

**BEFORE THE INDEPENDENT COMMISSIONER  
AT SOUTH WAIRARAPA**

**UNDER** of the Resource Management Act 1991 ("**RMA**")

**AND**

**IN THE MATTER** of a resource consent application by Woolworths New Zealand Ltd ("**Woolworths**") for a new vehicle access and signage at 134 Main Street, Greytown (associated with the existing FreshChoice supermarket)

---

**STATEMENT OF REBUTTAL EVIDENCE OF KAY PANTHER KNIGHT ON  
BEHALF OF WOOLWORTHS NEW ZEALAND LIMITED**

**PLANNING**

**29 SEPTEMBER 2023**

---

---

**Russell  
McAugh**

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

## **1. INTRODUCTION**

- 1.1 My full name is Kay Panther Knight. My experience, qualifications and involvement in this application are set out in section 2 of my primary evidence (dated 15 September 2023).
- 1.2 I also outlined my commitment to comply with the Environment Court Expert Witness Code of Conduct in my primary evidence.
- 1.3 I have read the statements of evidence received on behalf of Waka Kotahi prepared by Ms Hilliard, Mr Church and Ms St Amand and provide a brief response below.

## **2. STATUTORY FRAMEWORK**

- 2.1 I addressed the statutory framework at section 4 of my primary evidence. For the avoidance of doubt, and having read both the Section 42A Hearing Report ("**Hearing Report**") and Ms St Amand's evidence, all planners agree that the Proposal requires consent as a discretionary activity overall under the District Plan.
- 2.2 Therefore, as required by section 104 of the Act, I undertook an assessment of all actual and potential adverse effects on the environment. Effects assessed included those in relation to urban design; special character and historic heritage; traffic, parking and access; and infrastructure and servicing. I also considered positive effects.

## **3. CONSENT MATTERS**

- 3.1 Ms Clark and Ms St Amand have both identified different consent matters relative to my assessment. To assist the Commissioner, I have prepared a consolidated list of consent matters having reviewed the Hearing Report and Ms St Amand's evidence.
- 3.2 I continue to consider the list of consent matters in my primary evidence is accurate, with the addition of one matter identified by Ms St Amand. I agree with Ms St Amand that the proposed loading dock canopy and 2.4m high service area fence are within the extent of the Historic Heritage Precinct ("**HHP**"). Based on the definition of building in the District Plan,<sup>1</sup> I agree that

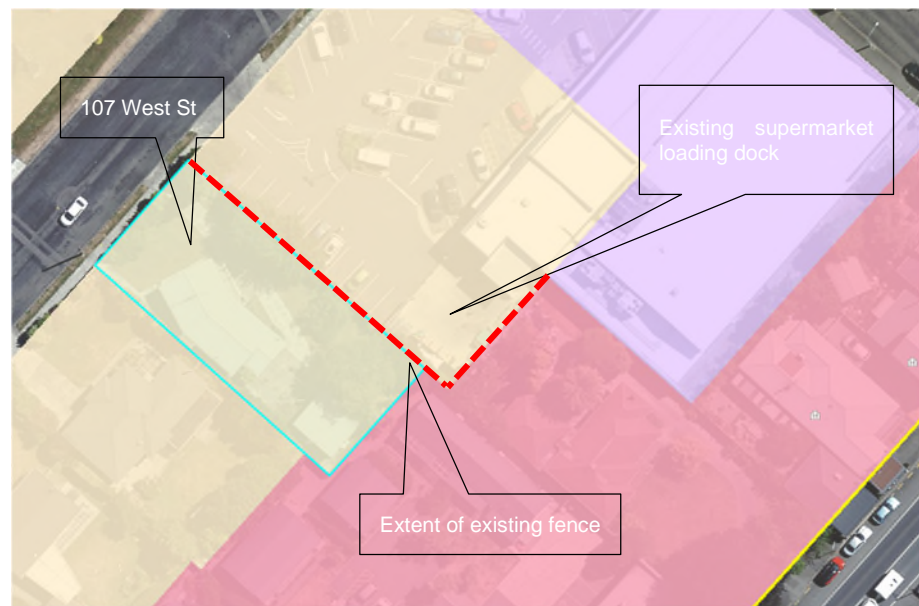
---

<sup>1</sup> Includes fences or walls greater than 2m.

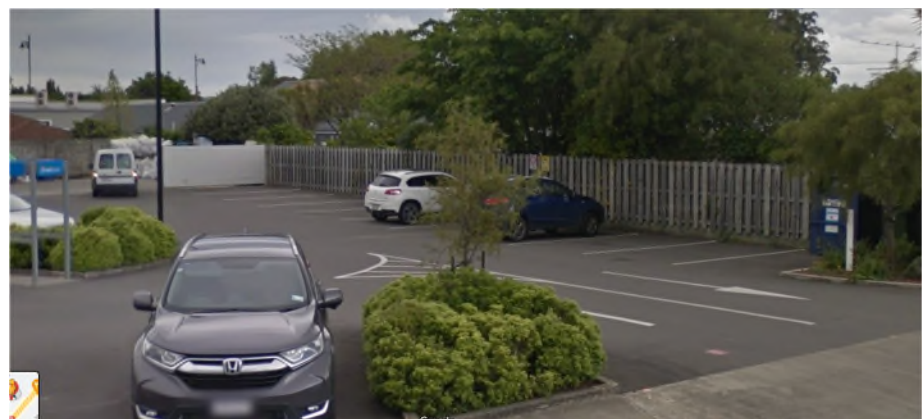
Rule 21.6(g)(ii) applies in addition to Rule 21.6(g)(iv) for demolition, under which consent was originally sought.

3.3 Ms St Amand also identifies Standard 6.5.2(d)(i) as being applicable – which permits fences up to 1.8m in height in the Commercial zone on the boundary where they adjoin the Residential zone. This rule is not applicable as the fence on the boundary with 107 West Street (which is the adjacent residentially zoned site) is already existing and comprises approximately 1.8m in height, as illustrated below.

*Figure 1 – Zoning Map*



*Figure 2 – Google Streetview of boundary fence with 107 West Street*



3.4 I consider that the proposed 2.4m high acoustic fence proposed along the southern boundary of the Site as it adjoins adjacent Commercial zoned land

could be reduced in height to 1.8m - 2m, if the Commissioner considered this appropriate. There are two reasons for this consideration:

- (a) It will be more in keeping with the existing fence illustrated in Figure 2 above and enable Woolworths to run a continuous fence height and style along the southern boundary.
- (b) The service yard is proposed to be enclosed by a fence comprising 2.4m in height such that a double fence at that height is unnecessary in terms of acoustic or visual screening from adjoining properties.

3.5 I note that this consideration does not give rise to any change in consent matters.

3.6 I refer to **Appendix A** to my rebuttal evidence for a consolidated list of consent matters to assist the Commissioner.

#### **4. PERMITTED BASELINE**

4.1 Ms Clark and Ms St Amand do not consider the permitted baseline is appropriate, with the exception of the removal of the Copper Beech Tree as a permitted activity (which is not proposed as part of this application).

4.2 I identified a number of permitted activities that could feasibly fall within the permitted baseline, were the Commissioner minded to consider it.

4.3 However, as set out in both the Application and my primary evidence, I opted not to employ the permitted baseline and instead assessed the Proposal in the round.

4.4 Specifically in relation to historic heritage effects, I refer to section 7.3(b) of my primary evidence where I state “given the sensitive nature of the adjacent Historic Heritage Precinct, and the discretionary activity status, the AEE and Mr Knott have provided comprehensive analysis of the actual and potential effects arising from the Proposal as a whole”.

4.5 This is also the case in respect of the vehicle crossing and an assessment of transport effects, including safety. At section 7.3(a) of my primary evidence I have identified that, despite my (continued) view that the vehicle crossing is permitted under the District Plan, “given the requirement to obtain written approval from Waka Kotahi for access to the State Highway network and the Council’s view that (owing to the discretionary activity status) effects on the road controlling authority should be considered, the AEE and Mr Hills have

provided comprehensive analysis of the actual and potential effects arising from the vehicle crossing”.

- 4.6 I continue to consider any actual and potential adverse effects arising from the Proposal have been comprehensively assessed, and appropriately mitigated.

## **5. RESPONSE TO WAKA KOTAHI EVIDENCE**

### *Detailed design of the Crossing*

- 5.1 At paragraph 5.6, Ms St Amand suggests “a more detailed design of the access and footpath should be provided by the Applicant to aid in the assessment of the proposal”. With advice from Mr Hills, I consider the detail on the crossing design is sufficient for resource consent stage and the conditions proposed require that the design of the crossing and driveway is undertaken by a suitably qualified person and will be certified by Council prior to construction (condition 40). Condition 47 requires that the crossing is constructed to conform to the required standards and plans for the access are to be approved by Council prior to construction. I do not consider this approach to be unusual or novel.
- 5.2 Notwithstanding, Mr Hills has provided further clarity regarding how the crossing can be designed to ensure pedestrian priority in his rebuttal evidence. I understand the design to be standard, ie nothing out of the ordinary, and commonplace in Greytown and elsewhere.
- 5.3 The design of a crossing maintaining pedestrian priority is not unique or difficult to achieve. Nor is it unusual for vehicle crossing design to be conditioned at resource consent stage.

### *Landscaping*

- 5.4 At paragraph 5.7, Ms St Amand suggests that additional information on landscaping would be helpful. The proposed site plan clearly indicates the area within the Site available for landscaping, which I calculate as approximately 120m<sup>2</sup>. The proposed conditions require design detail prior to construction, and certification and/or approval by Council of that landscaping detail (conditions 3 – 5).
- 5.5 I do not consider any further detail is required to understand the effects of the Proposal. Imposition of conditions for landscape plans is a commonly accepted practice.

- 5.6 I consider it would be beneficial for a qualified historic heritage expert to provide input and advice into plant selection relative to the HHP and its values. This is a matter that the Commissioner could include in conditions if deemed necessary.

*Assessment of Effects*

- 5.7 At paragraph 8.27, Ms St Amand states “Relying on Appendix 5 to justify the appropriate width of an access within the HHP, an access which is entirely discretionary, is irrelevant and not a productive baseline test by which to confirm the appropriateness of it when considering the impact or otherwise of the visual effects of the Proposal on the HHP values and streetscape character and amenity”.
- 5.8 Appendix 5 to the District Plan sets out the requirements for roads, access, parking and loading. I consider it appropriate to refer to this section of the District Plan to assess the appropriateness of the proposed crossing design.
- 5.9 Appendix 5 does not identify maximum crossing widths for the Commercial zone, nor for the HHP.
- 5.10 Notwithstanding, my assessment, and that of Mr Hills and Mr Knott, has considered the potential adverse effects of the proposed crossing on the historic heritage values, streetscape amenity and pedestrian and transport safety.

*Objectives and Policies*

- 5.11 At paragraph 9.7, Ms St Amand states “the proposed access fails several standards and conditions of the WCDP that seek to control the effects of site access and associated vehicle movements”.
- 5.12 This is not correct. Ms St Amand has suggested (at paragraph 5.19) that the proposed crossing does not meet three standards in the District Plan, addressed below:
- (a) Standard 32.1.4 in Appendix 5 requires the accessway to “be designed to ensure sufficient sight distances and safety...”. Mr Hills has confirmed the proposed crossing is compliant.
  - (b) Standard 32.1.4 in Appendix 5 also requires Waka Kotahi approval for access to the state highway. Woolworths seeks Waka Kotahi

approval through this application. I refer to section 7.3(a) of my primary evidence that addresses this further.

- (c) Rule 21.1.25(b)(i) of the District Plan requires all sites and activities to “have safe and practicable vehicle access from a public road. All vehicle crossings and intersections shall be positioned and constructed in accordance with the standards in Appendix 5”. The Proposal achieves compliance with this rule.

5.13 I refer to **Appendix A** of my rebuttal evidence for a consolidated list of the consent matters, which I consider do not include any standard infringements in relation to the proposed crossing.

*Conditions*

5.14 I do not support any of the additional matters proposed to be addressed in conditions by Ms St Amand at section 10 of her evidence, with one exception. Waka Kotahi approval of the crossing design is required and therefore this could be included in the advice note to proposed condition 40. The advice note to condition 47 currently only references the need to obtain Waka Kotahi approval for the no stopping lines on Main Street.

*Evidence of Mr Terry Church*

5.15 Mr Church has referred to section 22 of the District Plan interchangeably as comprising standards and assessment criteria. Ms St Amand has provided the District Plan definition of standards at paragraph 5.17 of her evidence.

5.16 Section 22 of the District Plan is headed Assessment Criteria. Section 22.1 of the District Plan identifies that “these criteria are not exclusive”. I identify that section 104 of the Act does not limit the Commissioner’s consideration of effects and assessment matters to those listed in the District Plan, like a restricted discretionary activity might.

5.17 Regardless, I undertook a fulsome assessment of the Proposal and consider that, alongside Messrs Hills, Knott, and Peers, we have comprehensively covered the content of the assessment criteria listed in section 22 of the District Plan.

5.18 Finally, I note Mr Church's assessment of the Proposal against Commercial zone Policy 6.3.5. I continue to consider my assessment of that policy is appropriate, as set out in paragraph 8.13 and Appendix C to my primary evidence.

**Kay Panther Knight**

29 September 2023



**APPENDIX A - CONSOLIDATED LIST OF CONSENT MATTERS**

## **Consent matters listed in the AEE and Primary Evidence**

### *Signage (in the Commercial zone and in the Historic Heritage Precinct)*

- **Restricted discretionary** activity consent is required for the installation of a new sign in the Commercial zone that exceeds the permitted standards in Rule 6.5.2, pursuant to Rule 6.5.5(b). Specifically, the proposed free-standing sign will comprise more than the permitted area of 2m<sup>2</sup> for illuminated signage faces, at 3.7m<sup>2</sup> in area.
- **Discretionary** activity consent is required for the installation of a new sign in the Historic Heritage Precinct that exceeds the permitted standards in Rule 21.1.3(b)(iv), pursuant to Rule 21.6(a). Specifically, the Historic Heritage Precinct limits free-standing signage to 0.5m<sup>2</sup> in area, where 3.7m<sup>2</sup> is proposed.

### *Historic Heritage Precinct*

- **Discretionary** activity consent is required for the demolition of structures and buildings in the Historic Heritage Precinct, pursuant to Rule 21.6(g)(iv).

## **Consent matters listed in Rebuttal Evidence**

### *Special Character and Historic Heritage Precinct*

- **Discretionary** activity consent is required for the construction of the loading dock canopy as an alteration to a building noting the loading dock is located within the Historic Heritage Precinct. Likewise, construction of the 2.4m service area fence to the extent it is located in the Historic Heritage Precinct, all pursuant to Rule 21.6(g)(ii).

## **Consent matters required if the Commissioner is minded to consider the Site as comprising both 134 Main Street and the existing supermarket site**

- **Restricted discretionary** activity consent is required for a third vehicle access to “the site” which exceeds the permitted standard in Rule 6.5.2(g)(i) which cites Appendix 5 Roads, Access, Parking and Loading Areas, which (despite Rule 6.5.2(g)(ii) allowing one vehicle access point per frontage) restricts vehicle crossings to one per site in South Wairarapa District, pursuant to Rule 6.5.5(b).

- **Restricted discretionary** activity consent is required for a third vehicle access to “the site” which does not meet Appendix 5 as referenced in District-wide Standard 21.1.25(a), and pursuant to Rule 21.4.14.
- **Restricted discretionary** activity consent is required for a second free-standing sign on “the site” in the Commercial zone which exceeds the permitted standard in Rule 6.5.2(f)(i)(1)(a), pursuant to Rule 6.5.5(b).
- **Discretionary** activity consent is required for a second free-standing sign on “the site” within the Historic Heritage Precinct which exceeds the permitted standard in Rule 21.1.3(b)(iv), pursuant to Rule 21.6(a).