Road. In addition, the tallest existing fertiliser buildings are located near the Mangaone Stream, these will be removed and replaced with a number of lower height buildings that would not produce any level of overbearing building bulk when viewed from the stream edge.

2) The extent to which SITE layout, separation distances, topography, planting or set backs can mitigate the adverse effects of extra HEIGHT.

Assessment:

The proposal utilises separation distance and site layout as the main techniques (under this assessment criteria) to mitigate the potential adverse effects of extra height. For this application site, topography and planting is not seen as an appropriate design response to mitigate the effects of extra height; given that the sort of planting required or shaping of earth mounds would have to completely screen the proposed buildings to achieve mitigation of the 'extra height' component. The landscaping response to this development is to soften the view of the proposed buildings to complement the architectural design of the proposed buildings.

Examples where separation and site layout mitigate potential adverse effects of extra height are on the hotel building. The hotel building angles back into the site from Smart Road, successfully mitigating the bulk of the building when viewed from Smart and Devon Roads. The speciality retail areas and main concourse, would exceed the 10m maximum height plane by 5.159m. The buildings are separated from Devon Road by approximately 52m, with an on-grade car parking area that will be landscaped with trees throughout.

When viewed from Katere Road the proposed Major Retail tenant, has been designed to angle away from Katere Road. The site layout would avoid a flat bulky wall line positioned square on to the road boundary.

4) Any adverse visual effects on the New Plymouth entrance corridors.

Assessment:

The current fertiliser storage site use has purposely screened the application site through the use of tall Pōhutukawa /Taupata shelterbelts and turned its back on the Devon Road frontage. The changes proposed to the application site by removing old fertiliser buildings and developing the property with architecturally designed buildings and complementary landscape planting is visually considered to be a positive change for the entrance corridor of New Plymouth.

The proposal would create a significant change to the existing arrival experience for New Plymouth by replacing the existing dilapidated and unsightly tall buildings with a modern, vibrant, mixed-use development.

The project landscape architect/urban designer considers that the architecture of the proposed buildings could change to achieve a similar level of visual mitigation. For further detail refer to the LVIA addendum letter dated 19 April 2018 in response letter in Appendix J.

5.4 Rule Ind84 - Potential Effects from use of an Existing Non-Compliant Vehicle Access Point (Sight Visibility)

The following relevant assessment matters are listed in the NPDP for a proposal that is unable to provide the permitted sight visibility from the existing vehicle access point (proposed ROW over a portion of the Ravensdown access) on Smart Road that would be utilised for LFR hardware shop loading movements only.

> *5) Any cumulative effects of extra VEHICLE ACCESS POINTS on the function of the ROAD BOUNDARY in terms of its position in the ROADING HEIRARCHY.*
>
> *6) Whether the speed environment on the ROAD, as determined by the 85th percentile speed data, is such that the sight distance standards in the plan can be safely reduced.*
>
> *7) The types of VEHICLES serving the SITE, their intensity, the time of day the SITE is frequented and the likely anticipated VEHICLE generation.*
>
> *11) Whether the parking, LOADING, STANDING, QUEUING and/or MANOEUVRING SPACES will be required for use outside of peak traffic, cyclist or pedestrian flows*

Assessment:

The proposal includes creation of a ROW (refer to proposed scheme in Appendix R). This existing vehicle access point has a non-compliant sight visibility distance south along Smart Road. This limited sight visibility is caused by a concrete pillar under the Railway overbridge on Smart Road. As a result, land use consent is required for additional traffic movements related to the proposed LFR hardware shop activity. Ravensdown have agreed to the creation of this ROW in favour of proposed Lot 1.

Section 3.1.6 of the ITA (full ITA report in Appendix L) has assessed the existing environment which includes Ravensdown traffic, plus the proposed LFR hardware shop truck loading traffic that would occur on the proposed ROW. The proposal only includes inwards traffic movements into the proposed ROW, which completely avoids potential effects generated by the lack of sight visibility when exiting via this ROW. In summary the ITA considers that the additional loading movements will be exceptionally low, and any cumulative effects resulting from combined Ravensdown and LFR hardware shop traffic will be negligible.

5.5 Rule Ind86 Potential Effects of the Proposed Parking Numbers

The following relevant assessment matters are listed in the NPDP for a proposal that is unable to provide the permitted number of onsite parking spaces within the Industrial C Environment Area.

> *9) Whether it can be demonstrated that a less than normal incidence of traffic generation and associated parking, LOADING or STANDING SPACES will be required by the proposal.*
>
> *10) Whether it is physically practicable to provide the required parking, LOADING, STANDING, QUEUING and/or MANOEUVRING SPACES in the SITE in terms of existing location of the BUILDINGS, DEFINED RETAIL FRONTAGE, and access to the ROAD, or topography.*
>
> *11) Whether the parking, LOADING, STANDING, QUEUING and/or MANOEUVRING SPACES will be required for use outside of peak traffic, cyclist or pedestrian flows.*

14) Whether a significant adverse visual or nuisance effect on the character and amenity of the surrounding area will occur as a result of not providing the required parking, LOADING, STANDING, QUEUING and/or MANOEUVRING SPACE or access in the required manner.

15) The adverse effects on the safety of people, both on and off the SITE, due to not providing the required parking, LOADING, STANDING, QUEUING or MANOEUVRING SPACE, VEHICLE ACCESS POINT or DRIVEWAY and/or inappropriate design or construction of these.

16) The extent to which the safety and efficiency of the ROAD TRANSPORTATION NETWORK would be adversely affected by parking, loading, manoeuvring and/or queuing VEHICLES due to inappropriate design or construction.

Assessment:

The NPDP permitted standards for on-site parking require a total of 2,205 onsite parking spaces for the proposed activities within this application. The revised ITA dated (22/05/2018) considers that the NPDP requirement does not accurately reflect the actual onsite parking demand for the following reasons:

- The rates are reflective of the needs of fine-grained retail, not bulk and large forma
- The flat onsite parking requirements do not reflect the varying parking demands for different activities over the course of a weekday or weekend; and
- The figures overly estimate the potential parking needs of the proposed development, considering other recent commercial and retail complex development that Team Traffic has completed traffic assessment on.

To complete a more realistic assessment of onsite parking requirements the ITA includes consideration of three assessment methods:

<u>Assessment Method 1 – Use of The Valley Shopping Centre Traffic Survey Data for Retail</u>

The ITA finds that a total of 1,195 onsite parking spaces are required when using the recent traffic survey data and adding NPDP standards for activities that are not currently in the Valley Shopping Centre i.e. cinema and visitor accommodation.

The recent traffic survey of the Valley Shopping Centre and nearby intersections was undertaken on 3 and 5 August 2017. The survey is considered to provide highly relevant and current traffic data for the surrounding roading network.

To provide for an increase in peak parking at different times of the year, the proposed traffic figures have been increased by 50%. At this rate, the anticipated parking demand during the busiest Saturday is approximately 1 space/40m^2 (GLFA).

As requested by NPDC, the ITA considers the “Transport Agency Research Report 453: Trips and Parking related to land use (November 2011)” which applies a rate of 1.15. This results in a total of 932 parking spaces being required, which provides further conservatism in the figures.

<u>Assessment Method 2 - Use of Retail Parking Rates from a Comparable Commercial and Retail Complex i.e. The Base, Hamilton.</u>

The alternative assessment method utilises the retail parking rate of 1 space / 30m^2 (GLFA) that has been applied for The Base Shopping Centre at Te Rapa in Hamilton. This comparable commercial and retail development includes a cinema, offices and both fine and large format retail offerings. The ITA finds that a total of 1,231 onsite parking spaces are required. This consent number of parking spaces is proven to be an adequate number as confirmed by Team Traffic Engineers.

The assessment outlined above confirms that a substantial reduction in the number of NPDP permitted car parks can be accommodated, with conservatism factored into these figures.

The proposal includes dedicated staff parking in areas that are less likely to be utilised onsite. These areas are identified in blue within Figure 24 of Section 3.3 of the ITA and are generally located on the eastern edge of the site.

The proposal would not result in any off-site parking that would generate visual effects on the surrounding Katere Road or Smart Road character. Any visual effects related to the onsite parking non-compliance are considered to be effectively avoided by a suitable number of parks being provided as demonstrated by the revised ITA. The ITA concludes that the development would provide a safe and efficient parking solution.

As requested by NPDC, the ITA considers the "Transport Agency Research Report 453: Trips and Parking related to land use (November 2011)" which applies a rate of 1.05. This results in a total of 1058 parking spaces being required, which provides further conservatism in the figures.

Assessment Method 3 – Use of Traffic Survey Data applied in the 'St Lukes Shopping Centre Plan Change' and for 'Bunnings Stores in New Zealand".

This method considers the Traffic Design Group ITA that was prepared for the St Lukes Shopping Centre Plan Change, Traffic Design Group reports for Bunnings in New Zealand and NPDP rates for hotels. The calculation results in a requirement for 1175 parking spaces onsite, below the 1200 proposed.

Considering the additional assessment the project traffic engineers have completed, it is considered that any potential adverse effects on the safety and efficiency of short sections of Katere and Smart Road, related to a potential overspill of onsite car parking will be avoided. The proposed number of onsite parking spaces is therefore appropriate for this proposed development.

Comment on NPDC's View that Wider 'Road Transportation Effects' Can be Assessed:

It is noted that there continues to be a disagreement in interpretation between the NPDC's processing planner and the applicant's consultant planner as to whether effects on the wider road transportation network can be assessed under the restricted discretionary assessment criteria 16 for Rule Ind86. To be clear the applicant's consultant planner continues to maintain the position that this is beyond the scope of what can be assessed by NPDC for a parking related non-compliance. The applicant's consultant planner's position was clearly described in the traffic meeting notes attached as Appendix W. The view held by the applicant's consultant planner is further supported by the fact that there are no maximum traffic generation rules for activities in the Industrial C Environment Area. This confirms that the NPDP has no interest on the potential effects generated by an increase in traffic volume on the road transportation network.

As a result of the ITA providing a high level of certainty that there would be no overspill of onsite parking onto either Katere or Smart Roads. Potential adverse effects on the 'road transportation

network' as it relates to road side parking for a limited section of roads adjoining the application site (that may have been impacted), are considered to be effectively avoided.

However, to provide NPDC with certainty that the proposed condition precedent is appropriate and that roading upgrades are appropriate the project traffic engineers have completed an extensive assessment on the wider road transport network. This assessment has considered a potential growth rate of 1% and 3.1% per annum over 10 years and confirms that the wider road network would continue to be functional when considering a 1% growth rate per annum (maintaining the same level of service) and could accommodate the proposed volume of traffic that would be generated by the proposed commercial and retail activity.

5.6 Rule Ind87 - Potential Effects of the Proposed Loading and Standing

The following relevant assessment matters are listed in the NPDP for a proposed that is unable to meet the loading and standing NPDP standards within the Industrial C Environment Area.

> *7) The types of VEHICLES serving the SITE, their intensity, the time of day the SITE is frequented and the likely anticipated VEHICLE generation.*

Assessment:

The three main loading and standing areas accessed from Katere Road, would service semi-trailer vehicles with a maximum length of 17.9m. The majority of deliveries to the site would be before normal opening hours or later in the evening. Due to the large size of these vehicles it is anticipated that the number of movements in and out of the loading area will be relatively low, any more than two semi-trailer units onsite at any one time is unlikely. Given the relative isolation of New Plymouth, truck movements are likely to be consolidated from large centres north and south of the region.

The three other loading areas would only be used by medium rigid trucks and serviced after hours to avoid conflict between vehicles and pedestrians visiting the site. Refer to Figures 31 and 32 within the revised ITA for a location plan in Appendix L of this report.

> *9) Whether it can be demonstrated that a less than normal incidence of traffic generation and associated parking, LOADING or STANDING SPACES will be required by the proposal.*

Assessment:

The three loading areas for semi-trailer units all provide for one loading and one standing space. It is not anticipated that any additional semi-trailers would arrive whilst two other vehicles are onsite. The two loading spaces imbedded in the specialty retail area will not require any additional standing spaces to service this area of the development. The loading and standing space underneath the cinema building provides space for two medium rigid vehicles, which is considered to be adequate for servicing the hotel, retail, food and beverage and cinema activities at this end of the complex.

> *10) Whether it is physically practicable to provide the required parking, LOADING, STANDING, QUEUING and/or MANOEUVRING SPACES in the SITE in terms of existing location of the BUILDINGS, DEFINED RETAIL FRONTAGE, and access to the ROAD, or topography.*

Assessment:

The development largely provides for both loading and standing spaces in each loading area within the development. The two loading spaces within the speciality retail area are unable to provide

additional standing spaces in an adjoining area due to the car parking layout. Use of these loading areas would be after hours and managed to avoid any conflicts.

11) Whether the parking, LOADING, STANDING, QUEUING and/or MANOEUVRING SPACES will be required for use outside of peak traffic, cyclist or pedestrian flows.

12) Whether the design, grade or formation of the alternative construction of parking, LOADING or STANDING SPACE, or DRIVEWAY will assist in managing any actual or potential adverse effects that arise.

Assessment:

No alternative construction design is proposed within this application. One area that there may be a perceived conflict with pedestrian and traffic flows would be the proposed loading design for the two medium ridged truck spaces within the specialty retail area. Both of these spaces will require trucks to reverse manoeuvre into the loading area, enabling exit in a forward direction. Ideally, loading trucks should access a loading area in a forward direction. However, in this instance an efficient design was required to avoid displacing parking spaces and enabling a direct loading access point near the retail tenancies. The loading spaces would be required for use outside of peak traffic, cyclist and pedestrian flows. During this off-peak period (early morning or late evening) conflict with other car park users can be avoided.

5.7 Rule Ind88 - Potential Effects of Non-Compliant On-site Manoeuvring Areas

12) Whether the design, grade or formation of the alternative construction of parking, LOADING or STANDING SPACE, or DRIVEWAY will assist in managing any actual or potential adverse effects that arise.

13) The adverse effects of using parking, LOADING or STANDING SPACES for manoeuvring and/or QUEUING SPACE.

Assessment:

The proposal includes a 'technical' non-compliance with parking aisle width standards in Appendix 23. The NPDP requires a 7.0m wide aisle for left nose in vehicles and 7.9m for right nose in vehicles. The ITA considers that a 7.0m wide aisle is appropriate for a commercial and retail complex of this nature. Refer to Section 3.3.5 of the ITA for further details within Appendix L of this report. Further plans have now been provided which identify dimensions of all parking spaces and aisle widths refer to Appendix F.

The design of the northern lower platform and northern upper platform loading areas are unable to provide dedicated areas for loading and standing vehicles. The ITA has assessed the ability of vehicles to efficiently operate within these areas and confirms that the loading areas are appropriate with staff parking adjoining that can be managed to avoid conflict between users. Refer to Section 3.3.4 of the ITA for further details within Appendix L of this report. Tracking curves have been applied to the proposed parking and driveway layout and are shown to be workable from a traffic engineering point of view. For detail tracking curve detail please refer to the 1:250 and full site plans in Appendix L of this report.

The two loading areas for semi-trailers adjoining the upper and lower level anchor tenants utilise car park aisle space to complete loading deliveries. The adjoining car space would be staff parking and

this loading activity can be easily managed by the retailer. The ITA has assessed this potential loading conflict and considered the proposal acceptable. Refer to Section 3.1.2 of the ITA for further details within Appendix L of this report.

5.8 Rule Ind89 - Potential Effects Related to On-Site Queuing Space

The following relevant assessment matters are listed in the NPDP for a proposal that meets the controlled activity standards and terms under Ind89, has more than 30 onsite parking spaces and has access from State Highway (Devon Road) or an Arterial Road (Smart Road). This aspect of the proposal is a restricted discretionary, because there will be queuing on Smart Road.

> *2) Whether there is a need to separate entry and exit points in order to reduce potential traffic confusion or congestion.*
>
> *4) Whether particular mitigation measures such as an acceleration or deceleration lane are required due to the volume of and speed of VEHICLES on the ROAD.*

Assessment:

The ITA has designed the slip lane on Devon Road to provide for onsite queuing within the onsite parking area. The ITA confirms that no queuing is expected on Devon Road as the deceleration slip lane feeds a priority aisle in the car park.

The vehicle access point from Smart Road requires a signalised intersection to be established. Queuing is managed onsite at the Smart Road intersection by the phased traffic signals. The design, location and formation of the Smart Road intersection and Devon Road slip lane are identified within the ITA. Any effects related to potential queuing are considered to be effectively avoided.

5.6 Rule OL81 - Potential Effects on Waahi Taonga/Sites of Significance to Māori (Proposed structures within 50m)

The following relevant assessment matters are listed in the NPDP for a proposed building located within 50m of a Waahi Taonga/Site of Significance to Māori or Archaeological Site.

> *1) The nature, layout, form and extent of the proposed STRUCTURE and its effects on the WAAHI TAONGA/ SITES OF SIGNIFICANCE TO MAORI and/or ARCHAEOLOGICAL site.*
>
> *2) The necessity for the STRUCTURE and any alternative methods and locations to position the STRUCTURE.*
>
> *3) The duration that the STRUCTURE will be located in this position.*
>
> *4) The effect of the work on the cultural significance of the WAAHI TAONGA/SITE OF SIGNIFICANCE TO MAORI as assessed by IWI or HAPU.*
>
> *5) The effect of the work on the significance of the ARCHAEOLOGICAL SITE as assessed by Heritage New Zealand Pouhere Taonga.*
>
> *6) Whether, and the extent to which the proposal responds to the objectives of any operative IWI planning document formally lodged with New Plymouth District Council relating to the ROHE.*

7) The degree to which the WAAHI TAONGA/SITES OF SIGNIFICANCE TO MAORI and/or ARCHAEOLOGICAL SITE is already modified.

8) The level of information available about the WAAHI TAONGA/SITES OF SIGNIFICANCE TO MAORI and/ or ARCHAEOLOGICAL SITE.

10) Provision of management plans, IWI/HAPU monitoring or Discovery Protocol to mitigate adverse effects of proposed works.

Assessment:

The NPDP requires land use consent for the erection of structures within 50m of a Waahi Taonga/Site of significance to Māori and/or Archaeological Sites. Appendix 26 of the NPDP states that extents for sites listed in table 26.1 have not been verified (Parapara-iti Pā is listed within table 26.1). Accuracy of the location of sites listed in table 26.1 is to +/- 200m as specified on the cover page of Appendix 26.

The proposed cinema building would be 16.73m high, and the hotel building would be 26.24m high. Both of these buildings would be located within 50m of Parapara-iti Pā. The extent of the Pā has not yet been verified, therefore the whole application site is conservatively captured by this rule. As a result, all buildings on site require consent under NPDP rule OL81 with respect to Parapara-iti Pā. The proposed Food and Beverage buildings with maximum height of approximately 8.5m near Devon Road will be located within 50m of the Carved Maaori Toko, Waahi Taonga Site.

The reformed Pā forms an integral component of the overall proposed commercial and retail complex master plan. The site layout seeks to create an open viewshaft from the main complex entrance on the southern façade of the building, across the reformed Pā to Mt Taranaki. The reformed Pā would be built up to hold an elevation of 9.95m above the upper platform, adjoining the proposed LFR hardware shop. The reformed Pā would be a similar height to the proposed LFR hardware shop building.

Ngāti Tawhirikura have been consulted regarding the development, and in principle support the proposal (see letter from Ngāti Tawhirikura in Appendix P).

As described above, the existing site is heavily modified. However, there are small remnant areas on the site and a general archaeological authority would be obtained for the proposed development. This process would require the preparation and implementation of management plans, and Iwi/hapu monitoring during stripping of top soil.

The author of this report, Glen Skipper (Ngāti Tawhirikura), Ivan Bruce (Consultant Archaeologist) and Luke Bunn (BTW Engineer) completed a site visit to Parapara-iti Pā with Heritage NZ, Regional Archaeologist Kathryn Hurren on 23 November 2017. Heritage NZ do not object to the proposed reformation of Parapara-iti Pā , and have confirmed that a general archaeological authority would be required under the Heritage NZ Pohere Taonga Act 2014. For evidence of this consultation with Heritage NZ please refer to Appendix Q of this report.

At the time of preparing this application we are not aware of any operative Iwi planning documents formally lodged with NPDC that would need to be assessed.

5.7 Rule OL82 - Potential Effects on Waahi Taonga/Site of Significance to Māori (Proposed structures between 50 and 100m)

The following relevant assessment matters are listed in the NPDP for a proposed building that exceeds 10m in height within 100m of a Waahi Taonga/Site of Significance to Māori or Archaeological Site.

1) The nature, layout, form and extent of the proposed STRUCTURE and its effects on the WAAHI TAONGA/ SITES OF SIGNIFICANCE TO MAORI and/or ARCHAEOLOGICAL site.

2) The necessity for the STRUCTURE and any alternative methods and locations to position the STRUCTURE.

3) The duration that the STRUCTURE will be located in this position.

4) The effect of the work on the cultural significance of the WAAHI TAONGA/SITE OF SIGNIFICANCE TO MAORI as assessed by IWI or HAPU.

5) The effect of the work on the significance of the ARCHAEOLOGICAL SITE as assessed by Heritage New Zealand Pouhere Taonga.

6) Whether, and the extent to which the proposal responds to the objectives of any operative IWI planning document formally lodged with New Plymouth District Council relating to the ROHE.

7) The degree to which the WAAHI TAONGA/SITES OF SIGNIFICANCE TO MAORI and/or ARCHAEOLOGICAL SITE is already modified.

8) The level of information available about the WAAHI TAONGA/SITES OF SIGNIFICANCE TO MAORI and/ or ARCHAEOLOGICAL SITE.

10) Provision of management plans, IWI/HAPU monitoring or Discovery Protocol to mitigate adverse effects of proposed works.

Assessment:

The assessment that has been made in Section 5.6 above is also applicable to this specific NPDP rule non-compliance. As a result of the lack of accuracy of the location of sites listed in table 26.1 (i.e. +/- 200m as specified on the cover page of Appendix 26), and no investigation reports being publicly available on the extent of Parapara-iti Pā site, rules OL81 and OL82 are both infringed. The location of the Carved Maaori Toko has also triggered the requirement for land use consent under Rule OL82.

The re-formed Pā would be substantially separated by the tallest building onsite, the proposed hotel building.

The LVIA assessment has drawn some broad conclusions on the potential landscape and visual effects of buildings exceeding 10m on the proposed Pā "*From a landscape and visual perspective, the proposed re-formed Pa site would not be dominated by the proposed development adjacent to the Pa*".

As outlined above all assessment criteria have been addressed and subject to final consultation with Ngāti Tawhirikura the proposed earthworks are considered to be acceptable. The applicant has engaged with Puketapu representatives regarding the potential effects on the Carved Maaori Toko, and consultation is ongoing.

5.8 Rule OL85 - Potential Effects on Waahi Taonga/Site of Significance to Māori (Proposed excavation, filling and clearance of trees)

The following relevant assessment matters are listed in the NPDP for earthworks and clearance of trees within 50m of a Waahi Taonga Site or Site of Significance to Māori.

1) The nature, form and extent of the proposed EXCAVATION and FILLING and any alternative methods and locations available for these activities.

2) The necessity for the EXCAVATION and FILLING and any alternative methods and locations available for these activities

3) The duration and proposed rehabilitation of the EXCAVATION and FILLING.

4) The effect of the work on the cultural significance of the WAAHI TAONGA/SITE OF SIGNIFICANCE TO MAORI and/or ARCHAEOLOGICALSITE as assessed by IWI or HAPU.

5) The effect of the EXCAVATION and FILLING on the significance of the WAAHI TAONGA/ SITE OF SIGNIFICANCE TO MAORI and/or ARCHAEOLOGICALSITE as assessed by Heritage New Zealand Pouhere Taonga.

6) Whether, and the extent to which the proposal responds to the objects of any operative IWI planning document formally lodged with New Plymouth District Council relating to the ROHE.

7) The degree to which the WAAHI TAONGA/ SITE OF SIGNIFICANCE TO MAORI and/or ARCHAEOLOGICALSITE is already modified.

8) The level of information about the WAAHI TAONGA/ SITE OF SIGNIFICANCE TO MAORI and/or ARCHAEOLOGICALSITE.

9) The extent to which restoration/rehabilitation of WAAHI TAONGA/SITE OF SIGNIFICANCE TO MAORI and/or ARCHAEOLOGICALSITE is likely to be achieved.

10) Consideration of where earthworks material from EXCAVATION or FILLING will be disposed of.

11) Provision of management plans, IWI/HAPU monitoring, Accidental Discovery Protocol to mitigate adverse effects of the proposed works.

Assessment:

An archaeological assessment has been completed on the current form of Parapara-iti Pā (refer to Appendix I for a copy of the full assessment). The assessment finds that Parapara-iti Pā has been heavily modified "*Parapara-iti Pa has been all but destroyed by previous earthworks, with a very small area of the original hill remaining unaffected by bulldozing*". The small remnant area of the site consists of a narrow 'L' shape of level high ground with the area being covered in uncoordinated

scrub, trees and rank grass. Although the Pā is heavily modified, the archaeological assessment considers that it is appropriate the surviving unmodified narrow 'L' shaped remnant area is treated as an archaeological site until demonstrated otherwise.

In its current state, the Pā has no visual prominence within the surrounding urban environment. The applicant has consulted with Ngāti Tawhirikura (who hold mana whenua) and has developed a plan to reform the Pā, to recreate a traditional ring ditch pa on the former site that is understood to be Parapara-iti Pā. The re-formation of the Pā will form an important marker of whakapapa in this landscape. Ngāti Tawhirikura have communicated to the applicant that the urban landscape has obscured their tribal identity and that reformation of the Pā will help re-establish this identity. Refer to proposed earthworks engineering plans in Appendix I for further Pā reformation detail.

To re-form the Pā site, suitable earth material (i.e. meeting NES-CS guidelines for residential use) would be excavated from the main development site and deposited. Given that there is contamination present in soils onsite, all practicable measures will be undertaken to ensure that earthworked areas are rehabilitated.

The duration and proposed rehabilitation of proposed earthworks would be managed within the Contaminated Site Management Plan (CSMP).

The applicant is not aware of any operative Iwi planning documents formally lodged with NPDC that would need to be assessed. Kathryn Hurren at HNZPT has been consulted with regard to this proposal. Ms Hurren has advised that a general archaeological authority would be necessary to complete the proposed earthworks.

The archaeological assessment recommends the following is undertaken under the HNZPT process:

- That all earthworks undertaken on the Parapara-iti Pā site (P19/401) are undertaken under a general authority from HNZPT;
- Pre-application discussions shall be undertaken with the Regional archaeologist from HNZPT prior to applying for a general archaeological authority;
- Subject to approval from HNZPT, works shall proceed under an archaeological management plan;
- That preparatory earthworks shall be initially undertaken in an exploratory manner, removing top soil under supervision of a qualified archaeologist. Should archaeology be encountered, an archaeological investigation will be undertaken to record any archaeological find; and
- That Ngāti Tawhirikura may have unpublished oral traditions relating to Pre-European Māori settlement of Parapara-iti Pā. It is recommended that the applicant provides opportunity for Iwi representatives to provide details of this oral history as part of a cultural impact assessment.

The applicant agrees to adopt these procedures as part of the HNZPT process.

Carved Maaori Toko is located on the northern side of Devon Road within 50m of the application site. There will be proposed vegetation removal (sheltbelt) and additional lane earthworks within 50m of Carved Maaori Toko. The earthworks that will be required to establish the additional lane on Devon Road would occur adjoining the Pou, given that the road carriageway is already in close proximity to the Pou temporary shallow earthworks would have no physical impact on the Pou structure (refer to the site plan in Appendix F. The applicant has engaged with Ngāti Tawhirikura and Te Atiawa regarding the addition of this extra lane. Consultation will also be progressed with Puketapu.

Works on the development site Devon Road provides significant separation and is considered to mitigate potential effects that would be generated by the proposed vegetation removal and earthworks. Regarding works on the application site, Ngāti Tawhirikura and Te Atiawa have provided their written approval, which signals their support for the project.

5.9 Potential Effects under the NES for Assessing and Managing Contaminants in Soil to Protect Human Health.

The following relevant assessment matters are listed in the NES-CS for Restricted Discretionary Activities.

Clause 10(3) of the NES-CS restricts discretion of the consent authority to the following matters:

(a) the adequacy of the detailed site investigation, including —

(i) site sampling:

(ii) laboratory analysis:

(iii) risk assessment:

Assessment:

The AECOM peer review (letter dated 30 May 2017) of the Golder 2013 and 2015 DSI reports submitted in support of Ravensdown's subdivision resource consent application has provided a baseline in identifying any further sampling and investigations that are necessary to confirm that the DSI reporting is adequate.

All aspects noted in section 3.0(a) of this peer review letter have been addressed within the Golder ESA and/or within the RAP. Considering the further site information obtained and the proposed RAP methodology the DSI's are considered to be adequate for the purposes of assessing a land use consent application.

(b) the suitability of the piece of land for the proposed activity, given the amount and kind of soil contamination:

Assessment:

The proposed RAP would implement a site validation programme that acknowledges that the majority of the site will need to meet the industrial/commercial guidelines, and that the Pā area shall meet the more stringent recreational guideline values. The only contaminant detected onsite that currently exceeds industrial/commercial and recreational guidelines is asbestos, the management and disposal of this particular contaminant will be tightly controlled primarily using a 'cap and cover' method. Considering the proposed methods outlined in the RAP, the 'piece of land' is considered to be suitable for a commercial and retail complex and the Pā site for recreational/community use.

(c) the approach to the remediation or ongoing management of the piece of land, including —

(i) the remediation or management methods to address the risk posed by the contaminants to human health:

(ii) the timing of the remediation:

(iii) the standard of the remediation on completion:

(iv) the mitigation methods to address the risk posed by the contaminants to human health:

(v) the mitigation measures for the piece of land, including the frequency and location of monitoring of specified contaminants:

Assessment:

The RAP includes a detailed description of the approach and ongoing management of the application site, with respect to soil contamination. Please refer to Appendix K of this report.

If an UST is encountered the removal activity will be undertaken in accordance with "*Guidelines for Assessing and Managing Petroleum Hydrocarbon Contaminated Sites in New Zealand*, Wellington, Ministry for the Environment:". The NPDC would be notified no sooner than 1 month and no later than 1 week before the work beginning. As described above the volume of soil disturbed and volume of soil taken away in the course of the activity may both exceed 30m^3, this is because there is uncertainty regarding the presence of the UST. In the instance that these thresholds are exceeded, the RAP will address suitable disposal options i.e. capped and covered in an appropriate location of the site or removed from the site and disposed at an approved facility. The UST removal activity would not exceed 2 months in duration. Reporting to NPDC would be provided within 3 months of the activity ending should the activity be permitted.

(d) the adequacy of the site management plan or the site validation report or both, as applicable:

Assessment:

The RAP includes a suite of site management plans that would be utilised over the course of this remediation project. These management plans and site validation methodologies are considered to be adequate for the purposes of assessing this land use consent.

(e) the transport, disposal, and tracking of soil and other materials taken away in the course of the activity:

Assessment:

The RAP includes both onsite and offsite disposal options that will be employed as part of this site remediation project which accord with best practice and guidelines.

(f) the requirement for and conditions of a financial bond:

Assessment:

It is anticipated that a set of conditions relating to soil remediation will be listed on the land use consent. A financial bond is not considered to be necessary for this proposal.

(g) the timing and nature of the review of the conditions in the resource consent:

Assessment:

N/A.

(h) the duration of the resource consent.

Assessment:

The applicant seeks the normal 5 years to give effect to the land use consent.

Summary of Assessment:

Considering the assessment above, the working environment that would be managed by Nikau and 4Sight is able to effectively manage soil disturbance to ensure that human health of all workers onsite is appropriate managed.

Once the site earthworks and remediation and validation reporting is complete the final proposed use of the site for commercial and retail use, with a recreational use of the Pā can be confirmed and any actual and potential effects on human health would be avoided, remedied and mitigated to an acceptable level.

6 NOTIFICATION DECISION

6.1 Public Notification Consideration

Under Section 95A a consent authority must assess an application to determine whether or not it should be publicly notified. To assist the Council the step by step process is set out below with comments.

Step 1: Mandatory Public Notification – s95A(2) and (3)

Criteria		Comment
(a)	Public Notification at Applicant's request - s95A(3)(a)	No - The applicant has not requested public notification
(b)	Public Notification is required under section 95C (s95A(3)(b))	No – Any further information requests will be satisfied within the timeframe agreed to.
(c)	Public Notification is required as the application is a joint application with an application under section 15AA of the Reserves Act 1977, to exchange recreation reserve land (s95A(3)(c))	No

Mandatory public notification is not required under Step 1.

Step 2: Public Notification Precluded in Certain Circumstances – s95A (4) and (5)

Criteria		Comment
(a)	Rules or National Environmental Standards that preclude public notification – s95A(5)(a)	No
(b)	Any Controlled Activities – s95A(5)(b)(i)	No
(c)	Subdivision - Restricted Discretionary, Discretionary – s95A(5)(b)(ii)	No
(d)	Residential Activities - Restricted Discretionary, Discretionary – s95A(5)(b)(ii)	No
(e)	Boundary Activities – Restricted Discretionary, Discretionary or Non Complying – s95A(5)(b)(iii)	No
(f)	A prescribed activity – s360H(1)(a)(i)	No because there are no prescribed activities under s360H(1)(a)(ii) at the time of lodging this application.

As the application is not precluded from public notification it has been assessed against Step 3.

Step 3: Public Notification Required in Certain Circumstances – s95A(7-8)

Criteria		Comment
(a)	The application is for one or more activities and any of those activities is subject to a rule or NES which requires public notification – s95A(8)(a)	No
(b)	Does the activity have, or is it likely to have, more than minor adverse environmental effects, in accordance with s95D?	No

In deciding whether adverse effects are more than minor under Section 95D, the consent authority must disregard any effects on persons who own or occupy the land over which the activity will occur, or any land adjacent to that land. They must also disregard any effect on a person who has given written approval to the relevant application. The effects on adjacent parties must be disregarded for the purposes of Section 95D.

It is considered that the adverse effects of the proposal on the wider environment will be no more than minor for the following reasons:

- The proposal requires consent for a discrete number of non-compliances, whereby assessment is restricted to the 'extra-height' of proposed buildings, parking spaces, loading and standing areas, onsite manoeuvring, vehicle access point, earthworks and buildings in close proximity to a Waahi Taonga site, and a change of use and disturbing soil under the NES-CS. All of these matters generate potential adverse effects that can be managed to ensure than effects are internalised to the site. There would be no potential effects on the wider receiving environment.
- The application is supported by a number of technical assessments that have demonstrated that the potential landscape and visual effects, traffic safety and efficiency effects and health and safety effects related to contaminated soil are able to be effectively avoided, remedied and mitigated.

Step 4: Public Notification in Special Circumstances - s95A(9)

Criteria		Comment
(a)	Do special circumstances exist that warrant the public notification of the application	There are no special circumstances as there is nothing that is unusual, abnormal or exceptional about this application.

Special circumstances have been defined as circumstances that are unusual or exceptional, but may be less than extraordinary or unique. The NPDP is an 'effects based' plan that does not control the type of activity, it manages activities by regulating the resultant effects generated. In this regard, the NPDP does not strategically cluster like activities by way of zoning. The limited number of non-

compliances with the Industrial C Environment Area rules and written approval from Ngāti Tawhirikura and Te Atiawa confirms that this proposal is not an unusual or exceptional activity within this zone. In 2007 the Valley Shopping Centre was established under the current operative NPDP, which contains a range of similar retail activities.

The current use of the site with deteriorating asbestos buildings is a known health hazard. Removal and safe disposal of these hazardous asbestos materials bears a significant cost, which the applicant will absorb as part of this development. This proposed site transformation will contribute greatly to creating a safe working environment for the surrounding Industrial area.

Conclusion on public notification

As set out above, the application does not need to be publicly notified.

6.2 Limited Notified/Non-Notified Consideration

Where the application is not publicly notified, an assessment of section 95B of the RMA is undertaken to determine whether or not to limited notify the application. To assist Council, we provide the following information regarding the steps included in s95B(2-10).

Step 1: Certain Affected Groups and Affected Persons must be notified - s95B(2)-(4)

Criteria		Comment
(a)	Are there any affected protected customary rights groups – s95B(2)(a)	No
(b)	Is the activity on or adjacent to or may affect land that is the subject of a statutory acknowledgement made in accordance with an Act specified in Schedule 11 – s95B(3)(a)	No. The activity is adjacent to the Mangaone Stream which is a tributary of the Waiwhakaiho River (Listed statutory acknowledgement for Te Atiawa Iwi). However, the land use consent is not considered to affect this waterbody.

Step 2: Limited Notification Precluded in Certain Circumstances – s95B(5)(6)

Criteria		Comment
(a)	The application is for one or more activities and each activity is subject to a rule or NES that precludes Limited Notification – S95B(6)(a)	No
(b)	The application is a controlled activity land use - s95B(6)(b)(i)	No
(c)	The application is a prescribed activity (see section 360H(1)(a)(ii))	No because there are no prescribed activities under

		s360H(1)(a)(ii) at the time of lodging this application.

As the application is not precluded from limited notification it has been assessed against Step 3.

Step 3: Certain other persons must be notified – s95B(7-9)

Criteria		Comment
(a)	For Boundary Activities, is the owner of an allotment with an infringed boundary affected under s95E	Not a boundary activity
(b)	If the activity is prescribed under section 360H(1)(a)(ii), is a person in these regulations considered affected under s95E?	No because there are no prescribed activities under s360H(1)(a)(ii) at the time of lodging this application.
(c)	For any other activity, are there any affected persons under s95E?	No

As an activity that is not precluded from limited notification Council must assess the application against s95B(8) to determine whether a person is an affected person in accordance with section 95E. It is considered that no parties are likely to be adversely affected by the proposed development. The proposal is unable to meet a limited number of NPDP permitted activity conditions. As outlined in the objectives and policies assessment section of this report Section 4.1 and Section 4.2 the proposed over height buildings proposed are not considered to degrade the amenity values of any adjoining site.

Amenity values within the industrial area are acknowledged in the NPDP to be generally lower as a result of typical bulky utilitarian buildings that exist. The proposed buildings feature significant architectural mitigation for the areas that exceed 10m in height. The existing environment which includes numerous tall bulky fertiliser storage buildings must also be considered. The site redevelopment would create less visual dominant on the adjoining road areas along the Devon Road frontage.

As a result, the potential effects on amenity values of any adjoining properties generated by the proposed over height buildings is considered to be less than minor; considering the lower existing environment amenity values that exist and that are anticipated in this zone.

Step 4: Public Notification in Special Circumstances - s95B(10)

Criteria		Comment
(a)	Do special circumstances exist that warrant notification of the application to any other persons not already determined to be eligible for limited notification (excluding persons assessed under section 95E as not being affected persons).	There are no special circumstances as there is nothing that is unusual, abnormal or exceptional about this application.

Conclusion on Limited Notification

As set out above, the application does not need to be limited notified.

7 CONSULTATION

Pursuant to Section 36A of the RMA, there is no duty to consult about a resource consent application. However, it is considered best practise to consult with those parties considered to be potentially adversely affected by a proposal.

7.1 Tangata Whenua

7.1.1 Ngāti Tawhirikura Hapu

The applicant has consulted with Glen Skipper of Ngāti Tawhirikura during development of this proposal and taken guidance on the design of the reformed Pā. A copy of the proposed development plans (including revised Katere Bridge and additional Devon Road near Te Pou Tutaki) has been provided to Glen, with a summary AEE document which outlines all reasons that land use consent is required. The written approval of Ngāti Tawhirikura is included in Appendix P.

7.1.2 Puketapu Hapu

The applicant has spoken to Theresa Patu at Puketapu Hapu regarding the development and potential effects on Te Pou Tutaki. Consultation is ongoing and any further feedback will be forward to Council in due course.

7.1.3 Te Kotahitanga o Te Atiawa Trust (Te Atiawa)

The applicant has engaged with Hemi Sundgren (CEO) Sera Gibson (Environmental Advisor) at Te Atiawa regarding the commercial and retail complex development and the reformation of the Pā. Te Atiawa support Ngāti Tawhirikura's views with regard to the proposal and have also provided their written approval to this land use consent application. See the written approval document in Appendix P.

7.2 New Zealand Transport Agency

Shaun Harvey (NZTA Planning Advisor), David Perry and Richard Ashman (NZTA Network Operation Managers) have been consulted regarding future modifications to Devon Road, including road widening, a free left-hand turn lane into Smart Road, and a left turn into the site as part of the Ravensdown subdivision consent application.

It is noted that the original vehicle access points, from the application site proposed included a left in and also a left out turn onto Devon Road. NZTA were provided a copy of this plan and did not support the left out turn onto Devon Road in terms of traffic safety. There was concern from NZTA that vehicles may attempt to manoeuvre across the Devon Road lanes in an effort to enter the right turn lane at the south west bound Smart/Devon Road intersection to access the Valley Shopping Centre. As a result, the applicant decided to remove this 'left out' movement from the proposed plans.

Under this application the discrete consent non-compliances that may have caused NZTA to be an 'affected party' are limited. Land use consent is required under the NPDP rules for queuing, as a result of the site having vehicle access from Devon Road via a single left turn in vehicle access point. The ITA has assessed the potential for queuing into the vehicle access point and considers that volumes will be so low that queuing would not extend out onto Devon Road and therefore do not affect Devon Road specifically.

Team Traffic has used the plans and roading geometry agreed by NZTA at a meeting on the 29th June 2017 as part of the approval of a separate subdivision application (SUB17/46785) being progressed by the current site owners, Ravensdown. NZTA has approved these plans and the required land take (a proposed Lot 4 to vest as State Highway for the Crown) as being sufficient for the future needs of Devon Road. Team Traffic, and the applicant have adopted the agreed plans in assessing the best the entry and exits to the development.

The applicant has also adopted the feedback received from NZTA and NPDC that the existing right and left turns out of the site on Devon Road should be removed in presenting land use activities in the future.

However, NZTA will be required to provide approval on any detailed design plans for roading upgrades and installation of traffic signals at the proposed Devon Road/Katere Road intersection as part of a process which is independent of this resource consent application. Therefore, the applicant will consult with NZTA to ensure the detailed design road upgrade proposal is fit for purpose.

7.3 New Plymouth District Council

Carl Whittleston and John Eagles have been involved in the meetings regarding roading upgrades of Devon Road and Smart Road along with NZTA as part of the approval of a separate subdivision application (SUB1746785) being progressed by the current site owners, Ravensdown. NPDC has approved these plans and the required land take (a proposed Lot 5, to vest as roading for NPDC) as being sufficient for the future needs of Smart Road. Team Traffic, and the applicant has adopted the agreed plans in assessing the best entry and exits to the development.

Three pre-application meetings were held with NPDC in the build up to lodgement of this land use consent application.

- The first meeting was held on 28 September 2017 to discuss the DSI, and RAP reports to be submitted with the application. A summary of those that attended the meeting and general points of discussion is included in Appendix O.
- The second pre-application meeting was held on 19 October 2017 at NPDC. The purpose of this meeting was to present the proposed development and discuss methodologies applied within the LVIA and ITA technical reports and seek feedback from Council's planners and expert peer reviewers on the level of detail that should be provided within the land use resource consent application. A summary of those that attended the meeting and general points of discussion is included in Appendix N.
- The third pre-application meeting was held on 2 November 2017, between the author of this report, Rowan Williams (NPDC Planning Lead) and Jacqui Manning (NPDC's processing planner). The purpose of this meeting was to discuss the technical planning assessment matters, provide more background on the development plans, obtain any feedback NPDC may have on the plans and discuss archaeological items that require consent, specifically the reformation of Parapara-iti Pā.

Two further meetings were held with NPDC to better understand the content of the Section 92 request:

- On 1 March a meeting was held between NPDC's processing planner, NPDC's planning lead, the applicant's consultant planner and the applicant's development director. The meeting was intended to focus on planning related matters. The outcomes of this meeting were not recorded in the form of notes, but have been taken onboard by the applicant in responding to the Section 92 request.
- On 15 March 2018 a Traffic Meeting was held at NPDC to provide an opportunity for the applicant's project traffic engineers and NPDC's consultant traffic engineers and internal road transportation managers to discuss the content of the Section 92 request (which was largely traffic related). Notes were taken during this meeting and reviewed and agreed by NPDC's processing planner and traffic engineers in attendance. A copy of these notes is included in Appendix W of this AEE.

7.4 The Owners and Lessees of Z Service Station Land

The applicant has engaged with the Z Service Station as the lessee of the property at 636-648 Devon Road (Legally described as Lot 1 DP 18029) to progress acquisition of the section of land required to establish a left turn lane from Smart Road onto Devon Road towards the city centre. The land that is requires has been valued and the owners of Z have informally agreed to sale of a portion of their site. The process of formalising this will be carried out as part of the condition precedent condition that is offered up by the applicant in Section 9 of this AEE.

7.5 Heritage New Zealand Pouhere Taonga

Consultation has been completed with Kathryn Hurren at Heritage NZ. Heritage NZ have stated that they do not oppose the proposed earthworks on Waahi Taonga Site, Parapara-iti Pā. Please refer to Appendix Q of this report for evidence of this consultation.

8 STATUTORY REQUIREMENTS

8.1 Introduction

The regulatory framework relevant to this application comprises the relevant sections of the Resource Management Act 1991 (RMA), the relevant objectives and policies of the NPDP, the NES-CS, the Regional Policy Statement for Taranaki 2010 (RPS) and Part 2 of the RMA.

8.2 Resource Consent Requirements

Please see Section 1.4 above.

8.3 Resource Management Act 1991

8.3.1 Evolving Case Law with Regard to Part 2

The High Court's decision in R J Davidson Family Trust v Marlborough District Council [2017] NZHC 52, is relevant and currently binding, but is subject to appeal to the Court of Appeal. Therefore, this area of law is in a state of flux. A recent Environment Court decision Envirofume Ltd v Environment Bay of Plenty Regional Council [2017] NZEnvC 12, acknowledges Davidson, but still found it appropriate to give some consideration to Part 2 in a resource context for the following reasons:

- as an overview or check that the purpose of the Act and that Part 2 issues are properly covered and clear;
- to focus the Court (or decision makers) on the overall purpose of the consent in question; and
- as a check that the various documents have recognised, provided for or given effect to the Act and other documents in the hierarchy.

As a result, this application has considered the 'broad judgement' approach with regard to Part 2.

8.3.2 Part 2 Assessment

The overriding purpose of the Act is to promote the sustainable management of natural and physical resources. It is commonly accepted that the approach to applying Section 5 involves an overall broad judgment of whether a proposal would promote the sustainable management of natural and physical resources. That assessment requires the taking into account of conflicting considerations, the scale or degree of them and their relevant significance or proportion. The purpose of the RMA is informed by the provisions of Part 2 generally.

In informing the decision of whether or not a proposal promotes sustainable management, Part 2 of the RMA is paramount. The following relevant matters are of national importance and must be recognised and provided for:

8.3.3 Matters of National Importance (Section 6)

— *6(a) the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development:*

Assessment:

The development adjoins the Mangaone Stream which is identified as a Priority Waterbody within the NPDP. Priority waterbodies are defined in the NPDP as "*those waterbodies identified as being important for natural character or public recreation and access purposes, as identified in Appendix*

18". The listing is derived from the former Regional Policy Statement for Taranaki (1994) and the Regional Fresh Water Plan (2001).

The proposal would preserve the natural character of the Mangaone Stream adjoining the application site. Firstly, the development would facilitate removal of large overbearing buildings exceeding the permitted height plane of 10m next to the waterbody, that have deteriorating asbestos roofing material. Secondly, the development would establish lower height buildings adjoining the Mangaone Stream, parking areas and native landscaping which would extend along the true left river margin within the application site. The proposal recognises and provides for the matters within Section 6(a) of the RMA.

— *6(e) the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga:*

Assessment:

The proposal will enable Ngāti Tawhirikura who hold mana whenua an opportunity to enhance their relationship with a site of cultural significance being Parapara-iti Pā by reforming the Pā and creating prominence on the site. The Pā reformation would help reaffirm the tribal identity of Ngāti Tawhirikura within this area of their rohe. Puketapu hapu are also being consulted regarding development works in close proximity to the Carved Maaori Toko. A second Pou is proposed on the application site to create a cultural gateway for the city. This proposal is considered to be a positive effect resulting from the development. The proposal recognises and provides for the matters within Section 6(e) of the RMA.

— *6(f) the protection of historic heritage from inappropriate subdivision, use, and development:*

Assessment:

Parapara-iti Pā is considered to be an item of historic heritage. The proposed plans to reform the Pā have been developed with guidance and support from Ngāti Tawhirikura, and essentially seek to protect this site for future generations. The proposal recognises and provides for the matters within Section 6(f) of the RMA.

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

Assessment:

Further downstream on the Mangaone Stream channel NPDP map C27 identifies the "MANGAONE STREAM FLOOD CONTROL SCHEME". This application would not have any effect on the current capacity of the waterbody to deal with a flood event, should this occur. At building consent stage stormwater management will be addressed, and consents from TRC would address any necessary minimum structure heights for a bridge or box culvert that would be sought to access the upper platform from Katere Road. The proposal recognises and provides for the matters within Section 6(h) of the RMA.

8.3.4 Other Matters (Section 7)

Particular regard must be had to the following relevant 'other matters'.

— *7(a) Kaitiakitanga*

Assessment:

As part of a subdivision application currently being progressed for the current owner of the application site (Ravensdown), the Pā area of land to the south west corner of the application site would be returned to Ngāti Tawhirikura. On this basis Tangata Whenua will have a future opportunity to development their land for their people. Ongoing involvement and consultation also with Puketapu through various aspects of the development (including Pā reformation works) has enabled kaitiakitanga to be exercised. The proposal has particular regard to matters within Section 7(a) of the RMA.

— *7(b) The efficient use and development of natural and physical resources;*

Assessment:

The proposal is considered to result in an efficient use and development of a large urban site. The large landholding is relatively unusual in New Plymouth, with fragmentation of land titles restricting a commercial and retail development of this nature in other areas of the city. The proposal has particular regard to matters within Section 7(b) of the RMA.

— *7(c) The maintenance and enhancement of amenity values;*

Assessment:

As outlined in Section 4.1 and Section 4.2 (assessment of objectives and policies that relate to amenity) and Section 5.3 (amenity effects assessment) the proposal is considered to enhance the amenity of the application site which is currently run down and largely screened from public view by thick shelter belt vegetation. The the proposed development will make a positive contribution to amenity values adjoining Devon, Smart and Katere Road by creating a desirable place for people to work, shop, eat, stay and entertain themselves and would complement existing businesses that currently operate in the Waiwhakaiho Valley. The proposal has particular regard to matters within Section 7(c) of the RMA.

— *7(f) The maintenance and enhancement of the quality of the environment.*

Assessment:

The applicant site is currently occupied by deteriorating fertiliser buildings and associated infrastructure. The contribution this property currently provides to the quality of the surrounding environment is low. The presence of degrading asbestos is also of concern for those that work in the surrounding area presenting a health risk. Technical reports have also identified that soils onsite are contaminated through historical industrial uses. The proposal would remove these old buildings, remediate soils onsite and establish modern attractive buildings that engage with road frontage, instead of hiding behind thick shelter belt strips. The proposed change will enhance the quality of the receiving environment.

Considerable work has gone into the master planning concepts for this proposed development. The proposal seeks to ensure that pedestrian and cycle connectivity is provided throughout the development, and the vehicles that visitor to the site would be able to arrive efficiently with sufficient parking space available during a peak traffic time. The architectural design of the buildings and active shop frontages that line the parking area are considered to enhance the quality of this urban environment. The proposal has particular regard to matters within Section 7(f) of the RMA.

8.3.5 Treaty of Waitangi (Section 8).

Assessment:

The applicant has enabled active participation by Tangata Whenua with respect to the proposed development. The written approval has been provided by Ngāti Tawhirikura and Te Atiawa. The applicant intends to work closely with Ngāti Tawhirikura, Te Atiawa and Puketapu in progressing this development. The principles of Te Tiriti o Waitangi have been taken into account, and the proposal is therefore consistent with Section 8 of the RMA.

8.3.6 Section 104 Assessment

As a restricted discretionary activity, the proposal must be considered pursuant to Section 104 and 104C of the RMA. In considering an application pursuant to Section 104 and subject to Part 2 of the Act, the consent authority shall have regard to specific matters. Those relevant to this application include:

(a) Any actual and potential effects on the environment of allowing the activity; and

(ab) any measure proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity; and

(b) Any relevant provisions of –

(i) a national environmental standard
(ii) other regulations
(iii) a national policy statement
(iv) a New Zealand coastal policy statement
(v) a regional policy statement or proposed regional policy statement
(vi) a plan or proposed plan;

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

8.3.7 Section 104C - Determination of Applications for Restricted Discretionary Activities

(1) When considering an application for a resource consent for a restricted discretionary activity, a consent authority must consider only those matters over which —

(a) a discretion is restricted in national environmental standards or other regulations:
(b) it has restricted the exercise of its discretion in its plan or proposed plan.

(2) The consent authority may grant or refuse the application.

(3) However, if it grants the application, the consent authority may impose conditions under section only for those matters over which —

(a) a discretion is restricted in national environmental standards or other regulations:
(b) it has restricted the exercise of its discretion in its plan or proposed plan.

Comment: In accordance with Section 104C of the RMA the consent authority must consider only those matters related to the rules that are unable to be met (listed in Section 1.4 of this report) and

which Council has restricted its discretion to. In turn, the consent authority may only impose consent conditions on those matters over which discretion is restricted.

8.3.8 Section 87A – Classes of Activities

(3) If an activity is described in this Act, regulations (including any national environmental standard), a plan, or a proposed plan as a restricted discretionary activity, a resource consent is required for the activity and —

(a) the consent authority's power to decline a consent, or to grant a consent and to impose conditions on the consent, is restricted to the matters over which discretion is restricted (whether in its plan or proposed plan, a national environmental standard, or otherwise); and

Comment: Section 87A of the RMA is clear that for a restricted discretionary activity NPDC's power to decline a consent, or to grant a consent and to impose conditions on the consent, is restricted to the matters over which discretion is restricted in the NPDP and the NES. These matters have been fully addressed in Section 4 and Section 5 of this report.

8.3.9 Section 108AA - Requirements for Conditions of Resource Consents

(1) A consent authority must not include a condition in a resource consent for an activity unless—

(a) the applicant for the resource consent agrees to the condition; or

(b) the condition is directly connected to 1 or both of the following:
(i) an adverse effect of the activity on the environment:
(ii) an applicable district or regional rule, or a national environmental standard; or

(c) the condition relates to administrative matters that are essential for the efficient implementation of the relevant resource consent.

Comment: For the purposes of this application Council are limited to imposing conditions that relate to potential effects specified by the restricted discretionary assessment criteria (unless volunteered by the applicant), or a permitted rule in the NPDP i.e. Rules OL19 and OL90 requiring the permitted number of trees onsite by way of consent condition requiring a detailed landscape plan confirming compliance.

8.4 Regional Policy Statement for Taranaki

8.4.1 Introduction

The Regional Policy Statement (RPS) for Taranaki came into effect on 1 January 2010 and sets the framework for resource management policies including policies relating to the natural physical resources of Taranaki. It is the second RPS to be prepared by the Taranaki Regional Council.

The purpose of the document is to "*promote the sustainable management of natural and physical resources in the Taranaki Region by providing an overview of resource management issues… and identifying policies and methods to achieve integrated management of natural and physical resources in the region*" (Taranaki Regional Council, 2010). This section provides an assessment against the relevant policies in the RPS.

8.4.2 Objectives and Policies

The RPS seeks to promote sustainable urban development whilst improving the quality of life by improving better social, environmental and economic outcomes. The following chapters are relevant to this proposal.

Use and Development of Resources Chapter (Chapter 4)

Tourism is identified as playing an important role in the Taranaki economy. The regions natural draw cards such as Mt Taranaki, rural areas and opportunities for outdoor recreational pursuits are identified in the RPS as being key tourism drivers. This proposed development would create additional tourism opportunities providing a modern, commercial and retail development that would attract further tourist numbers and provide high quality visitor accommodation.

Land and Soil Chapter (Chapter 5)

Objectives and policies within the Land and Soil chapter acknowledge that soil contamination from historical use of hazardous substances can potentially pose a risk to both public health and the environment. The RPS seeks to identify and manage all known contaminated sites to avoid remedy or mitigate actual and potential effects on the environment, and avoid or mitigate potential adverse effects on human health. The proposal has demonstrated that the remediation of the application site can be managed in a controlled manner to ensure that the wider environment is protected. It has also been shown that the health of workers on site during demolition and construction can be protected and that potential risks to the health of future users of the commercial and retail development, and recreational areas is low.

Built Environment Chapter (Chapter 15)

Objectives and policies within Built Environment chapter (Chapter 15) of the RPS recognises the need to provide for appropriate, subdivision, use, development environment in the Taranaki Region, while avoiding, remedying or mitigating any adverse effects on the environment in order to maintain industrial character and amenity values.

Sustainable development is promoted, with encouragement for high quality urban design, energy efficiency urban forms, site layouts and building designs, and provision for regionally significant infrastructure. The proposal includes a well-planned layout, prepared by experienced commercial and retail architects and project managers. Solar panels will be installed on the roof areas of the development and electric vehicle charging stations will be provided within the car parking areas to future proof the development. The development is considered to be regionally significant infrastructure that will generate positive benefits throughout the region in terms of employment opportunities and generating other positive economic, social and cultural benefits to the community.

8.4.3 Summary

The RPS policies may also act as guidance mechanisms for considering resource consent applications and for setting resource consent conditions. The proposed land use application enables efficient use of a large industrial site whilst avoiding, remedying and mitigating adverse effects. Overall the proposal is considered to be consistent with the intent of the RPS.

8.5 Other Matters

There are considered to be no ‘other matters’ of relevance to this application.

9 SUGGESTED DRAFT CONDITIONS OF CONSENT

The following suite of draft conditions are considered appropriate for this proposed land use consent application. The list below is not intended to be a full suite of conditions, but more to provide a starting point on what the applicant considers reasonable. The only conditions that have been offered up by the applicant (Augier conditions) which are beyond the matters over which Council restricts its discretion are:

- Timing of proposed road upgrades prior to building consents being granted with NPDC for the commercial and retail complex buildings and associated infrastructure.
- Retention of the pohutukawa/taupata shelter belt on Devon and Smart Road during Stage 1.
- The provision of a Construction Traffic Management Plan (CTMP).

The suggested draft conditions below have been ordered in stages to enable the proposed LFR hardware shop to start operating prior to the Stage 3 development being completed, and to simplify monitoring of soil remediation as Stage 1.

STAGE 1 – SOIL REMEDIATION NES-CS

General Accordance

1. Except as to meet further conditions of this consent, the development and operation of the site shall be undertaken generally in accordance with the revised application and assessment of environmental effects prepared by BTW Company Limited, dated 6 July 2018.

   (a) [Reference plans and technical reports].

2. The consent holder shall notify Council's Planning Lead, or nominee, at least 10 working days prior to soil disturbance activities occurring.

Earthworks Related to Waahi Taonga/Sites of Significance to Maori

3. The consent holder shall notify Ngāti Tawhirikura and Te Atiawa representatives at least 5 working days prior to works associated with reformation of Parapara-iti Pā commencing, and an offer shall be made to have two hapu observers present during topsoil stripping over Parapara-iti Pā.

Construction Traffic Management Plan (offered up by applicant)

4. The consent holder shall submit a Construction Traffic management plan (CTMP) for approval by Council's Planning Lead or nominee prior to any soil disturbance occurring onsite. The CTMP shall address the following matters:

   - How deliveries would be made to the site;
   - The location of loading areas (such as any temporary use of the on-street traffic lane);
   - How heavy or over dimension vehicles will be brought to and removed from the site;
   - The hours of operation;

- The location of parking for workers or sub-contractors who need to have their vehicles on or close to the site;
- When vehicles would be able to use the roadway to load or unload (if at all);
- The location and details of wheel washing facilities;
- Provision of temporary TMP and way-finding signage;
- How access to neighbouring properties will not be compromised.

NES-CS Conditions

5. Soil assessment and disturbance associated with the site enabling works shall be undertaken in accordance with the Remedial Action Plan (RAP) prepared by 4Sight Consultants (dated March 2018). Note that the Remedial Action Plan also encompasses the Contaminated Site Management Plan (CSMP) prepared by 4Sight Consulting (dated March 2018). The management and mitigation measures prescribed in the Plans shall be implemented for the duration of the soil disturbance works.

6. Soil disturbance works associated with the remediation or removal of contaminated soils, as outlined in the RAP, shall be carried out in accordance with that Plan. The management and mitigation measures prescribed in the Plan shall be implemented for the duration of the soil disturbance works.

7. Prior to any soil disturbance activities, the consent holder shall ensure that all environmental control measures outlined in the RAP, are in place.

8. That any excavated soil, identified by the RAP, as requiring off-site disposal, is to be removed under controlled conditions to an authorised facility or landfill for disposal in accordance with the requirements of the disposal site and the relevant authority.

9. Within two (2) months of the completion of the site remediation earthworks, the consent holder shall submit a Validation Report to both the Council's Planning Lead, or nominee.

10. The validation report shall:

    - Be prepared in general accordance with the Contaminated Site Management Guidelines No.1 Guidelines for Reporting on Contaminated Sites in New Zealand, Ministry for the Environment, 2011.
    - Include, but not be limited to:
    - A summary of the works undertaken;
    - Reports of any complaints and breaches of the procedures set out in the RAP, or with the conditions of this consent;
    - A summary of any testing undertaken, tabulated analytical results, and interpretation of the results in the context of the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NES-CS);
    - Volumes of soil and copies of the disposal dockets for the material removed from the site;
    - A figure showing the areas where contaminated soil (i.e. above guideline values specified in the RAP) are left on site; and

- Results of testing of any imported fill material to ensure compliance with the definition of 'cleanfill', as per 'A Guide to the Management of Cleanfills', Ministry for the Environment (2002).

11. If work on site is abandoned, the consent holder shall take adequate preventative and remedial measures to control sediment discharge and shall thereafter maintain those measures for so long as is necessary to prevent sediment discharge from the site.

Landscape Screening (condition offered up)

12. The existing pohutukawa/taupata shelter belt located on the Devon Road frontage, and a short section of the Smart Road frontage shall be retained onsite until completion of stage 1.

STAGE 2 – DEVELOPMENT OF UPPER PLATFORM AREA

Condition Precedent - Road Upgrades (offered up by applicant)

1. Prior to a building consent application being granted for the building or associated parking and loading areas in stage 2 (excluding the Katere Road bridge works which require a building consent) the consent holder shall provide evidence to NPDC's Planning Lead or nominee of the following:

   (a) That approval has been obtained from NZTA (through the Roading Powers Act 1989) and NPDC (through NPDC Traffic Bylaws) to undertake the following upgrades:

      i. To establish a signalised intersection, and related lane re-marking on the corner of Devon and Katere Roads;

      ii. To reconfigure the lane road markings on Katere Road; and

      iii. To construct a bridge that will access the development site adjoining the LFR hardware shop and associated lane road marking.

   (b) That a road safety audit has been submitted and approved by NZTA.

   (c) That as-built plans of road upgrades to confirm that works have been completed in accordance with the plans approved by NZTA and NPDC.

General Accordance

2. Except as to meet further conditions of this consent, the development and operation of the site shall be undertaken generally in accordance with the application and assessment of environmental effects prepared by BTW Company Limited, dated 6 December 2017.

   (a) [Reference plans and technical reports].

3. The consent holder shall notify Council's Planning Lead, or nominee, at least 10 working days prior to soil disturbance activities occurring.

Construction Traffic Management Plan (offered up by applicant)

4. The consent holder shall submit a revised Construction Traffic Management Plan (CTMP) specific for proposed stage 2 works for approval by Council's Planning Lead or nominee prior

to a building consent application being granted for the first proposed building works within the stage. The CTMP shall address the following matters:

- How deliveries would be made to the site;
- The location of loading areas (such as any temporary use of the on-street traffic lane);
- How heavy or over dimension vehicles will be brought to and removed from the site;
- The hours of operation;
- The location of parking for workers or sub-contractors who need to have their vehicles on or close to the site;
- When vehicles would be able to use the roadway to load or unload (if at all);
- The location and details of wheel washing facilities;
- Provision of temporary TMP and way-finding signage;
- How access to neighbouring properties will not be compromised.

STAGE 3 – DEVELOPMENT OF LOWER PLATFORM AREA

Condition Precedent - Road Upgrades (offered up by applicant)

1. Prior to a building consent application being granted for the first proposed building works, or associated parking and loading areas in stage 2 the consent holder shall provide evidence to NPDC's Planning Lead or nominee of the following:

   (a) That approval has been obtained from NZTA (through the Roading Powers Act 1989) and NPDC (through NPDC Traffic Bylaws) to undertake the following upgrades:

      i. To establish a signalised intersection on the corner of Devon and Smart Roads, related road widening, left turn lanes and lane re-marking,

      ii. To establish a signalised intersection on Smart Road which will become the main entrance to the development site, and related road widening, lane re-marking,

      iii. To establish the proposed Devon Road slip lane and related road marking; and

      iv. To reconfigure the lane road markings on Devon and Smart Roads to match back in with lane configuration south of the works area,

   (b) That a road safety audit has been submitted and approved by NZTA.

   (c) That as-built plans of road upgrades to confirm that works have been completed in accordance with the plans approved by NZTA and NPDC.

General Accordance

2. Except as to meet further conditions of this consent, the development and operation of the site shall be undertaken generally in accordance with the application and assessment of environmental effects prepared by BTW Company Limited, dated 6 December 2017.

   (a) [Reference plans and technical reports].

3. The consent holder shall notify Council's Planning Lead, or nominee, at least 10 working days prior to soil disturbance activities occurring.

Acoustic Insulation (offered up by applicant)

4. The consent holder shall provide a letter from a suitably qualified and experienced acoustic engineer confirming compliance with NPDP rule Ind22 with respect to the proposed hotel building to Team Leader Planning prior to building consent for the proposed hotel building being granted.

Overhead Strike Bar Design in Loading and Standing Area (offered up by applicant)

5. The consent holder shall provide a letter and design plans from a suitably qualified and experienced traffic engineer confirming the most suitable location and design of an overhead 'strike bar' in the loading yard area adjoining the two northern most vehicle access points on Katere Road. The information shall be provided to NPDC's Planning Lead prior to building consent for the proposed hotel building being granted.

Construction Traffic Management Plan (offered up by applicant)

6. The consent holder shall submit a revised Construction Traffic Management Plan (CTMP) specific for proposed stage 3 works for approval by Council's Planning Lead or nominee prior to a building consent application being granted for the first proposed building works within the stage. The CTMP shall address the following matters:

    - How deliveries would be made to the site;
    - The location of loading areas (such as any temporary use of the on-street traffic lane);
    - How heavy or over dimension vehicles will be brought to and removed from the site;
    - The hours of operation;
    - The location of parking for workers or sub-contractors who need to have their vehicles on or close to the site;
    - When vehicles would be able to use the roadway to load or unload (if at all);
    - The location and details of wheel washing facilities;
    - Provision of temporary TMP and way-finding signage;
    - How access to neighbouring properties will not be compromised.

10 CONCLUSION

This report provides an assessment of Bluehaven's proposal to establish a commercial and retail complex and to re-form Parapara-iti Pā site on the property located at the corner of Devon Road, Katere Road and Smart Road, New Plymouth.

The proposal is considered to result in significant positive effects for New Plymouth by removing old buildings with varying levels of degrading asbestos materials, and establishing an extensive commercial and retail development within an area that already supports retail activities. The proposal would make a significant contribution to regional growth and would enhance tourism opportunities for the region.

An assessment of the proposal has been made against Section 104 and 104C of the RMA. The report concludes that any actual and potential adverse effects on the environment related to the restricted discretionary assessment criteria set out in the NPDP can be avoided, remedied and mitigated and would be acceptable. These are as follows:

- Mitigation of building bulk that exceeds 10m in height, and the existing environment which includes a number of tall bulky buildings currently occupying the application site.
- Remedying soil contamination onsite, through use of a RAP and CSMP to protect the health and safety of demolition and construction workers. Also, validation of site soils to certify the site is suitable for the future commercial/retail and recreational uses.
- Avoiding and mitigating internal non-compliances with onsite parking, loading and standing space, onsite manoeuvring spaces, onsite queuing space, through a traffic engineers design and assessment which assesses functionality and appropriateness considering the scale of the development and surrounding road networks.
- Avoiding and mitigating potential adverse effects on Waahi Taonga/Sites of Significance to Maori, during clearance of trees and earthworks to reform Parapara-iti Pā site. The development of the Pā site profile will also enable the Pā to hold a greater degree of prominence on site positioned amongst the surrounding development buildings, some of which exceed 10m in height. The proposal also requires consent for earthworks, clearance of trees and buildings in proximity to the Carved Maaori Toko. Development of a second Pou on the application site to create a gateway to the city is proposed which would require input from Tangata Whenua on the final Pou design.

Furthermore, the proposal would promote the sustainable management of natural and physical resources and would result in positive cultural, social, environmental and economic benefits for New Plymouth and the region and is consistent with the RPS and Part 2 of the RMA.

Consultation is ongoing with Ngāti Tawhirikura with respect to how the development can complement a reformed Parapara-iti Pā. Consultation with Puketapu is also ongoing with regard to potential effects on the Carved Maaori Toko. NZTA and NPDC have been consulted regarding agreed roading upgrades developed as part of the Ravensdown subdivision process. These roading upgrade plans have been adopted for this proposed development.

It is considered that the proposal can be processed on a non-notified basis.

APPENDIX A APPLICATION FORM

APPENDIX B APPLICATION SITE, 'PIECE OF LAND' UNDER NES-CS AND STAGING PLAN

APPENDIX C COMPUTER FREEHOLD REGISTERS AND RIGHT OF WAY EASEMENT DOCUMENT

APPENDIX D ARCHITECTURAL DESIGN STATEMENT

APPENDIX E ARCHITECTS CONCEPT MASTERPLAN AND SITE ANALYSIS

APPENDIX F PROPOSED SITE AND ELEVATION DEVELOPMENT PLANS AND 3D IMAGERY

APPENDIX G PROPOSED SIGNAGE

APPENDIX H HEAVY VEHICLE TRACKING CURVES

APPENDIX I EARTHWORKS CUT/FILL SITE PLAN AND CROSS-SECTIONS

APPENDIX J LANDSCAPE/URBAN DESIGN AND VISUAL IMPACT ASSESSMENT AND LANDSCAPE CONCEPT PLANTING PLAN

APPENDIX K REMEDIATION ACTION PLAN, DETAILED SITE INVESTIGATION AND CONTAMINATED SITE MANAGEMENT PLAN

APPENDIX L INTEGRATED TRANSPORT ASSESSMENT

APPENDIX M ARCHAEOLOGICAL ASSESSMENT

APPENDIX N LANDSCAPE AND TRAFFIC ASSESSMENT NPDC PRE-APPLICATION MEETING NOTES

APPENDIX O NES-CS PRE-APPLICATION MEETING NOTES WITH NPDC

APPENDIX P EVIDENCE OF IWI CONSULTATION AND WRITTEN APPROVALS

APPENDIX Q EVIDENCE OF CONSULTATION WITH HERITAGE NEW ZEALAND POUHERE TAONGA

APPENDIX R PROPOSED ROW SCHEME PLAN

APPENDIX S RULE IND22 ACOUSTIC DESIGN ASSESSMENT FOR PROPOSED HOTEL ROOMS

APPENDIX T NPDP RULE ANALYSIS

Table T 1: Industrial C Environment Area – Relevant NPDP Permitted Activity Conditions

Rule No	Rule Parameter	Activity Status and Comment on Compliance
Ind9	Maximum height of buildings is 10m.	Restricted Discretionary – The maximum height of the tallest proposed building (hotel) is 26.216m.
Ind14	Minimum setback from road boundaries is 3m.	Permitted – All proposed buildings would be setback more than 3m from road boundaries.
Ind16	Minimum setback from side boundaries is 5m.	N/A – Site does not adjoin rural or residential environment areas sites.
Ind19	Landscaping within 5m of road boundaries.	Permitted – The landscape plan has been designed to comply with this permitted activity standard. • **Smart Road** boundary is approx. 140m long which equates to 23 trees. • **Devon Road** Boundary is approx. 180m which equates to 30 trees • **Katere Road** Boundary is approx. 223m which equates to 37 trees.
Ind22	Erection of Buildings for Noise Sensitive Activities, requirement for sound attenuation of any building shall be designed in constructed in accordance with an acoustic design certificate from an acoustic engineer so that that the level of noise received within a noise sensitive room, excluding noise from construction work, does not exceed 40dBA L10 between 10pm and 7am on any day.	Permitted – An acoustic design assessment has been provided by Marshall Day Acoustics for the hotel building (refer to Appendix L). The hotel will be designed comply with rule Ind22 standards.
Ind23 and Ind24	Installation and operation of transformers, lines and associated equipment for conveying electricity. Maximum electric field strength (5kV/m, root-mean-square) and magnetic flux levels (100 microtesla, root-mean-square) measures in areas reasonably accessible to the public.	Permitted – The development will require transformers to be installed. These transformers will be positioned behind the lower level retaining wall and will not be accessible to the public.
Ind35, Ind37 and Ind38	Freestanding signage, maximum area per site is $15m^2$, maximum height per site is 9m.	N/A – No freestanding signage is proposed.
Ind40	Signs that are attached or painted on a building or structure shall not project above, at the point of attachment, any part of the roof of a building or the highest point of a structure provided that where the a sign is attached to a building or structure within differing roof heights it shall not project above the highest point of the building or structure to which is attached.	Permitted – The proposed signage shown on the elevation plans will not project above the roof of the proposed building.
Ind42, Ind43, Ind44, Ind45, Ind46 and Ind47	Footpath signs	N/A – No footpath signage is proposed.

Ind49	All other excavation and filling on a slope on an average slope of up to 22 degrees or on an average slope greater than 22 degree where: 1) the height of fill or depth of excavation is no greater than 1.5m in the vertical; or 2) the height of the slope on which excavation or filling is being undertaken is no greater than 3m in the vertical; or 3) the slope created by the excavation or filling is no greater than: (a) 3m in height in the vertical; or (b) 22 degrees. Where a slope is benched, no bench shall be greater than 3m in height and the benching shall not result in an average slope that is steeper than existed prior to the excavation or filling.	Permitted – The average slope across the site is less than 20 degrees, therefore the standards 1-3 do not need to be met. Refer to earthworks cross-sections in Appendix I for further detail.
Ind51	Reinstatement of earthworks for any excavation or fill of greater than: 1) 2,000m^3 in any 1ha area; or 2) 1ha area exposed; in any 12-month period.	Permitted – Site development will comply with the permitted activity standards for reinstatement of earthworks. Given that soils on the site are contaminated this will form part of RAP and CSMP procedures.
Ind52	Composition of fill soil, concrete, brick and/or rubble of not greater than 600mm particle size with less than 5% organic matter by volume.	Permitted – The composition of fill will meet the permitted activity standard.
Ind67	Use of a site located further than 50m from a residential or rural environment area that is used for consumption of liquor where a licence is required under the sale of liquor act 1990. Hours of operation shall be between 7am and 3am.	Permitted – The closest residential environment area site is located 85m to the west. The proposal includes a number of bars and restaurants that will require licences under the Sale of Liquor Act. None of these premises will operate outside of the hours 7am to 3am.
Ind78	Industrial Environment Areas, 20 lux (in both the horizontal and vertical planes)	Permitted – All proposed lighting will be direct down onto the site and will be managed to not exceed 20 lux in the horizontal and vertical planes.
Ind80	Noise generated by construction noise in accordance with NZS 6803P:1984 as specified in Table 12 of Appendix 12 of the NPDP.	Permitted – Construction works will be managed to comply with construction noise standards.
Ind84	Vehicle Access Point.	Restricted Discretionary – Use of a vehicle access point on Smart Road (New Ravensdown bulk store), that fails to provide the required sight visibility distance.
Ind85	Parking	Restricted Discretionary – The proposal is unable to meet the permitted activity standards for onsite parking.
Ind86	Loading and Standing Space	Restricted Discretionary – A number of the proposed loading and standing spaces are not compliant with Appendix 23 standards.
Ind87	Driveway – Minimum width of 3m, maximum gradient of 1:5, passing bays required where the driveway length is 50m and turning area	Permitted – The driveway permitted activity standards are provided for.
Ind88	On site manoeuvring	Restricted Discretionary - A number of the proposed parking, loading and standing areas are not compliant with Appendix 23 standards.

Ind89	On-site Queuing Space. Part F of Appendix 23 requires that land use consent for any activity where parking, loading and/or standing spaces are proposed on-site and the site has more than 30 parking, loading and/or standing spaces combined; or is access via a State Highway or Arterial Road.	Restricted Discretionary – The site has more than 30 parking spaces and is accessed via Devon Road (State Highway 3) and Smart Road (Arterial Road). Queuing will occur on Smart Road managed by a signalised intersection, no queuing would occur on Devon Road.
Ind90	Landscaping of parking spaces visible from adjoining road: 1) One TREE per eight spaces shall be planted and maintained. 2) The TREE(S) shall be located anywhere within the parking area or between the parking area and the ROAD. 3) The TREE(S) shall be a minimum of 1.5m in HEIGHT at installation. 4) Where VEHICLE parking or manoeuvring is located within the DRIPLINE AREA of any of these TREES barriers shall be installed to ensure that VEHICLES do not damage these TREES. 5) Where existing TREES on the SITE meet the above minimum size standard and their visibility from the ROAD is not obstructed by BUILDINGS or solid fences, these may be used as part of or all of the required landscaping.	Permitted – The landscape plan has been designed to comply with this permitted activity standard. The proposed under croft parking areas are not visible from adjoining road, therefore these onsite parking numbers do not form part of the permitted activity condition equation. This leaves a total of: • Lower platform parking (not including under croft parking) – 219 parking spaces (28 trees) • Upper platform onsite parking – 629 parking spaces (79 trees) • Total trees required – 106

Table T 2: Overlays – Relevant NPDP Permitted Activity Conditions

Rule No	Parameter	Comment on Compliance
OL81	Erection structures within 50m of a Waahi Taonga/Site of significance to Maori or Archaeological Site.	Restricted Discretionary – Earthworks are proposed on the Pā.
OL82	Erection structures that exceed 10m in height within 100m of a Waahi Taonga/Site of significance to Maori or Archaeological Site.	Restricted Discretionary – Structures (which includes Buildings) exceeding 10m in height will be established within 100m of the Pā.
OL85	Excavation and filling, clearance of trees within 50m of any Waahi Taonga/Site of significance to Maori or Archaeological Site listed in Appendix 26.	Restricted Discretionary – Excavation, filling and clearance of trees will take place within 50m of the Pā.
OL80	Use and Storage of Hazardous Substances within the Volcanic Hazard Area - The effects ratio to be equal or less than 0.2 or the EFFECTS RATIO for the underlying ENVIRONMENT AREA, whichever is the lesser, provided that the conditions set out in Appendix 6 are satisfied.	N/A – The proposed LFR hardware shop and battery storage activities are specifically excluded under Appendix 6, because storage of HAZARDOUS SUBSTANCES is generally in small packages i.e. pesticides, solvents etc.

APPENDIX U HAZARDOUS SUBSTANCE EXPERT REVIEW COMMENTS

APPENDIX V STORMWATER AND BRIDGE ENGINEERING ASSESSMENT

APPENDIX W SECTION 92 - TRAFFIC MEETING NOTES