

DECISION ON APPLICATION

*That pursuant to the provisions of Sections 104, 104A, 104C and 108 and 108A of the Resource Management Act 1991 and the relevant provisions of the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011, and the Hamilton City Operative District Plan, Council **grants** resource consent to the application by Foodstuffs North Island Limited (being Resource Consent 010.2018.00009962.001) for the construction and establishment of a new building and operation of a supermarket and associated fuel facilities at 980 Te Rapa Road Hamilton, legally described as Section 23 SO 465769 and Section 24 SO 465769 subject to the following conditions:*

General

1. *That the development be in general accordance with the information submitted with the application on 23 July 2018 and the following:*
 - a. *The plans titled 'Pak'nSave Te Rapa 980 Te Rapa Road, Hamilton' prepared by Wingate Architects, dated 20 September 2019;*
 - b. *The Traffic Planning Consultants Ltd plan Project Title PTR 217, Sheet Title "Overall Plan" dated 19.09.19.*
2. *That pursuant to section 36 Resource Management Act 1991, the following fees and charges be paid:*
 - a. *Payment of additional Environmental Health fees for assessing consented reporting will be charged on a time-cost recovery basis in accordance with Hamilton City Council's Schedule of Fees and Charges, with adjustments coming into effect at the beginning of each financial year. The fees will be levied at the completion of the consent review process and will be payable to the Environmental Health Unit upon notification that compliance has been achieved.*

Landscaping

3. *The consent holder shall submit a landscape plan for the approved development to the Council's Monitoring Team Leader for certification within one month prior to the start of works. The objective of the landscape plan is to ensure the permeability established onsite contributes to the amenity and stormwater management of the site. The landscape plan shall include details of the proposed species; plant numbers and density; and sizes/height at the time of planting and maturity.*
4. *The consent holder shall implement the approved landscaping within the first planting season following the completion of works in accordance with the certified landscaping plan submitted as part of condition 3 of this consent. This landscaping shall be maintained in good condition over the duration of the supermarket operating on site. In the event that any of the planting dies or declines in health beyond recovery, the consent holder shall undertake replacement planting.*

Electronic Signs

5. *The three LED pylon signs must not display any image that:*
 - *Resembles or is likely to be confused with any traffic sign or signal;*
 - *Contains reflective, fluorescent or phosphorescent materials that will reflect headlights, or distract and interfere with a road user's vision;*
 - *Uses flashing or revolving lights or lasers or any other method of illumination that will dazzle or distract drivers.*

6. *The sign shall be limited to static displays only.*
7. *The sign content shall not change at intervals greater than once every 8 seconds.*
8. *Changes to sign content shall be limited to a maximum transition time of 1 second between two messages/images. There must be no scrolls flash, type or fade between the messages/images.*
9.
 - a. *Maximum electronic luminance shall have the following limits:*
 - *Day time luminance when the sun directly strikes the face of the sign 8000cd/m² and otherwise 6000cd/m².*
 - *Day time luminance Morning/Evening Twilight and Inclement Weather: 600cd/m².*
 - *Night Time Luminance: 350cd/m²*
 - b. *The signs must have a facility for automatically adjusting the sign luminance so that the sign brightness is always comparable with the surrounding luminance conditions and restrictions above.*
10. *The minimum letter size on each sign shall be as follows:*
 - *150mm for the main message*
 - *100mm for the property name*
 - *75mm for the secondary message.*
11. *The signs shall include provisions for automatic shutdown in the event of a fault which affects the signs performance.*

Earthworks

12. *The Consent Holder shall ensure that all appropriate sediment and erosion control measures are adopted to minimise any sediment leaving the site. The measures shall include: creation of earth bunds to protect the site, the erection of silt fence, stabilised entranceways, cut off drains and the connection of downpipes to the stormwater system as necessary. These sediment control measures should be erected and maintained on site for the duration of the works. Note: refer to Waikato Regional Council's "Erosion & Sediment Control, Guidelines for Soil Disturbing Activities" which can be found at <http://www.waikatoregion.govt.nz>*
13. *Earthworks shall not obstruct or divert any stormwater overland flow path or result in changed stormwater drainage patterns on adjacent land in different ownership.*
14. *A water sprinkler cart or similar be made available on-site during earthworks to mitigate any dust nuisance (when necessary).*
15. *All bare earth shall be re-vegetated or re-grassed as soon as practicably possible within the first planting season following the completion of earthworks. If this cannot be achieved the area shall be temporarily covered by a surface suitable to protect against soil erosion until such time as re-vegetation or re-grassing can occur.*
16. *That the activity is conducted in such a manner so as to not create a dust nuisance. A dust nuisance will occur if:*

- a. *There is visible evidence of suspended solids in the air beyond the site boundary; and/or*
 - b. *There is visible evidence of suspended solids traceable from a dust source settling on the ground, building or structure on a neighbouring site or water.*
17. *That while undertaking earthworks on the site, if any archaeological feature(s) (including human remains) are encountered, all work in the vicinity shall cease immediately and the following persons/parties shall be contacted:*
- a. *The Police (only in the event that human remains are encountered);*
 - b. *Te Ha O Te Whenua O Kirikiriroa Trust;*
 - c. *Heritage New Zealand; and*
 - d. *Manager, Planning Guidance Unit.*

The earthworks shall not re-commence until written authorisation has been obtained by the Consent Holder from Council's Planning Guidance Unit Manager.

18. *All works shall be undertaken in accordance with the Regional Infrastructure Technical Specifications (available from the internet at www.hcc.govt.nz) and/or to the satisfaction of the General Manager, City Infrastructure.*

Noise:

19. *All construction work on the site shall be designed and conducted to ensure that construction noise from the site received at any other site does not exceed 70dBA (Leq). In the event that any sound level measurements are recorded they shall be measured and assessed in accordance with the provisions of NZS 6803:1999 Acoustics – Construction Noise.*
20. *The cumulative noise emission from all sources on the subject site (excluding construction noise) shall not exceed 65dB LAeq(15-mins) at any point within the boundary of any other site. Noise levels shall be measured in accordance with NZS6801:2008 'Acoustics - Measurement of Environmental Sound' and assessed in accordance with NZS6802:2008 'Acoustics - Environmental Noise' before comparison with this level.*

Hazardous Substances

21. *The quantity of petrol and of diesel stored on site shall be limited to a maximum of 100,000 litres and 50,000 litres respectively in underground storage tanks.*
22. *The consented activity shall comply with the Pak 'n' Save Emergency Site Management Plan.*

Geotech

23. *At the time of detailed engineering design, the applicant shall submit to Council a quantification of liquefaction risk report to determine the potential mitigation required, which will outline the static total and differential settlement once the building and fill loads and extent of any non-engineered fill is known.*

NES Contaminated Land

24. *That within three months of consent being granted and prior to any soil disturbance works commencing, the consent holder shall arrange a pre-commencement meeting. The meeting will involve discussions around roles and responsibilities, staging,*

reporting requirements and compliance relevant to the soil contamination investigation. In attendance must be:

- 1. A SQEP (Suitably Qualified and Experienced Practitioner)*
 - 2. HCC Contaminated Land Officer and Compliance Monitoring Officer*
 - 3. All contractors, sub-contractors and works site supervisory staff who are carrying out any works associated with the NESCS part of the project.*
- 25. That a final Site Management Plan (SMP) shall be prepared and implemented in accordance with the RMA National Environmental Standards Contamination in Soil Regulations 2011 (NESCS). The SMP must reference the Foodstuffs North Island Detailed site Investigation Report 980-986 Te Rapa Rd Hamilton, prepared by Babbage Consultants Ltd (dated June 2018).*
- 26. The final Site Management Plan shall target the actual onsite conditions relating to human health exposure identified in the report, and the appropriate offsite soil removal relating to transport and disposal. The Plan must include the relevant human health-related controls to ensure minimal exposure via the applicable pathways for the duration of the soil disturbance works. The Plan must also include appropriate contingency measures for any previously unidentified contamination being discovered, and an acceptable method for works completion reporting.*
- 27. A copy of the Site Management Plan shall be provided to Council's Environmental Health Manager prior to any soil disturbance works commencing. Any alternative methods or measures must be proven to be consistent with the objective of the approved Plan prior to their implementation.*
- 28. Works Completion reporting shall be provided within two months of soil disturbance works being completed to confirm that the methods outlined in the Site Management Plan were enforced for the period required, and that the measures were successful in ensuring the potential risks were adequately managed.*
- 29. In the event that any previously unidentified contamination is discovered in any exposed or excavated soil, works are to cease immediately, and Council shall be notified of the discovery. A Suitably Qualified Environmental Practitioner (SQEP) shall assess the risk and determine the appropriate contingency, remediation or management measures that are required to reduce the potential risk to site workers, future site users and the environment.*
- 30. Any investigation, remediation, validation and soil management works shall be undertaken and reported in accordance with current editions of the Ministry for the Environment Contaminated Land Management Guidelines No. 5 – Site Investigation and Analysis of Soils No.2 – Hierarchy and Application of Environmental Guidelines and No.1 - Reporting on Contaminated Sites in New Zealand.*
- 31. That any soil exceeding the applicable NESCS standard shall be removed under controlled conditions to a licensed waste facility or landfill for disposal in accordance with the requirements of the disposal site and the relevant authority. Receipts of transport and disposal must be included in the Site Validation Report or Works Completion Report.*

**Engineering
General**

32. *The consent holder shall submit engineering plans detailing service locations, existing and any proposed water, wastewater and stormwater connections and system, and all works within the roading corridor to the Planning Guidance Unit for review by the General Manager, Development (or nominee) prior to building consent application and construction work commencing onsite, this plan shall be amended by the Consent Holder as required until stamped 'Accepted' by General Manager, Development (or nominee).*
33. *All engineering works and designs shall be in accordance with the Regional Infrastructure Technical Specifications (available from the internet at www.hcc.govt.nz) except unless stated otherwise in these conditions.*
34. *The consent holder shall retain the services of a suitably professional qualified person to oversee the construction of any public infrastructure required for the development. This person shall be responsible for ensuring adherence to approved construction plans, quality systems, and project completion requirements. The name and contact details of this person shall be nominated on all engineering plans submitted to the Strategic Development Unit.*
35. *A register of all assets to be vested in Council (e.g. roading infrastructure) and associated GST requirements shall be submitted to Strategic Development Unit at the completion of works (ref Hamilton City Council form GST Requirement/Asset Register and Tax Invoice).*
36. *All works within the road corridor shall be managed by a contractor operating under a current CAR (Corridor Access Request), made through the www.beforeudig.co.nz website) and appropriate traffic management. The Corridor Access Request shall be approved by the Road Controlling Authority prior to construction works commencing onsite.*

Construction Management Plan

37. *At least one month prior to the commencement of any earthworks or construction activities onsite the Consent Holder shall provide a Construction Management Plan (CMP) for certification by the General Manager, Development (or nominee). The objective of the CMP is to outline the approach to be taken for the managing construction works to ensure that impacts that may arise from the works have been appropriately identified, managed and minimised.*
38. *The consent holder shall carry out operations in general accordance with the provisions of the certified Construction Management Plan, and any subsequent changes. The Construction Management Plan (CMP) shall include but not limited to:*
 - a. *Details of the works, intended construction timetable (including staging) and hours of operation*
 - b. *Methods to control dust, debris on roads and silt laden runoff during construction*
 - c. *Existing network utilities*
 - d. *Anticipated truck movements and routes to and from the site during construction*
 - e. *Site access and management*
 - f. *Traffic Management*
 - g. *Contact details for the contractor, including a process for complaints and remedying concerns*

- h. Adjacent land owner liaison during the construction stage*
- i. Quality assurance/quality control*
- j. General methods to mitigate and manage construction noise and vibration in order to comply with the applicable noise limits*
- k. Identification of any special construction activities (including any pile driving and concrete pours) that may require specific mitigation measures in order to comply with the applicable noise limits*

Any changes to the Construction Management Plan shall be confirmed in writing by the Consent Holder following consultation with the General Manager, Development (or nominee) before implementation.

Roading

- 39. The proposed vehicle crossings and site accesses shall be designed to provide pedestrian priority and a continuous footpath and be constructed to the applicable standard in accordance with the Regional Infrastructure Technical Specifications, Drawings D3.3.1 and D3.3.5. The vehicle crossings and site accesses shall be fully formed to the site boundary in the same material as the footpath.*
- 40. All service relocation required to accommodate the new vehicle crossing shall be at the consent holder's expense.*
- 41. Any obsolete vehicle crossings servicing the site shall be removed, and the kerb and channel, footpath and berm reconstructed as applicable to match the surroundings.*
- 42. On completion of site works any roadside damage from the site works shall be repaired, and the kerb, berm and footpath reinstated to match the surroundings. The reinstatement work shall not be carried out until all service trenching in the footpath has been completed and shall include the reinstatement of all trenches.*
- 43. The footpath and berm shall be kept clear during construction, or, if not practicable, may be temporarily closed along the site frontage. An application for Temporary Use of the Road Corridor can be obtained at no charge from City Transportation Unit.*
- 44. The site shall be provided with outdoor lighting for the safety of users in accordance with Section 4.7, AS/NZS 2890.1:2004.*
- 45. Prior to operation of the supermarket, a left turn deceleration lane on Te Rapa Road shall be constructed in accordance with relevant Austroads Design Practices standards, or to the satisfaction of HCC, to mitigate operational and safety concerns (including on accesses onto Te Rapa Road) and to provide a left-turn entry into the site from Te Rapa Road.*
- 46. Prior to the operation of the supermarket the intersection of Wairere Drive with Karewa Place shall be signalised to provide the following:*
 - a. Two continuous unsignalised through lanes south west bound on Wairere Drive with a separate signalised right turn into Karewa Place that has a storage length of 100 metres.*
 - b. Two signalised through lanes on Wairere Drive north east bound with a separate left turn slip lane with a storage length of 50 metres; and*
 - c. An unsignalised left turn only on Karewa Place.*

47. *Prior to the operation of the supermarket a single-circulating lane roundabout shall be established at the Karewa Place/ Eagle Way/ Maui Street intersection. The roundabout shall include two approach lanes on Eagle Way and be designed in accordance with the Austroads Guide to Road Design Part 4B Roundabouts.*
48. *Prior to the start of construction of the supermarket, but without limiting the prior carrying out of Enabling Works, the proposal to reduce the speed limit on Wairere Drive between the Pukete Road and Te Rapa Road intersections to a maximum of 60km/hr shall be confirmed by Hamilton City Council in accordance with the Hamilton City Speed Limit Bylaw. For the purposes of this condition, "Enabling Works" means preparatory works on and adjacent to the site, including:

 - a. *The demolition of any existing structures on the site;*
 - b. *Earthworks;*
 - c. *Pre-loading if needed;*
 - d. *The installation of drainage infrastructure;*
 - e. *The installation of services (including water supply, waste water, sewerage, communications, power supply and gas supply);*
 - f. *Works on the road network; and*
 - g. *Any associated ground works.**
49. *Prior to the operation of the supermarket the posted speed limit on Wairere Drive between the Pukete Road and Te Rapa Road intersections shall be a maximum of 60km/hr.*
50. *Prior to the operation of the supermarket a raised safety platform shall be provided on the eastbound movement of Wairere Drive at the partial signalisation of the Karewa Place/ Wairere Drive intersection.*
51. *Prior to the operation of the supermarket and subject to a satisfactory road safety audit pedestrian crossing facilities shall be provided on Karewa Place and on Eagle Way in the vicinity of the roundabout.*
52. *Fuel tanker deliveries shall occur via remote fuel filling in the delivery area.*
53. *Internal signs and markings shall clearly identify one-way movement through the fuel facility.*

Road Safety Audit

54. *Prior to engineering design acceptance, a detailed design road safety audit of all proposed works within the road corridor in accordance with Sections 3.2.5 of the Regional Infrastructure Technical Specifications shall be undertaken at no cost to Council. The road safety auditors shall be commissioned from another organisation independent of the Consent Holder, designer and contractor. Audit recommendations and design changes arising from the detailed design road safety audit shall be certified by the General Manager, Development (or nominee) prior to changes (if any) being implemented.*
55. *At completion of work a post-construction road safety audit of all works completed as part of this consent in accordance with Sections 3.2.5 of the Regional Infrastructure Technical Specifications shall be undertaken at no cost to Council. Road safety auditors shall be commissioned from another organisation independent of the Consent Holder, designer and contractor. Audit recommendations and design changes arising from the*

detailed design road safety audit shall be certified by the General Manager, Development (or nominee) prior to changes (if any) being implemented.

Parking

56. *Provision shall be made on site for a minimum of 270 spaces for parking including 7 accessible parking spaces and 5 less mobile spaces.*
57. *Provisions shall be made on site for a minimum of 28 cycle spaces for staff and customers.*
58. *Provision shall be made on site for a minimum of 2 showers and 2 changing rooms to cater for end-of-journey cycle facilities for staff.*
59. *Provisions shall be made on site for a minimum of 8 motorcycle parking spaces.*
60. *A loading bay shall be provided in accordance with the minimum size requirement detailed in Section 4.10, AS/NZS 2890.1:2004.*
61. *Vehicle parking spaces shall be delineated with white painted lines with the exception of the accessible needs and loading spaces, which shall be delineated with yellow painted lines and have appropriate signage in accordance with NZS 4121:2001 requirements.*
62. *Where any sealed car park or landscaped area adjoins a road, kerbing or similar barrier not less than 125mm in height shall be provided.*

Three Waters

63. *Service connections shall be rationalised on site. Any private pipes and connections not required by the proposed development shall be appropriately disconnected to the satisfaction of the General Manager, Development or nominee. Removal of existing connections shall be done by Council at the consent holder's expense.*
64. *All building over or adjacent to the public stormwater mains running through the site shall be designed and constructed in accordance with the requirements of Section 4.2.9 of the Regional Infrastructure Technical Specifications, Building Over or Adjacent to Pipelines.*

Water

65. *The site shall be provided with a metered water connection.*

Wastewater

66. *The site shall be provided with a wastewater connection.*

Stormwater

67. *The stormwater quantity management measures required for the site outlined in the approved sub-catchment ICMP by Wainui Environmental dated August 2018 Version 3 for 980 – 1024 Te Rapa Road shall be in place and fully operational prior to the operation of the supermarket.*
68. *A copy of the operation and maintenance procedures for onsite stormwater management measures shall be submitted at engineering design stage.*

Review Condition

69. *The Hamilton City Council may give notice pursuant to Section 128(1) of the Resource Management Act 1991 of the intention to review the conditions of this resource consent at any time for the following purposes:*
- a. To review the effectiveness of this resource consent in avoiding, remedying or mitigating any adverse effects on the environment. The review shall consider the performance of the site and all associated movements and accesses on the wider network.*
 - b. If necessary to avoid, remedy or mitigate such effects by way of further amended conditions.*
 - c. To address any other adverse effect on the environment which has arisen as a result of the exercise of this consent; and, if necessary and appropriate, to require the Holder of this resource consent to adopt the best practicable option to remove or reduce adverse effects on the surrounding environment due to the activity.*