



**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 to establish a new supermarket and a drive-through fueling facility at 980 Te Rapa Road, Pukete, Hamilton

SUBMITTER: Woolworths New Zealand Limited ("**Woolworths**")

Introduction

1. This is a submission on an application for resource consent lodged by Foodstuffs North Island Limited ("**Applicant**") in respect of the construction and operation of a supermarket (and ancillary works together with a fuel facility) ("**Application**") at 980 Te Rapa Road, Pukete ("**Site**").
2. Woolworths owns the site at 8-14 Eagle Way, Pukete ("**Countdown Site**"), which is located directly across from the Site. Woolworths obtained resource consent to construct a supermarket on this Site in 2010. That supermarket has been operating since June 2011. Vehicle access to the Countdown Site is from Eagle Way.
3. Woolworths is a trade competitor for the purposes of the Resource Management Act 1991 ("**RMA**") that is directly affected by an effect of the activity to which the Application relates that adversely affects the environment; and does not relate to trade competition or the effects of trade competition.

Scope and Reasons for Submission

4. Woolworths opposes the Application in its entirety 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 the future generations;
 - (d) will not enable social, economic and cultural wellbeing;
 - (e) is contrary to the purposes and provisions of the relevant statutory planning instruments, including the District Plan; and
 - (f) will not avoid, remedy or mitigate adverse environmental effects, including the surrounding road network and the Countdown Site.
5. The following reasons are given in particular without derogating from the generality of the above.

Transportation effects

6. The Application will adversely affect the safety and operation of the road network that serves the Countdown Site. The mitigation proposed by the Applicant is not sufficient to avoid, remedy or mitigate those effects.
7. The Application will have adverse effects on the safe operation of the network, including the risk of unsafe manoeuvres by customers exiting the Site. The additional traffic that would be generated from the Application on Eagle Way will result in significant entry queues which has the potential to result in adverse traffic effects on the operation and safety of the Countdown Site and Te Rapa Road.
8. The concerns around access and traffic generation on Eagle Way include the potential for adverse effects on the safety of customers accessing the Countdown Site by vehicle or on foot, which have not been sufficiently assessed or addressed by the Applicant.

Activity status / lack of assessment

9. The overall activity status of the proposed activity under the District Plan is uncertain due to the insufficiency of the information provided, and has not been agreed between the Council and the Applicant. This means the effects of the proposal may not have not been comprehensively or appropriately assessed.
10. It is unclear from the Application as to whether the relevant standards in the District Plan have been met. For example, it is unclear whether standard

9.5.4(a)(ii) of the District Plan (whether the proposal will (or will not) undermine the role and function of other centres within the localised catchment in the business hierarchy) has been met. Failure to comply with that standard means that resource consent is required as a non-complying activity.

Insufficient information

11. The Application does not contain sufficient information, in particular in respect of the potential economic effects of the Application on centres, as required by the District Plan. In the absence of this information, potentially affected parties are unable to fully understand the actual and / or potential effects on the environment.

Relief Sought

12. Woolworths seeks that the Application is declined.
13. Woolworths wishes to be heard in support of its submission.

DATED at Auckland this **5th day of February 2019**

Signature:

by its solicitors and authorised agents
Russell McVeagh:



Allison Arthur-Young | Paige Coulter

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Sarah Blanchett

From: Sam Le Heron
Sent: Thursday, 14 February 2019 11:05
To: Sarah Blanchett
Subject: FW: Submission on publicly notified resource consent application - Foodstuffs New Zealand Limited
Attachments: Woolworths New Zealand Limited - submission on publicly notified resourc....pdf
Follow Up Flag: Follow up
Flag Status: Flagged

Hi Sarah

Submission 6 to add the website.

Cheers Sam

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

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



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From: Sam Le Heron
Sent: Thursday, 14 February 2019 9:45 AM
To: Gillian Cockerell <Gillian.Cockerell@hcc.govt.nz>
Cc: Fraser McNutt <Fraser.McNutt@hcc.govt.nz>
Subject: FW: Submission on publicly notified resource consent application - Foodstuffs New Zealand Limited

Just had a phone discussion with Paige Coulter re submission on Foodstuffs, the attached was submitted on Tuesday 5th February well ahead of the closing time, but to the wrong email address (same issues as The Base).

I assume we are accepting on the basis that this was lodged on time, and I will update accordingly?

Kind regards

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



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From: Paige Coulter <paige.coulter@russellmcveagh.com>
Sent: Thursday, 14 February 2019 9:42 AM
To: Sam Le Heron <Sam.LeHeron@hcc.govt.nz>
Subject: FW: Submission on publicly notified resource consent application - Foodstuffs New Zealand Limited

From: Paige Coulter
Sent: Tuesday, 5 February 2019 4:09 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 New Zealand Limited

Good afternoon

We represent Woolworths New Zealand Limited ("**Woolworths**"). Please find **attached** a submission on behalf of Woolworths 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

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