



SUBMISSION ON A PUBLICLY NOTIFIED RESOURCE CONSENT APPLICATION UNDER SECTION 95A OF THE RESOURCE MANAGEMENT ACT 1991

TO: Hamilton City Council ("**Council**")

SUBMISSION ON: Resource consent application lodged by Foodstuffs North Island Limited ("**Applicant**") to establish a new supermarket and a drive-through fueling facility ("**Application**") at 980 Te Rapa Road, Pukete, Hamilton ("**Site**")

SUBMITTER: The Base Te Awa Ltd ("**TBTA**")

1. INTRODUCTION

1.1 TBTA is a joint venture company which is owned by Kiwi Property Ltd and Tainui Group Holdings Ltd. TBTA is responsible for the development and management of The Base shopping centre. Development of The Base commenced in 2004 and the site is being progressively developed. The centre contains a range of commercial uses, including retail, food and beverage and entertainment activities.

1.2 The Base is located between Avalon Drive, Te Rapa Road, Te Kowhai Road and the North Island Main Trunk Railway line in Te Rapa, Hamilton. The Base site is approximately 30 hectares in area, of which approximately 22.5 hectares is currently developed with commercial activities, roads and permanent car parking.

1.3 The Base makes up the 'Te Rapa North Commercial Centre' which is described as the Primary sub-regional centre in the Operative Waikato Regional Policy Statement.¹ The Te Rapa North Commercial Centre is second only in the hierarchy of major commercial centres to the Hamilton Central Business District. The Base is zoned Business 3 (sub-regional centre) in the Hamilton City Operative District Plan.

¹ Table 6-4, pages 6-35.

- 1.4 TBTA is not a trade competitor for the purposes of section 308B of the Resource Management Act 1991 ("RMA").

2. NATURE AND SCOPE OF SUBMISSION

- 2.1 TBTA opposes the Application. TBTA is concerned that the proposed supermarket will result in adverse traffic effects on the Te Rapa North Commercial Centre. TBTA is also concerned at the inadequacy of the assessment of the role of the proposed supermarket in conjunction with other commercial activities on adjoining sites, including some which are consented but not built.

3. REASONS FOR SUBMISSION

- 3.1 TBTA opposes the Application on the basis that, if granted, the Application:
- (a) will not promote the sustainable management of resources, and therefore will not achieve the purpose and principles of the RMA;
 - (b) is contrary to Part 2 and other provisions of the RMA;
 - (c) will not meet the reasonably foreseeable needs of future generations;
 - (d) will not enable social, economic and cultural wellbeing;
 - (e) is contrary to the purposes and provisions of the relevant planning documents, including the Hamilton City Operative District Plan and the Operative Waikato Regional Policy Statement; and
 - (f) will not avoid, remedy or mitigate adverse environmental effects.
- 3.2 Without limiting the generality of paragraph 3.1 above, the specific reasons for which TBTA opposes the Application are as follows:
- (a) Without adequate mitigation, the proposed supermarket will have adverse effects on the safety and efficiency of the local road network. Any mitigation proposed needs to be certain and enforceable. The mitigation proposed by the Applicant is not sufficient to avoid, remedy or mitigate those effects.

- (b) The proposed vehicle crossing on Te Rapa Road will adversely affect safe access to The Base Parade due to the need for vehicles exiting the Site having to cross multiple lanes of traffic over a short distance.
- (c) In undertaking the assessment of the traffic effects of the proposal, the Applicant has failed to consider the potential for additional commercial activities to be established within The Base sub-regional centre beyond what has already been consented. Without this assessment, the potential traffic effects on The Base sub-regional centre cannot be fully understood.
- (d) The proposed supermarket is likely to result in an agglomeration of commercial activities, including the consented but unbuilt commercial development on the adjoining Industrial zone sites which includes retail, office and drive through activities. Assessment criterion H1² requires assessment of “... *the proposed retail or office activity (having regard to its size, composition and characteristics), in conjunction with other established or consented retail or office activity ...*” (emphasis added). The Assessment of Environmental Effects does not adequately consider the potential effects (and consistency with the relevant Plan provisions) due to the agglomeration of out of centre activities and the role of the proposed supermarket in that context. Further assessment of those matters is required to enable the cumulative effects of the activities to be understood.
- (e) The Assessment of Environmental Effects has incorrectly identified that the site is located within the Te Rapa Corridor in the assessment of the proposal’s consistency against the Industrial zone objectives and policies. However, the location of the Te Rapa Corridor is shown on Figure 6-4 in Appendix 6 of the District Plan and excludes the proposed supermarket site.
- (f) The Assessment of Environmental Effects has not had regard to all of the relevant provisions of the Hamilton City Operative District Plan (including Chapter 2 – Strategic Framework).

² Hamilton City Operative District Plan, Appendix 1, paragraph 1.3.3 H1.

- (g) The Assessment of Environmental Effects has not had regard to the Operative Waikato Regional Policy Statement.

4. DECISION SOUGHT

- 4.1 TBTA seeks that the Application is declined.
- 4.2 TBTA wishes to be heard in support of this submission.

Date: 7 February 2019

Signature: by its solicitors and authorised agents Russell McVeagh:



Allison Arthur-Young / Paige Coulter

Address for Service: C/- Paige Coulter
Russell McVeagh
48 Shortland Street
PO Box 8
DX CX10085
AUCKLAND

Telephone: (09) 367 8267

Facsimile: (09) 367 8459

Email: paige.coulter@russellmcveagh.com

Sarah Blanchett

From: Sam Le Heron
Sent: Friday, 8 February 2019 12:12
To: Sarah Blanchett
Subject: FW: Submission on publicly notified resource consent application - Foodstuffs North Island Limited
Attachments: The Base Te Awa Ltd - Submission on application for resource consent bypdf
Follow Up Flag: Follow up
Flag Status: Flagged

Hi Sarah

Please see attached submission from The Base.

Cheers Sam

Sam Le Heron
Consents and Certificates Lead | Planning Guidance | MNZPI

DDI: 07 959 9059 | Email: Sam.LeHeron@hcc.govt.nz



Hamilton City Council | Private Bag 3010 | Hamilton 3240 | www.hamilton.govt.nz

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From: Ben Inger <B.Inger@harrisingrierson.com>
Sent: Friday, 8 February 2019 11:55 AM
To: Sam Le Heron <Sam.LeHeron@hcc.govt.nz>
Subject: FW: Submission on publicly notified resource consent application - Foodstuffs North Island Limited

Hi Sam

Please see attached the submission filed on behalf of The Base Te Awa Ltd yesterday by Russell McVeagh (sent to the PGU email address).

Could you please respond to confirm acceptance?

Regards

The logo for Ben Inger, consisting of the letters 'HG' in a bold, stylized font with a small square icon to the right.

BEN INGER

Hamilton Manager

Level 2, 678 Victoria St, Hamilton 3204

M +64 27 836 6507 D +64 7 949 7001 P +64 7 949 7000

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COM



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From: Paige Coulter <paige.coulter@russellmcveagh.com>
Sent: Thursday, 7 February 2019 2:54 PM
To: Elizabeth Davidson (Kiwi Property Group Limited) <elizabeth.davidson@kp.co.nz>; Ben Inger <B.Inger@harrisingrierson.com>; John Parlane <jdparlane@inspire.net.nz>
Cc: Lauren Eaton <lauren.eaton@russellmcveagh.com>; Allison Arthur-Young <allison.arthur-young@russellmcveagh.com>
Subject: FW: Submission on publicly notified resource consent application - Foodstuffs North Island Limited

Hi all

Please see **attached** the finalised submission as sent to Hamilton City Council.

Thanks
Paige

From: Paige Coulter
Sent: Thursday, 7 February 2019 2:52 PM
To: 'planningguidance@hcc.govt.nz' <planningguidance@hcc.govt.nz>
Cc: Allison Arthur-Young <allison.arthur-young@russellmcveagh.com>
Subject: Submission on publicly notified resource consent application - Foodstuffs North Island Limited

Good afternoon

We represent The Base Te Awa Limited ("**The Base**"). Please find **attached** a submission on behalf of The Base in relation to the resource consent application of Foodstuffs North Island Limited (File Number 010.2018.9962.001).

Please do not hesitate to contact us with any questions.

Kind regards
Paige

Paige Coulter
Solicitor

Russell McVeagh. Vero Centre. 48 Shortland Street. PO Box 8. Auckland 1140. New Zealand
D +64 9 367 8267 F +64 9 367 8459

paige.coulter@russellmcveagh.com

www.russellmcveagh.com

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