

BEFORE THE INDEPENDENT COMMISSIONER

AT WAIRARAPA

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

AND

IN THE MATTER of an application by Woolworths New Zealand Ltd ("**Woolworths**") for resource consent in relation to site at 134 Main Street, Greytown known as FreshChoice Greytown

**CLOSING SUBMISSIONS ON BEHALF OF
WOOLWORTHS NEW ZEALAND LIMITED**

20 OCTOBER 2023

**Russell
McAugh**

A A Arthur-Young / S F D Barnett
P +64 9 367 8000
F +64 9 367 8163
PO Box 8
DX CX10085
Auckland

1. SUMMARY

- 1.1 Woolworths seeks consent to construct and operate a new vehicle access for customer and service vehicles (alongside associated signage and landscaping) for the existing FreshChoice supermarket, at 134 Main Street, Greytown ("Site").
- 1.2 The application is for a discretionary activity. All matters to be assessed are canvassed in the AEE, application documents, and primary and rebuttal statements of Ms Panther Knight.
- 1.3 There was no real disagreement between the planners at the hearing on the fundamental planning elements of this proposal, that is, that consent is sought for a discretionary activity, that the Commissioner can consider a wide range of matters, and that it is the application before the Commissioner which must be assessed (not some alternative posited by a submitter).
- 1.4 The Site is commercially zoned and sits within a heritage precinct. Woolworths' application aligns with the relevant objectives, policies and rules of the District Plan and overall has less than minor adverse effects in all respects. Woolworths' experts confirmed effects are less than minor, and are either avoided, remedied or mitigated. The proposal satisfies Part 2 of the Act.
- 1.5 Woolworths has reflected on all matters raised at the hearing, most particularly in relation to its proposal to enable right turns into the Site for customer vehicles travelling south. While Woolworths and its experts remain of the view that the application as lodged earlier this year (which includes the ability for right turns from Main Street) is appropriate, Woolworths now proposes amendments to the draft conditions to restrict right turns (without the need for "hard" engineering solutions like a median strip).
- 1.6 These changes reflect Woolworth's ongoing determination to propose a design for the crossing which is appropriate in its context, and also ensures efficient, safe and effective access to the loading dock and supermarket from Main Street.
- 1.7 The proposal will result in a suite of benefits. It will see significant health and safety improvements for the supermarket and its customers, and ensure an attractive frontage design on Main Street, including through the retention of the Beech Tree and stone wall, which will contribute positively to the amenity values and historic heritage values of the surrounding area.

- 1.8 The proposal should be granted on the amended conditions sought by Woolworths, as attached to these submissions.

2. REASONS FOR APPLICATION

- 2.1 As explained in evidence and at the hearing, Woolworths' reasons for seeking this crossing are two-fold: to improve the onsite safety of vehicle manoeuvres, and to improve visibility of and access to the supermarket from Main Street. While submitters have suggested they would do things differently themselves if it were their application, it is for Woolworths, as a supermarket operator and applicant here – to advance this proposal.
- 2.2 As the transport expert for Waka Kotahi acknowledged at the hearing, the FreshChoice is "tucked out the back". As Mr Shao said, supermarkets rely on convenient access and a high level of visibility and are typically located on arterial routes.¹ The proposal would enable modest signage on Main Street, as well as safe, efficient customer access into the site from Main Street.
- 2.3 The current on-site loading situation at the supermarket is simply no longer acceptable to Woolworths. Service vehicles are currently required to drive into and through the customer carpark, in front of the supermarket entry, and reverse manoeuvre into the loading dock, before exiting through the exit on West Street. This is unsafe.²
- 2.4 Woolworths wishes to act ahead of any potential incident occurring. To do otherwise would be irresponsible. That some submitters or experts might suggest "there hasn't been a problem in the car park yet" is not enough of a reason for Woolworths to "do nothing".
- 2.5 Woolworths has taken expert advice on its proposal and is confident it is safe, efficient, well designed, and will not adversely affect the heritage qualities of the area.

¹ Evidence of Mr Shao at [5.1].

² Evidence of Mr Hills at [5.26].

3. REVISED CROSSING PROPOSAL

- 3.1 The transport expert for Waka Kotahi said that the new crossing access will place pedestrians "in the firing line" of vehicles. Various submitters were also concerned about pedestrian safety.³
- 3.2 The crossing will clearly not place pedestrians in the "firing line." The evidence of Mr Hills on behalf of Woolworths explains that the safety of pedestrians navigating the crossing and the footpath will not be compromised. ⁴ Pedestrian safety is a priority for Woolworths, and the design of the crossing appropriately reflects this.
- 3.3 Vehicle crossings off main streets and over footpaths are not unusual around New Zealand, nor in Greytown.
- 3.4 The proposal will be successful in avoiding adverse effects on pedestrian and vehicular safety and ensuring the efficiency of the surrounding transport network.⁵ The proposal satisfies the relevant District Plan design requirements and is not inconsistent with other crossings along Main Street.⁶
- 3.5 Woolworths has further considered restricting right turns into the site from Main Street, and sought a revised crossing design from Mr Hills. His summary of the revised design, and plan, is attached as **Appendix A**.
- 3.6 The alternative crossing design (as explained at **Appendix A**) has the following key elements, designed to restrict right turns into the site off Main Street:
- (a) an angled vehicle crossing to signal to drivers only left-turns are permitted from Main Street;
 - (b) a new "no right turn" sign installed at the vehicle crossing and facing southbound drivers; and
 - (c) a separation of the existing combined "supermarket and post shop" sign currently located at the intersection at Main Street and Hastwell Street, to better direct drivers travelling south to turn at Hastwell Street to access the supermarket.

³ Submissions on behalf of Ms Wait, Ms Hall, Mr Lloyd, Greytown School and the Heritage Trust.

⁴ Evidence of Mr Hills at [7.9 and [7.10].

⁵ Evidence of Leo Hill at [2.3.]

⁶ Evidence of Leo Hills at [5.25].

- 3.7 In our submission, while the crossing design as applied for has less than minor effects and would not result in unsafe or inappropriate outcomes, the revised proposal means less customer vehicles will be entering the site from Main Street (because south-bound customers will turn right at Hastwell Street). It also responds appropriately to its context (that is, by not requiring a hard median strip).

4. AMENDMENTS TO CONDITIONS

- 4.1 Following the hearing, Woolworths has proposed further amendments to the draft condition set produced by Ms Panther Knight in her evidence.⁷ These revised conditions are attached at **Appendix B** and the changes explained below. They have been developed and endorsed by Woolworths' expert team.

- 4.2 The changes are:

- (a) **Restrictions on right turns from Main Street (conditions 37, 49 and 52)** - all right turn movements are proposed to be restricted, though signage and design, for vehicles travelling south on Main Street. Woolworths and its experts are confident these changes will effectively restrict right turns into the site, and mean even less customer traffic is using this access way. A "hard" engineering solution (eg a median strip) is not proposed: Woolworths and its experts consider that an inappropriate design solution for this context, and unnecessary to ensure right turns are effectively restricted.
- (b) **Hours of loading dock (conditions 36, 38)** - In direct response to submitter concerns, Woolworths has proposed an amendment to clarify the hours of operation of the loading dock for deliveries from 7am to 3pm (rather than 7pm) (including waste collection). No deliveries will occur outside these times. Prior to the operation of the loading dock, Woolworths must ensure an acoustic fence is constructed and installed around the perimeter of the service yard.
- (c) **Illumination of sign at Main Street (condition 40)** - this amendment will clearly align the hours of external illumination for the supermarket sign with the supermarket operating hours of 7am to 9pm.

⁷ Revised Recommended Condition set.

(d) **Landscaping (condition 4)** – In response to submitter concerns, Woolworths has proposed the inclusion of a clear objective for the landscape planting to ensure it effectively softens views of the service yard fence and car park. The planting is also intended to contribute to a layered landscaped frontage in consideration of the values and context of the heritage precinct. Planting is to be developed with advice from a qualified heritage expert and undertaken in consultation with the neighbouring adjacent properties. The revised condition expressly requires consultation with adjacent landowners.

4.3 In our submission, these amendments positively respond to submitter concerns and improve the condition set.

4.4 At the hearing, Ms Clark for the Council indicated that if the Commissioner was minded to grant the Application, the conditions attached to Ms Panther Knight's primary evidence were acceptable to her.

4.5 Ms Clark has subsequently provided high level comments to Ms Panther Knight on the revised conditions proposed by Woolworths. Ms Clark generally agrees with the amendments but has concerns that the revised crossing proposal to restrict right turns will be difficult to enforce on members of the general public. Ms Clark is concerned that a median is required but is aware this will create complications.

5. OTHER MATTERS

Copper Beech Tree

5.1 The Tree will be retained as part of this application. Based on the advice of Mr Peers, Woolworths has proposed a suite of conditions aimed at ensuring the Tree is carefully managed. Woolworths has reduced the width of the crossing, replaced car parking with landscaping, and retained the low stone wall, all of which only further support the Tree's health and vitality.

5.2 Mr Peers also confirmed at the hearing, in response to questions raised, that the Tree can be pruned to ensure vehicle clearance, while still keeping the shape and health of the tree intact.

Heritage

- 5.3 Many submitters voiced concerns over potential loss of heritage value to the Main Street.⁸ Some submitters referenced the "residential" nature of the area.⁹ While expressing concern about the safety of the driveway, the proposed landscaping and sign, noise and stormwater, the Heritage Trust found it difficult to enunciate exactly what about the proposal was adverse to the heritage qualities of the locality.
- 5.4 Mr Knott sets out in detail how the proposal is sympathetic to Greytown's historic heritage values¹⁰ and has sought to maintain the existing values of the HHP while balancing the inherent health and safety concerns with the existing layout.¹¹ The site sits within a commercial zone, and the proposal will enable important commercial functions.¹² Mr Knott considers the values of the town will be maintained and enhanced in a manner that enables their efficient commercial functioning.¹³
- 5.5 The proposal will ensure the Tree and stone wall are retained, and signage and landscaping are in keeping with the heritage context as appropriate.
- 5.6 In relation to the existing dwelling on the site at 134 Main Street, in our submission there is no compelling evidence to suggest the loss of this building will generate adverse effects. While Mr Bowman for the Council indicated the removal of the dwelling will reduce the heritage values of the HHP and that (surprisingly) this 1950s stucco build has a "contributory" heritage value, the Heritage Trust reasonably confirmed they had no issue with the dwelling's demolition.

Stormwater

- 5.7 The effects of stormwater management will be appropriately managed and conditioned. There is no evidence before the Commissioner that there will be adverse stormwater or potential flooding effects as a result of the vehicle crossing.

⁸ Submissions including those of Ms Hall, the Heritage Trust, Ms Wait.

⁹ Boyce, Heritage Trust, Hall.

¹⁰ Evidence of Richard Knott at [5.1].

¹¹ Evidence of Mr Knott at [7.3].

¹² Evidence of Mr Knott at [3.3] and [5.2]

¹³ Evidence of Mr Knott at [3.3] and [5.2]

Noise

- 5.8 Some submitters raised concerns about noise.¹⁴ The proposal will comply with all relevant noise and vibration standards in the District Plan.¹⁵ There is no evidence before the Commissioner that there will be adverse noise effects as a result of the new access.
- 5.9 The condition set includes the requirement for an acoustically rated fence along the common boundary with properties at 132, 136A and 138 Main Street.¹⁶ The height of the fence along the common boundary can be reduced or increased in consultation with immediately adjoining landowners and occupiers, but a minimum height of 1.8m is required. Further, prior to the operation of the loading dock, a 2.4m acoustic fence must be constructed around the perimeter of the service yard.¹⁷ The loading dock will only operate from 7am – 3pm.

6. CONCLUSION

- 6.1 The proposal has been carefully designed, having regard to both a range of local concerns, and the health and safety and operational needs of Woolworths.
- 6.2 The Act is not a "no effects" statute. Change is anticipated in the Plan. Commercial activities, developed thoughtfully, are also anticipated in the Plan - including in this location.
- 6.3 It is our submission the proposal should be granted, subject to the revised conditions sought by Woolworths, as set out in Appendix B.

Allison Arthur-Young and Sylvia Barnett
Counsel for Woolworths New Zealand Limited

¹⁴ Submission of Ms Boyce, Greyfriars, Ms Hall.

¹⁵ Evidence of Ms Panther Knight at [7.67].

¹⁶ Revised Condition set, condition 4.

¹⁷ Revised Condition set, condition 38.

APPENDIX A – REVISED CROSSING DESIGN

Allison Arthur-Young
Russell McVeagh

Auckland

20 October 2023

Copy via email: allison.arthur-young@russellmcveagh.com

Dear Allison

FRESH CHOICE GREYTOWN – REVISED CROSSING DESIGN

Following the hearing, I have been instructed by the Applicant to consider an alternative crossing design for the Fresh Choice supermarket in Greytown.

1 REVISED CROSSING DESIGN AND ASSESSMENT

I have been instructed by the Applicant to consider an alternative crossing design which effectively restricts right turn movements into the site from Main Street for all vehicles (see attached plan). All left turn movements will still be provided for from Main Street into the site, for vehicles travelling north on Main Street.

I note for completeness that, having carefully considered the relevant expert and submitter evidence on traffic matters, my opinion (as set out in my primary and rebuttal evidence) remains that there are no traffic engineering or transport planning reasons which preclude the driveway as proposed in the application – that is, both left and right turns into the site from Main Street.

However, I also consider the alternative design to also provide for safe and efficient movement of all road users. Southbound customers travelling on Main Street can still safely access the supermarket from Hastwell Street (as they do currently). Delivery trucks from the north will turn right at North Street and left onto West Street (as they do currently) and then turn left onto SH2 (via Humphries Street) before left turning into the site from the south, using the proposed new Main Street crossing. Delivery trucks from the south will turn left into the site using the proposed new Main Street crossing.

Restricting the crossing to left-turn only will also reduce the number of vehicles using the crossing by up to 27 vehicles per hour. This volume of southbound vehicles, as modelled in the TAR, will no longer turn right at the crossing, but will turn right at Hastwell Street (prior to the crossing), or Wood Street or Humphries Street (after the crossing) before turning onto West Street to access the supermarket. As such, the crossing will see an overall decrease in vehicle volumes and therefore operate better than that modelled in the TAR.

The alternative crossing design as set out in the attached plan has three key elements, all designed to restrict right turns into the site from Main Street:

- a) An angled vehicle crossing. The revised crossing will include an angled vehicle crossing which will signal to drivers only left-turns are permitted into the site from Main Street. As shown on the attached plan, the dropped kerb section of the crossing is offset to the south; therefore making right turns more difficult for vehicles.
- b) A new "no right turn" sign installed at the vehicle crossing and facing southbound drivers. As shown on the attached plan, this will present as an easily identifiable street sign to drivers travelling south down Main Street that there are no right turns allowed into the site at the location of the crossing. The sign is a New Zealand standard road sign, used throughout the country in various situations to good effect.
- c) A separation of the existing combined "*supermarket and post shop*" sign currently located at the intersection at Main Street and Hastwell. Currently, a single yellow "directional" sign is located at the Main Street and Hastwell Street intersection to indicate the existing supermarket's location. The sign currently combines reference to the "supermarket and post shop" and is difficult to read for motorists travelling south down Main Street. As shown on the attached plan, I have proposed a clear separation of the existing combined "*supermarket and post shop*" into two separate wayfinding signs. The separation of the single yellow sign will mean people travelling south can easily identify the "supermarket" sign and know to turn right at Hastwell Street to access the supermarket.

I consider the three elements above will ensure the majority of drivers use the supermarket access as intended. In some cases, a driver travelling south may fail to see the yellow wayfinding sign at Hastwell Street and attempt to turn right into the site from the crossing at Main Street. The driver will then see the no right turn sign and will continue to travel south on Main Street. The driver can then turn right at Wood Street or Humphries Street before turning onto West Street to access the supermarket. I consider this an acceptable alternative for the small number of drivers who may miss the wayfinding sign.

I note that right turns can be physically prevented in some instances through the provision of a solid median within the traffic lane. I do not consider this is required in this instance because:

- a) A solid median creates a new physical obstruction that could cause new conflicts with vehicles and create U-turning issues and therefore a safety issue. I also note that any physical median or alternative "hit-sticks" would create additional issues due to the limited road width and road camber;
- b) Southbound drivers (especially regular users) looking to make a right turn will have made that decision at the Main Street / Hastwell Street intersection, especially considering the new wayfinding signage proposed. The small volume of drivers that may want to make a late right turn into the site at the driveway will be discouraged by the design features detailed in paragraph 2.3 above.

As such, I do not view a solid median as necessary.

2 CONCLUSION

Overall, I consider both the design as proposed and the alternative design detailed above to provide for safe and efficient movement of all road users. Therefore, I continue to consider

that there are no traffic engineering or transport planning reasons that would preclude either design.



Leo Hills

Director

leo@commute.kiwi

ATTACHMENT A: PROPOSED PLAN



EXISTING



PROPOSED

Alter existing supermarket / post office sign



No right turn sign

Revision notes:
Rev. Date: Notes:

Drawn by:
LH

Client:
Woolworths

Project:
Fresh Choice, Greytown
Supermarket

Drawing Title:
Left in only driveway
Option

Date:
10/10/23

Scale @ A3:
1:500

Revision:
D

APPENDIX B – REVISED CONDITIONS

Revised Draft Conditions (20 October 2023)

Base text is the version of Draft Conditions attached as Appendix A to Kay Panther Knight's primary evidence. Amendments now proposed by Woolworths are shown in underline or ~~strikethrough~~.

General

1. Except as amended by the conditions below, the development shall proceed in accord with:
 - Architectural plans prepared by Woodhams Meikle Zhan Architects to illustrate the proposal (labelled "Proposed Supermarket Resource Consent Package Fresh Choice Greytown, 12 Hastwell Street, 5712 Greytown, New Zealand, Job No 2029-72, Dwg No RMA-101 dated 30 July 2023, RMA-102 dated 05 April 2023, and RMA-103 dated 30 March 2023"); [note plan references to be updated to include reference to revised crossing plan indicating left in only]
 - Assessment of environmental effects prepared by Forme Planning and dated April 2023;
 - Planning Assessment prepared by Forme Planning (Application Appendix 6);
 - Urban Design and Heritage Assessment prepared by Richard Knott Limited dated 13 April 2023 (Application Appendix 3);
 - Transportation Assessment prepared by Commute Transportation Consultants dated 13 April 2023 (Application Appendix 4);
 - Arborist Tree Condition Report prepared by All Seasons Tree Services dated 2.6.22, and Assessment of Proposed Works Affecting Copper Beech Tree by Peers Brown Miller Ltd Arboricultural and Environmental Consultants dated 19 September 2002 (both in Application Appendix 5).
 - Civil Engineering Proposed Site Plan prepared by Riley Consultants (Drawing 220376-104, Rev 1) and dated 1 May 2023.
2. Pursuant to Section 36 of the Resource Management Act 1991, the consent holder shall pay all costs incurred by the Council in respect of the approval and the completion of conditions for the development and in the perusal, preparation, execution and registration of any related document(s).

Landscape Plan

3. A landscape planting and management plan (with supporting specifications) should be prepared and submitted to Council for certification prior to construction commencing.
4. The purpose of the ~~The~~ landscape planting and management plan required by condition 3 is to design landscape planting so it effectively softens views of the service yard fence and supermarket car park beyond from views from Main Street. The landscape planting is also intended to be designed to contribute to a layered landscaped frontage to Main Street, in a manner that carefully considers the values and context of the surrounding Historic Heritage Precinct. The landscape plan must contain:
 - a. A plan of the planted area detailing the proposed plant species, plant sourcing, plant sizes at time of planting, plant locations, density of planting, and timing of planting.
 - b. A programme of establishment and post-establishment protection and maintenance (fertilising, weed removal/spraying, replacement of dead/poorly performing plants, water to maintain soil moisture, length of maintenance programme).
 - c. The extent, materiality and finished levels of the pedestrian walkway (refer condition 25 in relation to tree protection) and vehicle crossing and driveway.
 - d. The details of drainage and irrigation, the latter if required.
 - e. The construction and design details of any fencing, including protection and retention of the low-stone wall along the Site frontage, and construction of an acoustically rated fence

along the common boundary with [the properties at 132, 136A and 138 Main Street](#) to a minimum height of 1.8m.

These plans must be supported by specifications that describe in a written form the more specific technical landscape matters such as plant spacings, maturity at time of planting, material selection etc [as well as written advice from a suitably qualified heritage expert identifying how the landscape planting has been designed to deliver the intended objective outlined in this condition.](#) Further, the plans must be accompanied by a record of [engagement with immediately adjoining landowners at 132, 136A and 138 Main Street, identifying any response received from those parties in relation to the proposed landscaping and fencing adjoining the common boundaries, and an explanation of how any comments received have been responded to or addressed.](#)

Advice Note:

The boundary fence with 132, 136A and 138 Main Street may be raised in height from 1.8m as referenced in condition 4, should consultation with the neighbouring landowners confirm this is preferred. The consent holder may submit details of consultation or correspondence with the neighbouring landowner to Council for certification prior to construction.

Implementation of Landscape Plan

5. Within the first planting season (May to September) following the certification of the Landscape Planting and Management Plan and completion of the works authorised by this consent, the planting/hard landscaping must be fully implemented in accordance with the certified Landscape Planting and Management Plan required by condition 3 and must be maintained for the duration of the operation of the supermarket and vehicle crossing to the satisfaction of Council.

Retention and Replacement of Existing Low Stone Wall

6. The consent holder must protect the existing low stone wall located on the site frontage and illustrated in the drawings referenced in condition 1, both during and following construction.
7. Prior to commencement of construction, the consent holder must provide details of proposed protection measures to be employed throughout construction to the Council for certification in order to satisfy condition 6 above.
8. Should the existing low stone wall located on the site frontage and illustrated in the drawings referenced in condition 1 be damaged or destroyed in any way, the consent holder must replicate and install a replacement low stone wall. Prior to installation of the replacement wall required by this condition, the consent holder must provide details of the proposed construction materials, methodology and design to the Council for certification.

Advice note:

The consent holder is advised that the tree protection measures required by conditions 18 to 33 of this consent are relevant to any proposal to demolish or replace the existing low stone wall that is the subject of conditions 6, 7 and 8 of this consent.

Construction – CEMP

9. The consent holder must a minimum of 10 days prior to any works commencing on site prepare and submit to Council for review and approval a Construction Environment Management Plan (CEMP) in accordance with NZS 4404:2004 Land Development and Subdivision Infrastructure.
10. The objectives of the CEMP shall be to protect the environment and surrounding land uses from the potential and actual effects of earthworks and site work activities, including construction of buildings and infrastructure assets.

11. Measures identified in the CEMP must include but not be limited to:
 - a. The name, contact details, experience and qualifications of the person/s nominated by the consent holder to supervise the implementation of, and adherence to, the CEMP.
 - b. Proposed measures to avoid or mitigate dust emissions leaving the subject site.
 - c. Proposed measures to avoid off-site deposition of silt, particularly into reticulated infrastructure.
 - d. A construction noise management plan that addresses how noise will be managed to meet the noise levels specified in Rule 21.1.13(c)(i) of the Wairarapa Combined District Plan (which references NZS 6803:1999 *Acoustics – Construction Noise*) during construction of the works authorised by this consent. Should the construction noise management plan conclude that acoustic barriers are required for the duration of construction works to achieve compliance with the noise levels, the consent holder shall ensure that the acoustic fence is designed and installed to Council's satisfaction prior to construction commencing.
 - e. Hours of construction must not exceed:
 - 7.30am – 6.00pm Monday to Friday
 - 8.30am – 12.30pm Saturday
 - f. No construction work shall occur on Sundays or Public Holidays;
 - g. Measures to mitigate the effects of construction sited along the boundary with the property to the extent practicable; and
 - h. Accidental discovery protocols for archaeological features and koiwi.
12. All accepted measures outlined in the CEMP that are required to be established prior to the commencement of earthworks, must be implemented and must remain in place for the duration of the works as necessary for their purpose. Council shall inspect any required measures prior to commencement of earthworks on site or if any changes are proposed after the initial inspection.
13. A copy of the approved CEMP must be retained on the work site and must be provided to all of the contractors' representatives prior to entry onto the site.

Construction Traffic Management Plan

14. The consent holder must a minimum of 10 days prior to any works commencing on site prepare and submit to Council for certification a Construction Traffic Management Plan (CTMP), prepared in accordance with Council's requirements for CTMPs and Waka Kotahi's Code of Practice for Temporary Traffic Management. Any subsequent review must also be submitted to Council for certification. The consent holder must meet the costs of the production, certification, monitoring and review of the CTMP.
15. The objectives of the CTMP shall be to avoid, remedy or mitigate adverse effects of the site works on the road and road reserve, including public infrastructure.
16. Measures identified in the CTMP must include but not be limited to:
 - a. The name, contact details, experience and qualifications of the person/s nominated by the consent holder to supervise the implementation of, and adherence to, the CTMP;
 - b. Proposed measures to avoid, remedy or mitigate adverse effects on the environment in relation to construction traffic;
 - c. Measures to ensure the continued safe and efficient operation of Main Street;
 - d. Measures to be adopted to maintain areas of the site that are visible from public spaces and private property in a tidy condition in terms of rubbish disposal, storage and unloading of materials, etc.
 - e. Plans showing areas where stockpiles, equipment (including contractor parking) will occur so that there is no obstruction of public spaces (e.g. roads).

- f. Plans showing the location of any site offices, staff facilities and staff car parking required during the construction period.
 - g. An overview of measures that will be adopted to prevent unauthorised public access during the construction period.
 - h. Location of traffic signs on surrounding streets and proposed signage for traffic management purposes during construction.
 - i. Measures to ensure satisfactory vehicle and pedestrian access is maintained to adjacent properties at all times.
 - j. Procedures for controlling dust, and the removal/ introduction of soil, debris, and materials.
17. The CTMP must be implemented for the duration of the works and a copy of the approved CTMP must be retained on the work site and must be provided to all of the contractors' representatives prior to entry onto the site.

Advice Note:

It is the responsibility of the consent holder to seek approval for the CTMP from Waka Kotahi prior to the commencement of construction.

Copper Beech tree protection methodology

- 18. Prior to any works commencing on the site, including demolition, a meeting shall be held at the site to discuss all issues pertaining to the protection of the Beech tree and to gain a common understanding of the proposed tree protection measures and any relevant conditions of consent in that regard. Present at the meeting should be;
 - a. the consent holder;
 - b. the site foreman or project manager;
 - c. the appointed worksite supervisory arborist ("Works Arborist");
 - d. the arborist engaged to undertake the pruning of the tree; and
 - e. any other relevant personnel
- 19. During the pre-commencement meeting, the location of site offices and any outdoor storage shall be discussed and the appropriate location for these agreed upon with the Works Arborist.
- 20. At the pre-commencement meeting, the appropriate extent of the pruning of the Copper Beech tree shall be calculated, discussed and agreed upon.
- 21. The agreed pruning shall be undertaken before any construction work commences on the site. The pruning shall be carried out in accordance with modern and correct arboricultural standards.
- 22. The pruning would be restricted to just the raising of the lower canopy level to the height required for truck clearance.
- 23. Prior to any works commencing on the site, including demolition or house removal works, a protective fence of the Rent-a-fence style shall be erected to enclose the Copper Beech tree. The precise location of the protective fence shall be discussed and agreed upon at the pre-commencement meeting required by condition 15, but it shall be set, at the least, at the radius defined by the existing driveway and the extent of its dripline to the west.
- 24. The protective fence shall be affixed securely to the ground to prevent it being shunted inwards. However, the fence can be adjusted accordingly when particular works on the ground in the vicinity of the tree are to commence.
- 25. No storage of materials, spoil, equipment, fuels and oils, or passage of vehicles or machinery, shall take place on open ground within the area of ground enclosed by the protective fence.
- 26. The Works Arborist shall supervise the breaking up and uplifting of the existing driveway surface, where within the root zone of the Copper Beech tree.

27. The Works Arborist shall assist with, and supervise, the cut made to define the edge of the new driveway closest to the tree. Any roots encountered in the depth of this cut shall be severed cleanly by the arborist. Hessian shall be pinned over any cut root ends and a sheet of root barrier plastic should be pinned to the entire cut face – to be left in place when then the chosen surfacing is installed and backfilling occurs.
28. The Works Arborist shall supervise the design and construction of the new pedestrian pathway passing behind the Copper Beech tree. Any ground disturbance associated with the construction method of the pathway is chosen shall first be approved of by the Works Arborist.
29. All tidying of the ground and landscaping activity in the open root zone area of the Copper Beech tree shall be carried out by hand or hand operated tools only. No machinery shall be allowed to traverse this area and there shall be no lowering of the ground level apart from minor levelling (by hand) of any uneven area.
30. The coppicing plum tree that stands under the canopy of the tree shall be cut to ground level. The stump must not be extracted by machine; rather, ground carefully or treated with herbicide to prevent further coppicing.
31. The open ground within the root zone of the tree can be supplemented with new soil, but only with topsoil or a good quality garden mix soil, and to a depth of no more than 200mm. This entire root zone area shall be mulched with a combination of compost and aged tree chippings.
32. Washings derived from the production of concrete shall not be flushed on to open ground within the root zone of the Copper Beech tree.
33. A log of all involvement of the Works Arborist shall be maintained for the duration of the project. This log will record in detail all visits to the site, all actions taken, instructions issued to site personnel pertaining to tree protection and, compliance with conditions of consent relating to tree protection and pruning. The completed log would be provided to the consent holder at the completion of the project – to serve as a compliance report for Council.

Tree replacement

34. The Copper Beech tree's growth and development must be monitored for three years following the completion of works authorised by this consent. If the tree dies or declines beyond recovery, it must be replaced by a new specimen of a size and species approved by the Council.
35. The replacement tree's growth and development must be monitored for five years following its planting to ensure healthy establishment. Maintenance of the replacement tree must occur in perpetuity.

Loading Dock ~~hours~~ Management

36. That the loading dock operations and deliveries only operate between 7am-~~3~~7pm. [For the avoidance of doubt, this condition also restricts waste collection to the stated hours-.](#)
37. Prior to commencement of the vehicle crossing and loading / servicing area authorised by this consent, the consent holder shall submit to Council for certification a Loading Management Plan. The purpose of the Loading Management Plan is to schedule the timing of service vehicles arriving at the site to prevent queuing. The Loading Management Plan shall include but not be limited to:
 - a. Authorised hours of servicing and delivery activities as specified in condition ~~356~~ of this consent.
 - b. Implementation of a "Just-in-Time" delivery programme.
 - c. Additional mechanisms to prevent queuing onto the street, including coordinating gate opening before the arrival of trucks.

e-d. Appropriate approach and departure paths for delivery vehicles, including identification that all service vehicles can only access the site from Main Street and via a left in only manoeuvre.

The Loading Management Plan must be adhered to at all times.

38. Prior to operation, the consent holder must ensure that an acoustic fence comprising no less than 2.4m in height is constructed and installed around the perimeter of the service yard as illustrated in the drawings referenced at condition 1.

Construction design & finish

39. Prior to construction of the works authorised by this consent, the consent holder shall submit for Council's review a detailed construction material and design palette to confirm that the selected materials are sympathetic to the surrounding buildings in the HHP. This can be demonstrated through the use of specific materials or colour as referenced in Appendix 8 of the WCDP.

Lighting

40. That the consent holder shall ensure that any temporary or permanent lighting (including the external lighting for the sign) is designed and installed in such a way that it does not create light-spill onto adjoining properties that exceeds the permitted activity standards outlined in Rule 21.1.11 of the WCDP.
41. The hours of external illumination for the sign shall be restricted to between 7am and 9pm and ~~to~~ align with the supermarket operating hours.

Engineering Design/Approvals

42. A suitably qualified person shall undertake the design and supervision of construction of the vehicle crossing and driveway authorised by this land use consent and shall certify all of the work on completion. The consent holder or contractor shall arrange for inspections by the Council Roading Engineer and provide evidence of the final compliance.

Advice Note:

The consent holder must obtain written approval for all the engineering works from Ruamahunga Roads (Roading) and Wellington Water Land Development Team (sewerage, stormwater and drinking water). The engineering designs must be preapproved prior to any construction work commencing.

The consent holder is advised that the works associated with water services on the site – including abandonment of existing wastewater and water pipes and extension of the existing stormwater pipe as shown on the Civil Engineering Proposed Site Plan referenced in Condition 1 must be approved by Wellington Water.

Stormwater – Disposal to Ground

43. Discharge from the site shall be to ground via individual on lot soakage systems created at the time of carpark and site access construction.
44. Soakage systems must be designed and constructed by a suitably qualified engineer who shall also supervise its construction and provide a manual for its regular maintenance, all to meet the requirements as set out in the South Wairarapa District Council Code of Practice for Land Development (NZS4404) in addition to the following:
- i. The soakage testing methodology shall be as per Appendix A of Auckland Council's GD2021/007 Soakage and Groundwater Recharge Guide in the Auckland Region.
 - ii. The soak pit shall be designed in accordance with the requirements of the Regional Standard for Water Services – Dec 2021 and Auckland Council's GD2021/007 Soakage and Groundwater Recharge Guide in the Auckland Region.

- iii. The soak pit shall be designed to accommodate the 1% AEP plus climate change event.
 - iv. All connections to the soakage system must be trapped to minimise debris entering the soakage system, i.e. sumps required to be installed with Enviropod filter inserts or approved equivalent.
 - v. All soak pits shall be designed and constructed to enable the owners to carry out the regular maintenance of the soak pits as detailed in the maintenance manual.
 - vi. The consent holder shall install heavy-duty cast-iron lids on all new soak pits access points.
 - vii. The soak pit design shall ensure:
 - a. the flow of stormwater across any boundary post development does not exceed that of pre-development.
 - b. adequate provision has been made to deal with all surface water so as to not cause any nuisance to adjacent land.
 - viii. An Operation and Maintenance Manual shall be prepared and submitted to the Wellington Water Land Development Team for approval. The Operation and Maintenance Plan shall set out how the stormwater management system is to be operated and maintained to ensure that adverse environmental effects are minimised. The plan shall include:
 - a. a programme for regular maintenance and inspection of the stormwater management system;
 - b. a programme for the collection and disposal of debris and sediment collected by the stormwater management devices or practices; and
 - c. general inspection checklists for all aspects of the stormwater management system, including visual checks.
45. The stormwater management system shall be managed in accordance with the approved Operation and Maintenance Plan required by condition [442](#).
46. Details of all inspections and maintenance for the stormwater management system, for the preceding three years, shall be retained.
47. A maintenance report shall be provided to the Council on request. The maintenance report shall include the following information:
 - a. details of who is responsible for maintenance of the stormwater management system;
 - b. details of any maintenance undertaken; and
 - c. details of any inspections completed.
48. The consent holder shall operate and maintain the stormwater system in full working order on an on-going basis. The consent holder will be responsible, not the Council, for any damage that may occur immediately downstream as a result of failure to maintain and operate the stormwater management system to its design requirements.

Vehicle Access

- [49.](#) The consent holder must ensure that only left turn manoeuvres into the site from Main Street occur.

Advice Note:

The consent holder is advised that the vehicle crossing from Main Street authorises left turn manoeuvres only. Measures to effectively prevent right turn manoeuvres must be implemented by the consent holder prior to operation of the new loading dock. These include directional signage as required by condition 52, shaping of the driveway as designed in concept and referenced in condition 1 and as required to be managed by conditions 36 to 38.

- [49-50.](#) That the vehicle crossing shall be constructed to conform to the requirements for urban vehicle crossings specified in Appendix 5 - Standards for Roads, Access, Parking and Loading of the Wairarapa Combined District Plan, and NZS4404:2010. Plans for the access shall be approved by Council prior to construction commencing.

Advice Note:

The consent holder is advised that the installation of No Stopping At All Times yellowing markings on the road and the associated loss of on-street car parks as referenced in the Transport Assessment referenced in Condition 1 may require additional permits or approval from the Council and Waka Kotahi. The consent holder is responsible for obtaining these necessary permits or approvals prior to commencing construction.

50-51. Prior to the commencement of use of the vehicle crossing, the consent holder must install the traffic calming device (speed bump) within the customer vehicle lane required by the Transport Assessment referenced in condition 1. This installation must be to the satisfaction of the Council. This condition overrides the general accordance of the plan referenced in Condition 1.

52. Prior to the commencement of use of the vehicle crossing, the consent holder must install directional signage at the entry point in order to ensure that vehicle movements are limited to left turn entry only manoeuvres from Main Street. Prior to installation, the consent holder must issue signage detail to the Council for certification. Directional signage must then be installed to the satisfaction of Council.

Advice Note:

Existing directional signage adjacent the intersection of Main Street with Hastwell Street may be upgraded. The consent holder is advised that this may require additional permits or approval from the Council and Waka Kotahi. The consent holder is responsible for obtaining these necessary permits or approvals prior to installing or amending directional signage.

Engineering works

51-53. All the engineering works, including entranceway, and stormwater services, are to be constructed in accordance with NZS4404:2010, those relevant requirements of the Wairarapa Combined District Plan or as agreed by Council Engineers. All plans are to be provided to Council for comment and approval before construction begins.

Engineering plans

52-54. A suitably qualified person shall be engaged to undertake the design and supervision of any works associated with this subdivision and shall certify all of the work on completion. Certifications will be required in accordance with Schedules 1A, 1B and 1C of NZS 4404:2010.

Advice Notes

- The consent holder is advised that should the assessed value of any work authorised by this consent exceed \$1,000,000 (plus GST), an infrastructure contribution of 0.5% of the assessed value is payable. The assessed value will be based on the estimated value of the works as stipulated on the associated building consent application.
- Any building work associated with the proposed activity should not commence until a building consent has been obtained under the Building Act 2004. Consultation should be undertaken with the Council's Building Department in respect to the fire wall requirements, if relevant.
- Under section 125 of the Resource Management Act this consent lapses five years after the date it is granted unless:
 - The consent is given effect to; or
 - The Council extends the period after which the consent lapses.
- Any redundant connections to the public water supply and wastewater drainage networks must be disconnected at the public main.
- The consent holder is advised of the Moroa Water Race Bylaw 2007 and its requirements in relation to this site, in particular but not limited to;
 - a. Maintaining Council access requirements,

- b. Maintenance, cleaning and fencing responsibilities etc.
 - c. No installation of infrastructure over, in or under a water race without written authorisation of the Council
 - d. No planting, building or structures of any kind of any size within 5 m of the water race without written authorisation of the Council.
- Removal and reinstatement of any planting, building or structures (including fencing within the 5 m maintenance strip of the water race) will be at the land owner's cost.
 - If any archaeological site deposits are identified during any development of the land, the owner/contractor should act in good faith and avoid effect to the deposits and contact Heritage New Zealand, Rangitane Tu Mai Rā, Rangitāne o Wairarapa, and Ngati Kahungunu Ki Wairarapa Taiwhenua immediately. Under the Heritage New Zealand Pouhere Taonga Act 2014 it is an offence to modify or destroy, or cause to be modified or destroyed, the whole or any part of an archaeological site without the prior authority of Heritage New Zealand. The accidental discovery protocol is to be followed.
 - The consent holder is advised that the works authorised by this consent may require an Archaeological Authority from Heritage New Zealand. The consent holder is advised to confirm this requirement prior to commencing siteworks. For the avoidance of doubt, this consent does not authorise the works under the New Zealand Historic Places Act.
 - If the consent holder:
 - a. does not require an archaeological authority from Heritage New Zealand Pouhere Taonga and discovers koiwi tangata (human skeletal remains), waahi taoka (resources of importance), waahi tapu (places or features of special significance) or other Maori artefact material, the consent holder shall without delay:
 - i. notify Council, Tangata whenua and Heritage New Zealand Pouhere Taonga and in the case of skeletal remains, the New Zealand Police; and
 - ii. stop work within the immediate vicinity of the discovery to allow a site inspection by Heritage New Zealand Pouhere Taonga and the appropriate runanga and their advisors, who shall determine whether the discovery is likely to be extensive, if a thorough site investigation is required, and whether an Archaeological Authority is required.

Any koiwi tangata discovered shall be handled and removed by tribal elders responsible for the tikanga (custom) appropriate to its removal or preservation. Site work shall recommence following consultation with Council, Heritage New Zealand Pouhere Taonga, Tangata whenua, and in the case of skeletal remains, the New Zealand Police, provided that any relevant statutory permissions have been obtained.
 - b. discovers any feature or archaeological material that predates 1900, or heritage material, or disturbs a previously unidentified archaeological or heritage site, the consent holder must without delay:
 - i. stop work within the immediate vicinity of the discovery or disturbance; and
 - ii. advise Council, Heritage New Zealand Pouhere Taonga and in the case of Maori features or materials the Tangata whenua and if required, shall make an application for an Archaeological Authority pursuant to the New Zealand Pouhere Taonga Act 2014; and
 - iii. arrange for a suitably qualified archaeologist to undertake a survey of the site.

Site work may only recommence following consultation with Council.

- The consent holder is advised that the Health and Safety at Work (Asbestos) Regulations 2016 may be relevant to the site considering the age of the dwelling to be demolished. The consent holder must obtain any relevant approvals to remove asbestos prior to commencing demolition, and must abide by the conditions of any such approvals during demolition.