

6th July 2018

New Plymouth District Council
c/- jacqui@rmgroup.co.nz and rowan.williams@npdc.govt.nz

Dear Jacqui and Rowan,

RESPONSE TO SECTION 92 REQUEST FOR THE PROPOSAL TO ESTABLISH AND OPERATE A COMMERCIAL AND RETAIL DEVELOPMENT ON THE CORNER OF SMART, KATERE AND DEVON ROADS, WAIWHAKAIHO, NEW PLYMOUTH (LUC17/47175).

In response to NPDC's Section 92 request dated 21 February 2018, and the subsequent letters from NPDC dated 7 and 11 May 2018 the information within this cover letter and amended AEE (dated 6 July 2018) are considered to provide a comprehensive and full response.

The information below has been ordered in line with the Section 92 request numbering/lettering to assist NPDC's processing planner and NPDC's technical experts. Further references are also made to the amended AEE and it's suite of Appendices.

1. Staging of the Development

- (a) The original application had included conditions in Section 9 of the assessment of effects (AEE) that had sought to provide the ability for the applicant to either stage the opening of commercial and retail tenancies (subject to a traffic assessment determining the number of tenancies that the current network could safely and efficiently accommodate) or to open the proposed commercial and retail tenancies without staging.

The applicant now confirms that the proposal is to complete the development in three main stages.

- **Stage 1:** soil remediation and earthworks.
- **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 LFR, specialty retail, food and beverage offerings, offices, cinema and hotel.

Please refer to the staging plan included in Appendix B of the AEE. 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.

It is expected that NPDC will issue consent conditions as they relate to each stage of the development. To eliminate any uncertainty for NPDC the applicant has now amended the originally offered up conditions that were in Section 9 of the application, including a 'condition precedent' for Stage 2 and 3 that requires all necessary road network upgrades to be approved and established prior to building consents for buildings and associated parking and loading areas within each stage being granted by NPDC.

- (a)(i) Building removal is not captured by the provisions of the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (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 demolition from being captured as part of the NES-CS assessment has been observed in other recent demolition projects in New Plymouth that have known asbestos risks such as the Barrett Street Hospital demolition.
- (a)(ii) Please find a staging plan attached in Appendix B of the AEE that identifies the extent of Stages 1, 2 and 3.
- (a)(iii) As a result of the simple nature of staging, the proposal will enable development of Stage 2 including all buildings (the Katere Road bridge excluded) and related parking areas to be completed first. Any construction vehicles onsite for proposed Stage 3 would be restricted from crossing over this completed upper platform area thereby avoiding potential for conflict between operational and construction traffic.
- (a)(iv) 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.

- (a)(v) As outlined in Section 9 of the AEE the applicant had offered up conditions of consent that will require road upgrades to occur prior to the proposed tenancies becoming operational. This requirement has been further clarified by identifying development stages for the proposal and rewording the proposed conditions to create a 'condition precedent' which requires roading improvements (which includes matters involving third parties or processes beyond the RMA) to be approved and established prior to any commercial or retail tenancies becoming operational.

- (a)(vi) 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 development 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 of the AEE.

2. Transportation

The response on transportation matters has been prepared on the basis of the agreed outcomes of the traffic meeting held on 15 March 2018 (refer to Appendix W of the AEE). NPDC provided a response to their view on the accuracy of the recorded notes on 18 April 2018. A tracked change version of the meeting notes has been documented to identify areas where parties are not in agreement.

(a) **Roading Network including Site Access**

The application as it stands provides absolute certainty to NPDC through the 'Road Upgrade' conditions that have been offered up and included in Section 9 of the AEE. The applicant has now confirmed that the development will be staged, therefore these existing offered up conditions have been reworked and framed up a 'condition precedent' to be completed prior to tenancies in Stage 2 becoming operational.

The Section 92 request letter states that NPDC anticipates some issues with the application's proposal to place "*full reliance on processes outside of this land use resource consent to progress the works to accommodate the significant increase in traffic movements on the surrounding road network*".

Three matters have been raised, these are:

- i. *Land Ownership and the responsibility for and/or the ability of the applicant to undertake such works in relation to the roading improvements beyond the application site;*
- ii. *Should the improvements not be able to be undertaken by the application, due to third parties' then firstly, how does the proposal within the application site comply with the District Plan standards and secondly, how does it avoid, remedy mitigate or mitigate effects of the proposal; and*
- iii. *The roading improvements to be fulfilled in each stage should the proposal be staged.*

The NPDC Section 92 letter fails to acknowledge the conditions that had been offered up in Section 9 of the original AEE that address these very points. By offering up these conditions of consent the three matters that NPDC has raised in the Section 92 request are effectively resolved.

With the proposed conditions, the onus is on the applicant to secure land that is necessary to complete the proposed road upgrades i.e. Z Service Station land. At this point the applicant has an informal agreement from the owners of the Z Service Station land that they are willing and able to sell the required portion of land necessary to undertake the proposed intersection upgrades. A condition precedent has been developed to provide more certainty to NPDC on acquisition of this land.

Regarding the question of financial responsibility of the applicant with NPDC and Crown for the formation of works. Again, the condition precedent would address this item. To enable the establishment of the road works, agreements would need to be reached between the applicant, NZTA and NPDC on how the works would be funded.

Page 3 of the Section 92 request also fails to acknowledge that there are existing parking prohibitions on the western side of Smart Road. These street side parking prohibitions (yellow dashed lines) extend from the corner of Devon and Smart road, to the south of the central vehicle access point to alongside Hirepool (adjacent Lot 1 DP 312246).

The parking prohibitions recommended within the integrated transport assessment (ITA) therefore only relate to street side space directly adjoining the development site and for the remaining 130m on the western side of Smart Road from the existing parking prohibition area.

However, as explained above approval will be required from NPDC's Traffic Bylaw committee to obtain approval establishing these parking prohibitions as part of the condition precedent. This provides absolute certainty to Council, that road upgrades must occur in order for the applicant to proceed with Stages 2 and 3 of their land use consent.

- (i) Information has been provided above regarding the proposed 'condition precedent' that is offered up by the applicant. This will address any concerns NPDC have in respect to upgrading of the road network (both on land associated with the Ravensdown subdivision and land outside of the subdivision).
- (ii) Details of staging have been provided in Section 1 of this response letter and the associated staging plans in Appendix B of the AEE.

(b) Baseline Information Related to Transport Network

As per discussion points outlined in the traffic meeting on 15 March 2018, the Section 92 request has now been suitably addressed as part of this response.

- (i)-(ix) Please refer to the detailed response in the Team Traffic (project traffic engineer) cover letter response pages 5 to 13. The ITA includes reporting on background traffic volumes within section 2.2.7 of the revised ITA, operation of site accesses within section 3.5 of the revised ITA, and operation of signalised intersections in section 3.6 of the revised ITA (specifically providing further analysis on Devon Road queue length in section 3.6.6 and integration into SCATs in section 3.6.4 of the revised ITA in Appendix L of the AEE.

Further detailed tube count information (2 weeks of tube counts) has been collected and further analysis is included in the ITA. Peak periods have been reviewed and adjusted through this further work.

Additional modelling work has also been completed by the project traffic engineers to consider a growth factor of 3.1% per annum (over 10 years) that was provided by NPDC. The ITA confirms that the surrounding road network is able to maintain a similar level of service that is currently provided when modelling a growth factor of 3.1%. This further work has seen the inclusion of an additional east bound lane on Devon Road (adjoining the Harvey Norman

store), to ensure that queuing is maintained at an acceptable level. The ITA confirms that the proposed development would be constructed and operational within a 3 year time period.

As a point of consistency, the applicant seeks formal confirmation from NPDC that the growth factor of 3.1% per annum is to be consistently applied to consent applications processed (where effects on road transportation network can be assessed) and economic reports undertaken by NPDC.

(c) Level of Service

- (i) Please refer to the detailed response in the project traffic engineer's cover letter response and revised ITA in Appendix L of the AEE. In summary the project traffic engineers have completed further SIDRA network modelling assessment and can confirm that the level of service will remain similar or better than the current level of service observed on Devon, Smart and Katere Roads. Maintenance of a similar level of service was generally agreed by Carl Whittleston (NPDC's Road Transportation Manager) in the traffic meeting held on 15 March 2018 (meeting notes in Appendix W of the AEE).
- (ii) NPDC's consultant traffic engineers and the project traffic engineers agreed in the traffic meeting on 15 March 2018 that a road safety audit was fine to be completed as a condition of consent. This has been offered up by the applicant as part of the proposed condition precedent.

(c) Pedestrians

- (d)(i)-(ii) Please refer to the detailed response in the project traffic engineers cover letter response and revised ITA in Appendix L of the AEE. Additional pedestrian connection site plan has been prepared by the project traffic engineers and architects included in Appendix F of the AEE.

(d) Parking, Circulation and Loading Facilities

- (e)(i) Dimensions within the car parking spaces for each block or section have been provided in the architect's plan attached in Appendix F of the AEE.
- (e)(ii) Widths of all internal vehicle movement traffic ways have been provided in the amended site plans attached in Appendix F of the AEE.
- (e)(iii) Tracking paths and manoeuvring areas of all service vehicles (including buses for the proposed hotel) across the entire application have been provided at the same scale identified in the NPDP which is 1:250. These plans are attached to the ITA in Appendix H of the AEE. A full site plan showing tracking curves has also been prepared by the project architects in Appendix F of the AEE.
- (e)(iv) The loading and standing spaces for all loading bays have been identified on the amended site plans in Appendix F of the AEE. As a result of further design work, the loading and standing area to the east of the LFR tenancy adjoining Katere Road has been reconfigured. The amended AEE and ITA in Appendix L has addressed this proposed change and additional non-compliance identified with minimum standing height on the loading and standing spaces being 4.6m, where the NPDP requires a minimum height of 5m.

- (f) With regard to demand for car parking, the project traffic engineers have provided further assessment that provides further certainty on parking demand for the proposal. Please refer to the detailed response in the project traffic engineers cover letter and revised ITA in Appendix L of the AEE. The AEE includes an amended assessment related to the non-compliance with onsite car parking (refer to Section 5.5 of the AEE) and confirms that any effects are acceptable.

(e) Right of Way (Northern Boundary)

- (g)(i) The landscape concept plan has been amended by eliminating any previous uncertainty between plan sets (refer to Appendix J of the AEE). The green obstruction that was shown on the landscape concept plan has now been removed. The angled parking spaces have been reconfigured to the west of the existing right of way, to be used by only staff for the proposed office tenancies. These staff would be the only people that have access to the shared right of way with NZ Couriers property due to a restricted accessed barrier proposed on the development site. It is likely that the barrier would be accessible through use of access cards.

In addition, changes have been made to the site plan to ensure that no buildings or parking spaces are positioned within the ROW area. Removal of a portion of the building to be used for LFR and Office, has been added in areas across the site resulting in no change to the proposed Gross Leasable Floor Area (GLFA) for the site and the resultant parking requirements onsite. 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 has been used 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 1433-002 SHT RC01 and RC02 in Appendix H of the AEE.

- (g)(ii) With regard to an assessment on how vehicle movements entering and exiting the adjoining site to the east of NZ Couriers shall be managed please refer to the detailed response in pages 18 and 19 of the project traffic engineers cover letter response and revised ITA in Appendix H of the AEE.

A copy of the existing right of way easement certificate is attached in Appendix C which identifies that there are no restrictions (refer to Section 3 of the easement document) in terms of in or out only movements for the NZ Couriers property or the development site. I have also obtained advice from NPDC administration staff that a resource consent was not required for the development of the NZ Couriers site.

(f) Site Access (proposed Right of Way southern boundary)

- (h) The applicant has revised the proposed site plan to show a second alternative loading and servicing area for the proposed hardware shop tenancy. This alternative loading and servicing design would utilise the proposed Katere Road bridge on the upper platform. As part of this reconfiguration work to provide for loading, standing and parking the bridge location has been shifted, to enable these movements to flow more efficiently and to respect the minimum flood freeboard heights required by Taranaki Regional Council (TRC).

It is confirmed that the applicant wishes to progress the proposed right of way (ROW) approval over the Ravensdown access leg to their new bulk storage facility on Smart

Road. However, as confirmed in the AEE the registration of the ROW with LINZ can and will only occur after the granted subdivision consent (SUB17/46785) is finalised and computer freehold registers are issued. For this reason, the application must make reference to future Lots.

This alternative loading option is considered to resolve NPDC's concern in the instance that use of the ROW is never legally obtained. It is noted that the proposal still seeks land use consent for proposed inward only vehicles on this ROW area, that is over and above the vehicle movements granted within Ravensdown's land use consent for use of this vehicle access point on Smart Road with restricted sight visibility to the south. It should be noted that Ravensdown have agreed with the applicant to establish this ROW.

- (g) 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 computer freehold register (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 site due to a steep embankment, it is clear there is no future use intended to be retained by Kiwirail.

3. Landscape and Visual

- (a) The applicant confirms that the revised landscape concept plan (Revision G, dated 22 May 2018) in Appendix J of the AEE is the key document that identifies landscape planting onsite and supersedes any other plan included in the application that indicates planting (including any indicative planting in the perspective images in the AEE).
- (b) The applicant can confirm that the bold wording referred to in the Section 92 request only relates to planting of trees, shrubs and groundcover. This is confirmed in the cover letter provided by the project landscape architect/urban designer in Appendix J of the AEE.
- (c) The project landscape architect/urban designer has provided additional detail which shows methods of planting within the car park and for 'Area 2' identified on the concept landscape 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 of the AEE. 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.
- (d)(i) The project landscape architect/urban designer has further qualified their view with respect to the New Plymouth entrance corridor. In summary, 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 response letter in Appendix J of the AEE.
- (d)(ii)-(iii) These items within the Section 92 letter are statements, no information requested.
- (d)(iv) Staging has now 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. Refer to Section 3.2 of the AEE that describes staging and the staging plan in Appendix B of the AEE.

The most relevant mitigation measure for providing a high level of visual screening onto the 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 of the AEE.

Removal of these shelterbelts will therefore be at grant of building consent for Stage 2. 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.

4. Parapara-iti Pā Site and Development

- (a) The Section 92 request seeks clarification as to the legal access arrangements between the applicants commercial and retail site development and the site to be gifted to Ngāti Tawhirikura. It goes on to state that “*there is no certainty how this access arrangement will work between the two parties*” that being the applicant and Ngāti Tawhirikura.

As contextual information, the applicant is working closely with Ngāti Tawhirikura to make sure the reformed Pā blends in with the adjoining commercial and retail development. Initiatives that will ensure this occurs include a children’s playground with indicative examples in the landscape concept plan (refer to Appendix J of the AEE) that show works that Ngāti Tawhirikura may complete like a path construction to the top of the Pa, landscaping (i.e. trees, shrubs and groundcover), establishment of cultural story boards and an entrance Waharoa.

However, 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.

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.

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 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. This information has now been incorporated into the amended AEE.

5. **Building Height**

- (b) The project architects have provided a set of new section elevation plans that includes maximum height RL's, natural ground level RL's and heights above ground level. A table is included which identifies highest buildings in each Section, in comparison to the maximum permitted NPDP height of 10m. Refer to the current building elevation plans submitted with the application and additional cross-section plans in Appendix F of the AEE and within Section 3.6 of the AEE.

6. **Signage**

- (a) The applicant confirms that no digital signage is proposed as part of this application. The image shown on the proposed food emporium window façade identified in the Section 92 request had originally been considered but not progressed with for this land use consent application. The only signage proposed will be static as per the signage dimensions provided in Appendix G of the AEE. These proposed signs are all to be attached on the side of the proposed buildings and are permitted under the NPDP. An amended perspective image has been included as Figure 3.1 of the AEE. Please note that the trees shown in the image do not reflect the proposed concept landscape plan detail – the image is for illustrative purposes only.

7. **Hazardous Substances**

- (a) The applicant has sought further information regarding the battery store for the solar power and electric vehicle charging supply. We can confirm that 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 of the AEE.

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 for the site. A report detailing the number, specifications, and Safety Data Sheets (SDS) for these cells is included in Appendix U of the AEE.

8. NES-Contaminated Soil

To avoid unnecessary duplication, the response to the Section 92 letter points below are included in Appendix K of the AEE. The further information provided by project NES-CS experts includes a cover letter detailing the amendments made, with specific references to sections in the RAP and CSMP that have been changed in response to the further information request. Clean versions of the amended RAP and CSMP are also included.

- (a)(i)** See attached in Appendix K of the AEE an email from Stephen Thompson (Senior Consultant, Team Leader Contaminated Land at Golder and Associates) including the record of review sheet for the ESA.
- (a)(ii)** Chain of custodies attached for the ESA 2017 in Appendix K of the AEE.
- (a)(iii)-(v)** Refer to 4Sight response table and amended RAP in Appendix K of the AEE.
- (b)(i)** 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 30m³ of soil is disturbed and more than 30m³ 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 amended RAP attached in Appendix K of the AEE which addresses removal of the UST.

An assessment of removal of the UST as a restricted discretionary has now been included in the amended AEE in Section 5.9 of the AEE.

(b)(ii)-(xvii) Refer to 4Sight response table and amended RAP in Appendix K of the AEE.

(c)(i)-(xi) Refer to 4Sight response table and amended CSMP in Appendix K of the AEE.

9. Acoustic Insulation

- (a)** The acoustic assessment letter submitted with the 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.

To clarify this aspect the applicant now 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 the AEE for draft 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 Council could impose such a condition to require a permitted activity condition, as a condition of consent.

10. Stormwater

- (a)** 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. Stormwater is not considered to be a relevant matter that can be assessed within this application. However, the applicant has decided to provide further information on this aspect to provide NPDC with confidence that stormwater has been addressed. Please refer to 3.21 of the AEE and Appendix V of the AEE for further detail.

11. Summary of changes to the proposal, and clarification that has been provided as a result of Section 92 request points:

- Creation of a 'condition precedent' for Stages 1, 2 and 3 to facilitate approval and establishment of roading upgrades prior to building consents being granted for either stage.
- Reconfiguration of the lower level loading, standing, parking and manoeuvring areas, east of the LFR tenancy which directly connects onto Katere Road.
- Katere Road bridge repositioning, and further engineering and layout design progressed.
- A second alternative loading access point from Katere Road for the hardware shop tenancy. Proposed access via a ROW onto the new Ravensdown bulk store is still proposed, land use consent to utilise this access is also still sought.
- Slip lane and office parking reconfiguration adjoining Devon Road and the ROW shared with the NZ Couriers Site.
- The proposed additional roading improvements include the installation of pedestrian traffic signals at the Devon Road/Katere Road intersection, and the provision of additional north east bound through lanes on Devon Road (adjoining Harvey Norman).

These improvements will:

- improve pedestrian facilities at the Devon Road/Smart Road intersection.
 - generally reduce queue lengths on Devon Road on both approaches to the Smart Road intersection during the peak periods (refer to additional assessment in the ITA in Section 3.6.3 “Devon Road Queue Lengths” on page 79).
 - provide a carriageway that is closer to the location of Te Pou Tutaki “Maari Toko” Waahi Taonga NPDP Site on the corner of Devon and Smart Roads. The change is not considered to generate any significant adverse effect on the Waahi Taonga Site. Its location is adjoining a busy State Highway, this location will generally remain unchanged through the proposed intersection upgrades. Refer to the plan prepared and included in Appendix F of the AEE.
- As noted in the 7 May letter from NPDC further clarification was required in terms of imported soil to be used on the Pā site. The project NES-CS consultant has clarified this point and has elected to comply with residential criteria for soil used as capping material. Please refer to the NES-CS cover letter in Appendix K of the AEE for further explanation on this point.

All of the traffic points above have been re-assessed within the revised ITA within Appendix L of the AEE. The repositioned bridge location results in an improvement in sight visibility, which complies with NPDP standards.

Written Approval of Te Atiawa and Ngāti Tawhirikura

Whilst preparing the response to NPDC’s Section 92 request, the applicant has progressed consultation with Tangata Whenua and has now obtained the written approval of both Te Atiawa and Ngāti Tawhirikura. Please find the signed written approval documentation in Appendix P of AEE.

Summary

In terms of providing a response to the Section 92 request the applicant has been willing to provide a detailed response and has sought to engage with NPDC, with the traffic meeting held on 15 March 2018 being an example of this.

The AEE has been fully amended to acknowledge the current development plans and assessment any potential effects on these. The suite of appendices has been updated to include all changes that have resulted from the Section 92 process response. The plan set, ITA and RAP technical documents have been fully revised, the LVIA has been supplemented with a cover letter response to address the limited Section 92 points. A site validation report noted on page 15 of the Section 92 request was not lodged with the application.

The amended AEE and this cover letter is considered to provide a comprehensive response to address all items requested as part of the Section 92 request dated 21 February 2018, which have been further explained within the traffic meeting held on 15 March 2018, and the feedback to the applicant’s draft Section 92 response in the letter dated 7 May 2018 and the letter dated 11 May 2018.

The AEE assesses all relevant restricted discretionary activity criteria within the NPDP and it must be noted that the applicant has provided a significant amount of additional information that is over and above what the NPDP requires for assessment of this development. The level of detail the applicant has now provided for traffic assessment/modelling and stormwater/flood assessment are examples of this.

We look forward to NPDC completing the notification decision for this proposed application to enable the resource consent process to continue.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Brophy', with a large loop on the left side and a period at the end.

Jeremy Brophy MNZPI
Team Leader Planning