



Nelson City Council
Te Kaunihera o **Whakatū**

Notice of the meeting of

Plan Change 31 Hearing Panel

Te Rōpū Rongonga

Date:	Monday 4 December 2023
Time:	9.30a.m
Location:	Ruma Waimarama Floor 2A, Civic House 110 Trafalgar Street, Nelson

Agenda

Rārangi take

Chairperson

Greg Hill

Members

Cr Trudie Brand

Cr Rohan O'Neill-Stevens

Nelson City Council Disclaimer

Please note that the contents of this agenda have yet to be considered by the hearing panel and officer recommendations may be altered or changed in the process of making the formal Council decision. For enquiries call (03) 546 0200.

Hearing Schedule for Plan Change 31 - Nelson Junction

Date: Monday, 4 December 2023
Time: 9:30am
Room: Ruma Waimarama
Venue: Civic House, 110 Trafalgar Street, Nelson.

Please note times are indicative only and subject to change. Please be prepared to begin earlier or later than your allotted time.

Start Time	Duration	Speaker (Submission ID)
9:30 AM	(5 mins)	Karakia
9:35 AM	(5 mins)	Procedure and housekeeping (Chair)
9:40 AM	(10 mins)	Introduction of Officer s42a Report (Dennis Bush-King)
9:50 AM	(45 mins)	GP Investments Ltd (Mr Georgeson and Ms Wilson) (S6)
10:35 AM	(15 mins)	Mr Pearson (S3 and FS1)
10:50 AM	(10 mins)	Ms Newton (S2)
11:00 AM		Public Hearing concludes

Please refer to the following web link for all documentation, including hearing schedule, for this hearing: [Plan Change 31 – Nelson Junction](#)

Report Title: **Section 42A Report: Plan Change 31 – The Nelson Junction**

Report on submissions and further submissions

Report Author: **Dennis Bush-King – Principal Planner**

Report Date: **25 October 2023**

1. Purpose of Report

- 1.1 This report is prepared under s42A of the RMA in relation to Plan Change 31 which seeks to amend the consent status of supermarkets at the Nelson Junction from non-complying activity status to controlled activity status. The purpose of this report is to provide the Hearing Panel and submitters with a summary and analysis of the submissions received on the plan change and to make recommendations in response to those submissions.
- 1.2 In preparing this report, I have considered the supporting material that accompanied the Plan Change, the s32 Report, and I am happy to adopt this, and rely on it as justification and explanation of the plan change.

2. Background

- 2.1 At the Council meeting of 4 May 2023, the Council adopted a private plan change request from GP Investments Limited which is developing land at The Junction, Annesbrook, for large format bulk retail. The land is subject to specific development controls in the Nelson Resource Management Plan (NRMP), specifically Schedule N. This Schedule sets out the retail activity contemplated for this industrially zoned land. A copy of the plan amendments included in PC 31 is attached as Attachment 1.
- 2.2 PC 31 involves deleting the definition of “supermarket” and clause N3.3 which excludes supermarkets from being considered as a controlled activity on the affected land along with other retail and trade related activities. Without the change, the effect is that any supermarket would be assessed as a non-complying activity.
- 2.3 The restrictions on supermarkets were originally included in the NRMP following submission from a supermarket operator when the land at The

Junction was originally rezoned by way of another private plan change in 2006. In 2009, the RMA was amended to specifically prevent trade competition from being a reason for making an RMA decision. PC31 seeks to rectify this anomaly.

3. Abbreviations Used in the Report

NRMP	Nelson Resource Management Plan
PC31	Proposed Plan Change 31
RMA	Resource Management Act 1991
s32 Report	Section 32 Evaluation Report

4. Statement of Qualification

- 4.1 My full name is Dennis Claude Bush-King. From September 2022 to October 2023, I was employed by Nelson City Council as Acting Group Manager, Environmental Management, and then Acting Environmental Planning Manager. I was responsible for managing the Plan Change 31 process. I hold the qualification of Bachelor of Town Planning (University of Auckland). I am a Member (Retired) of the New Zealand Planning Institute. I am an Accredited Hearings Commissioner.
- 4.2 I have over 42 years planning experience and was, up until June 2022, the Environmental Planning Manager at Tasman District Council, a position I held for 32 years. I have been involved in many plan making processes over the years on policy statements, regional, and district plans, including the development of section 32 evaluation reports.
- 4.3 Although not directly relevant to this hearing, I can confirm that I am familiar with the Code of Conduct for Expert Witnesses as set out in the Environment Court Practice Note 2014 and will abide by its requirements. Except where I state that I am relying upon the specified advice of another person, my evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions I express. I am authorised to prepare and present this Section 42A Report on the Council's behalf to the PC 31 Hearing Panel.

5. Statutory and Policy Framework

- 5.1 The assessment under the RMA for this Plan Change includes whether:
- it is in accordance with the Council's functions (s74(1)(a));
 - it is in accordance with Part 2 of the RMA (s74(1)(b));

- it will give effect to any national policy statement or operative regional policy statement (s75(3)(a) and (c));
- the objectives of the proposal are the most appropriate way to achieve the purpose of the RMA (s32(1)(a));
- the provisions within the plan change are the most appropriate way to achieve the objectives of the District Plan (s32(1)(b)).

5.2 In addition, assessment of the plan change must also have regard to:

- any proposed regional policy statement, and management plans and strategies prepared under any other Acts (s74(2));
- the extent to which the plan is consistent with the plans of adjacent territorial authorities (s74 (2)(c)); and
- in terms of any proposed rules, the actual or potential effect on the environment of activities including, in particular, any adverse effect (s76(3)).

5.3 The assessment of the plan change must also take into account any relevant iwi management plan (s74(2A)).

5.4 Specific provisions within the RMA and in other planning documents that are relevant to PC31 are set out in the s32 report and other supporting material.

5.5 The assessment of submission points has also been undertaken in the context of the s32 report prepared for PC31. Any recommended amendments to provisions since the initial s 32Report was undertaken must be documented in a subsequent Section 32AA evaluation and this assessment has been undertaken, to the extent required, in this s42A report.

6. Plan Change 31 – Summary of Submissions Lodged

6.1 Table 1

Submitter number & Name	Submission Point	Plan Section	Oppose Support	Summary	Relief sought	Further submission
2 Ruth Newton	2.1	Schedule N	Oppose	Nelson already has enough supermarkets	Reject Plan Change	H Pearson FS1 Opposed
	2.2		Oppose	Supermarkets will impact on other smaller traders and the CBD	Reject Plan Change	H Pearson FS1 Opposed
	2.3		Oppose		Reject Plan Change	H Pearson FS1 Opposed

3 H Pearson	3.6	Schedule N	Support	General support	Accept Plan Change	
4 Marty Miller	4.1	Schedule N	Oppose		Reject Plan Change	
5 Tahunanui Business and Citizen Association	5.4	Schedule N	Oppose in part	Would prefer a location in Tahunanui and oppose plan change in its current form		H Pearson FS1 Opposed in part
	5.3			Adverse traffic implications and poor access for buses and pedestrians		H Pearson FS 1 Opposed in part M Khong FS 2 Support
	5.5			Concern about land banking		H Pearson FS 1 Support
6 GP Investments Limited	6.6	Schedule N	Support	Supportive of plan change in its entirety	Accept plan change	A Cotterill FS 3 Support
7 Tahunanui Community Hub	7.4	Schedule N	Oppose in Part	Would prefer a location in Tahunanui		A Cotterill FS 3 Support

7. Issues and Assessment

Overview of Submissions

- 7.1 Of the six submissions lodged, two were in support of the plan change, two opposed, and two were opposed in part. One submitter lodged further submissions (FS 1) and two new submitters lodged further submissions (FS 2 and FS 3) as detailed in Table 1. Technically FS 2 and FS 3 were incomplete in not identifying what part of the original submissions they were in support of, or in opposition to, but in speaking with both parties I have allocated them against the appropriate original submission points. I have accepted both further submissions under delegated authority even though it is also unclear what aspect of the public interest the two further submitters represent.
- 7.2 Two of the submissions expressed a preference for any supermarket to be located in the Tahunanui locality (Submission Point 4). This submission point is considered out of scope as the relief requested would require the Council to rezone land or amend the planning rules in a manner not currently contemplated in PC31. If land were available, this would involve a separate and new process outside of PC31. Submission 4 from Marty Millar asks that the plan change be rejected but gives no reasons. The two submissions in support (Submission Point 6) request that the plan change be confirmed.

- 7.3 All submissions and further submissions are viewable on the Council website <https://shape.nelson.govt.nz/plan-change-31>.

Retail Activity Location

- 7.4 Submission Points 1 and 2 raise questions about the best location for retail activity across the City, and whether a supermarket located at the Junction would affect other retail opportunities. Annexure G of the s32 report contains a market assessment and concludes there will be some redistribution effects if a supermarket were located at the Junction. However, the overall assessment is that such an outcome would not “have significant impacts on the role, function, viability vibrancy, and performance of any existing centres” in the retail network.
- 7.5 The plan change simply enables a resource consent application for a supermarket to be considered as a controlled activity consent. Whether a controlled activity consent or a non-complying activity consent, issues associated with trade competition, or the effects of trade competition are to be disregarded. While economic effects of land uses are a relevant matter, I accept the conclusions of the Property Economics report (Annexure G of the s32 report) that PC31 will not have unacceptable economic effects.
- 7.6 It can be noted that PC31 is not inconsistent with the 2022 findings of the Commerce Commission which reported that competition is not working well for consumers in the retail grocery sector. It recommended a suite of changes to increase competition and included suggestions to change “planning laws to free up sites” (refer Commerce Commission - Market study into the grocery sector (comcom.govt.nz)).

Traffic Effects

- 7.7 The Junction is located close to a major roundabout system that circulates traffic through to the Airport, the Pascoe Street industrial area, onto the State Highway south to Richmond and beyond, and the western Stoke residential area around Nayland Road which has three schools located along it. Site access will also be achieved using an entrance on Pascoe Street. It is important that traffic flows are kept moving and that unacceptable side friction is minimised.
- 7.8 Submission Point 3 is concerned that permitting supermarket development on this site will create congestion and is not a good site for access by buses and cyclists, nor for foot traffic. Schedule N already provides for a range of bulk retail and trade activities which have traffic generating effects. The addition of a supermarket on the site, if consented, based on the s32 Report, will not disproportionately affect this permitted baseline.
- 7.9 Further Submission 2 is concerned that as a result of developing the Junction site, there will be a new road layout for Pascoe Street. Attachment 2 to this report contains a varied resource consent decision which has approved the current development of the site, which has a condition requiring the upgrade of the Pascoe Street entrance and as

shown on Attachment 3. The installation of the right turn bay will see the removal of some on-street parking which the Further Submitter, Mey Khong, is concerned about. This matter is one for the resource consent, and not directly for PC 31. It is possible that if a resource consent for a supermarket was applied for, and it was considered necessary, further changes could be made to site access. As a controlled activity consent there would be no obligation to consult directly affected parties, but this is already an outcome of Schedule N as it currently exists.

- 7.10 The s32 Report addresses traffic implications of a supermarket as one of the anchor tenants on the Junction site. Waka Kotahi have not submitted against the plan change and were consulted by the private plan change proponent. I am satisfied that the site could accommodate the proposed range of retail activities for this site, including a supermarket, and consider that any required improvements in access and traffic circulation can be adequately handled through any consent process.

Land Banking Effects

- 7.11 Submission Point 5 asserts that in the absence of a committed tenant, the landowner could manage it in a way that would negatively impact on commercial activity in Tahunanui. This is not a relevant RMA consideration, and the expectation is, especially as building is happening now, that the land will be used for its anticipated bulk retail purpose. Whether that involves a supermarket is subject to a subsequent process.

8. Conclusion and Recommendation.

- 8.1 I am satisfied that a case exists for PC31 to be confirmed having considered the relevant statutory tests and the matters raised in submissions. It is essentially an enabling change and supermarket development is not inconsistent with the range of bulk retail and trade activities already provided for in Schedule N of the NRMP.
- 8.2 I recommend that the submissions received from Ruth Newton (Submission 2) and Marty Miller (Submission 3) are rejected on the grounds that the case for amending the planning status of supermarkets has been made out and that any adverse effects are minor or can be adequately managed through the controlled activity consenting process.
- 8.3 I recommend the further submissions from Harry Pearson (FS 1) be accordingly upheld.
- 8.4 I recommend the Further Submission from Mey Khong (FS 2) be declined on the grounds that her concerns about the Pascoe Street Road layout are not a matter for PC 31.
- 8.5 I recommend that the submission received from the Tahunanui Business and Citizen Association (Submission 5) and the Tahunanui Community Hub (Submission 7) be rejected to the extent that they oppose the Plan Change and further request that any supermarket be developed in Tahunanui, on the grounds that this relief is not available and out of

scope, and that any adverse effects are minor or can be adequately managed through the controlled activity consenting process.

- 8.6 I recommend the further submissions from Harry Pearson (FS 1) are accordingly upheld, noting that land banking risk is not within scope of the plan change.
- 8.7 I recommend that the submissions from Harry Pearson (Submission 3) and GP Investments (Submission 6) and the further submission from Alastair Cotterill (FS 3) be upheld, and the plan change be confirmed without amendment.

Attachments

Attachment 1 - Copy of the plan amendments included in PC 31

Attachment 2 - Resource Consent number RM085213V6 decision

Attachment 3 - Pascoe Street intersection design new road marking layout plan

Plan Change 31

Proposal to amend Schedule N of the Nelson Resource Management Plan under the First Schedule of the Resource Management Act 1991 as follows:

Schedule Industrial Zone

Sch.N Quarantine Road Large Format Retail

N.1 Application of the schedule

This schedule applies to the site shown as Schedule N on Planning Maps 22 and 23, being the former Honda Site in Tāhunanui (the Site). The Site is also identified on the plan provided with this Schedule.

This Schedule is referred to in Rule INr.75A.

N.2 Permitted activities

The extent to which the Industrial Zone Rule Table applies to this Site is explained in N.3(5) below.

N.3 Controlled activities

An activity on the site is controlled if:

- 1) the total gross floor area of all activities on the Site (excluding yard display space and parking) does **not exceed 30,000m²**; and
- 2) it is:
 - a) a trade related activity (see definition provided); or
 - b) a retail activity (see definition provided) occupying premises of no less than 500m² in gross floor area; or
 - c) a restaurant, takeaway food outlet or retail services provided that the total gross floor area devoted to such activities does not exceed the lesser of 1,200m² or 4% of the gross floor area that exists on the Site at any time; or
 - d) car parking; and
- 3) ~~It is not a supermarket (see definition provided); and~~
- 4) With the exception of the activities referred to in clause 2(c) and 2(d) above, each activity is located in a separate building or premises. A building or premises in which an activity is undertaken may not be co-occupied by any other business under any lease, sublease, licence, concession or otherwise, unless the co-occupants individually satisfy clause 2 of this rule; and
- 5) ~~The activities provided for under N.3 shall comply with the permitted activity rules for the Industrial Zone, with the exception of INr.21 and INr.22. For the purposes of this schedule, any reference in INr.22.1 "Office facilities" to "industrial use" is regarded as being a reference to a controlled activity under this schedule. INr.21 does not apply to land within Schedule N.~~

Control is reserved over:

- (i) the layout of the central parking area;
- (ii) the provision of appropriate landscape planting within the parking area (including large trees planted at 15m centres), and in locations that help mitigate the impacts of large unmodulated facades;
- (iii) the provision of safe pedestrian access and links within the parking area;
- (iv) the provision for adequate lighting within the parking area;

- (v) the colour of the external walls that face the boundary of the site;
- (vi) the modulation of externally facing walls;
- (vii) the ongoing provision of sufficient vehicular and pedestrian access to the Site from Pascoe Street and from the Site to Pascoe Street;
- (viii) the maintenance of open space, and appropriate landscaping (including large specimen trees), on all of the land identified as “open space” on the plan provided within this Schedule. (The purpose of this criterion is to exclude buildings. It is however anticipated that appropriate signage be located within the open space area).

Definitions relevant to this Schedule:

Large Format Retailing:

Means those activities provided for in N.3.2(b)

Trade Related Activity:

Means an activity that is engaged in the supply, by sale or hire, of goods or services in any one or more of the following areas or categories: automotive, marine, building, farming, agricultural, garden, patio, catering, industrial and safety products, office furniture and equipment.

Retail Activity:

Any land, building or part of building on or in which goods are displayed, sold, or offered for sale or hire direct to the public.

Supermarket:

~~Means an individual retail outlet with a gross floor area of not less than 500m² (or an equivalent area, including related back of house unloading, storage, preparation, staff and equipment space, within a larger store) and selling a comprehensive range of;~~

- ~~a) fresh meat and produce; and~~
- ~~b) of chilled, frozen, packaged, canned and bottled foods and beverages; and~~
- ~~c) of general housekeeping and personal goods, including (but not limited to) cooking, cleaning and washing products; kitchenwares; toilet paper, diapers, and other paper tissue products; magazines and newspapers; greeting cards and stationary; cigarettes and related product; barbecue and heating fuels; batteries, flashlights and light bulbs; films; pharmaceutical, health and personal hygiene products and other toiletries.~~

N.4 Discretionary activities

Activities that contravene N3.5 are discretionary activities. The relevant assessment criteria are provided in the Rule Table for the Industrial Zone.

N.5 Non-Complying activities

Activities that contravene N3.1, or N3.2, or N3.3, or N3.4 are non-complying activities.

N.6 Explanation

This schedule provides for limited large format retailing on a defined site. It recognises that only limited opportunities exist in the City Centre and the City Fringe for trade related and large format retailing and that the stores that may establish on this site are of a type that may affect the amenity of the City Centre and City Fringe if they were located there. This schedule seeks therefore to make provision for the increasing demand for such stores in such a way as

will not adversely affect the sustainability of the Inner City Zone and other commercially zoned centres. It seeks to achieve this by limiting retail opportunities on the site to stores that are clearly trade-related and otherwise to stores that trade as single entities with a strict minimum floor area of 500m².

8 February 2023

PO Box 645 Nelson 7040
Phone: 03 546 0200
Fax: 03 546 0239

GPI 2 Limited
C/- Mark Lile
Landmark Lile Limited
PO BOX 343
Nelson 7040

Resource Consent Numbers: RM085213V5
RM225273
Contact: Mitchell Hutchings
DD: 03 373 2036
Email: Mitchell.hutchings@wsp.com
www.nelson.govt.nz

Tēnā koe Mark

Resource consent is granted

Please find attached your resource consent, granted pursuant to Section 113(4) of the Resource Management Act 1991 ("the Act").

Please ensure you read the conditions of your consent carefully before you commence your activity. Some conditions may require you to carry out specific actions before you start. You may also need to obtain other permits or building consents before commencing your activity.

Once the final processing costs are determined an invoice will be sent out or you will be contacted if there is a refund of any fees.

If you have any questions regarding any aspect of your consent or its conditions, please don't hesitate to contact me.

Ngā mihi nui



Mitchell Hutchings
Consultant Planner

DECISION TO CHANGE CONSENT CONDITIONS

Resource Consent number RM085213V5 is granted to:

GPI 2 Limited

The activity:

Change of conditions 1, 5, 7, 11 & 15; the deletion of conditions 6 and 9(b); and the addition of conditions 17-29 of Resource Consent RM085213V4 as already varied by RM085213V1, V2, V3 & V4

Note: These conditions should be read in conjunction with the conditions for the following consent:

Land disturbance consent RM225273 To retrospectively consent alterations made to the true left bank of Jenkins Creek following the August 2022 flood event.

Location details:

Address of property: 33 Cadillac Way, Nelson

Legal description: Sec 4 SO 500328 and Lot 3 DP 426877

Record of title: 765185

Location co-ordinates: 1620029; 5428020 (NZ Transverse Mercator)

Lapse date:

Your consent will lapse on 8 September 2023 unless you have given effect to it before then (section 125 of the Act).

CONDITIONS

Condition 1 is changed from:

1. The activity shall be carried out in accordance with:
 - the application (dated 27 June 2008), as varied by,
 - the application dated 30 March 2011(Plan B dated 15 April 2011,) and
 - the application 12 October 2011 (Plan A dated 27 October 2011) and
 - the application for variation RM085213V3 dated 10 March 2014 (Plans A and B dated 10 April 2014) and
 - the application for variation RM085213V4 dated 15 July 2016 (Plans A and B dated July 2016) andas modified by further information received, the Relevant Plans as referenced above, and the following conditions of consent:

To:

1. The activity shall be carried out in accordance with:
 - the application (dated 27 June 2008), as varied by,
 - the application dated 30 March 2011 (Plan B dated 15 April 2011), and

RM085213V5 &
RM225273

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- the application 12 October 2011 (Plan A dated 27 October 2011) and
- the application for variation RM085213V3 dated 10 March 2014 (plans A and B dated 10 April 2014) and
- the application for variation RM085213V4 dated 15 July 2016 (Plans A and B dated July 2016) and
- [the application for variation RM085213V5 \(Plans A - D dated November 2021\), the additional information provided on 30 March 2022 \(Plan E dated November 2021\), the plans for the previously consented Pascoe Street entrance upgrade \(Plan F dated 24 June 2008\), the plans approved in Building Consent BC220477 \(Plans G – I dated May 2022\), and the works approved in Building Consent BC200646.](#)

as modified by further information received, the Relevant Plans as referenced above, and the following conditions of consent:

Advice Note:

Further detailed engineering design plans are required for those parts of the development not covered by BC220477 as per the conditions of consent below.

Condition 5 is changed from:

5. With the exception of the Mitre 10 Mega building and other facades facing the main car parking area, the exterior walls of the new buildings, shall be coloured Resene Delta 10 A 05, Resene Ironside Grey 10 A 09 and Resene Dune 10 A 11 as per the application. (Note the applicant has indicated they will use these colours on all facades of the buildings, however this condition does not limit the colour of the façades facing the main car park).

To:

5. With the exception of the Mitre 10 Mega building and other facades facing the main car parking area, the exterior walls of the new buildings, shall be ~~coloured Resene Delta 10 A 05, Resene Ironside Grey 10 A 09 and Resene Dune 10 A 11 as per the application.~~ (Note the applicant has indicated they will use these colours on all facades of buildings, however this condition does not limit the colour of the façades facing the main car park) in general accordance with the ["Architects Statement" prepared by Irving Smith Architects Ltd and submitted with the application to Nelson City Council on 3 December 2021.](#)

Condition 7 is changed from:

7. All signage, roadmarking and proposed works on Pascoe Street and Quarantine Road / Cadillac Way road reserve shall be detailed on design plans and receive the approval of the Nelson City Council Manager of Infrastructural Assets prior to any construction or site works being undertaken. This work shall be carried out at the consent holder's cost.

All works necessary for the Speight's Ale House development (Stage2A) are excluded from this condition.

To:

7. All signage, roadmarking and proposed works on Pascoe Street and Quarantine Road / Cadillac Way road reserve shall be detailed on design plans and receive the approval of the Nelson City Council ~~Manager of Infrastructural Assets~~ [Group Manager Infrastructure](#) prior to any construction or site works being undertaken. This work shall be carried out at the consent holder's cost.

~~All works necessary for the Speight's Ale House development (Stage2A) are excluded from this condition.~~

Condition 11 is changed from:

11. Prior to any earthworks taking place under this consent a dust, erosion and sedimentation control plan shall be prepared, by a chartered professional engineer practising in civil engineering and lodged with the Nelson City Council's Resource Consent Monitoring Officer. This plan shall be in accordance with Section XI Erosion and Sedimentation Control, Nelson City Council Engineering Standards, updated April 2006.

To:

11. Prior to any earthworks taking place under this consent, a Dust, Erosion and Sedimentation Control Plan shall be prepared, by a chartered professional engineer practising in civil engineering and lodged with the Nelson City Council's Resource Consent Monitoring Officer. This plan shall be in accordance with ~~Section XI Erosion and Sedimentation Control, Nelson City Council Engineering Standards, updated April 2006.~~ [the Nelson Tasman Land Development Manual 2020.](#)

Advice note:

It is noted that a Dust Erosion and Sediment Control Plan has been lodged and certified for the Stage 1 works and approved in November 2021. The details of this plan shall be updated as necessary to include any additional earthworks on site during subsequent works.

Condition 15 is changed from:

15. The Consent Holder shall advise Council's Resource Consent Monitoring Officer five days before work will commence on-site, so that monitoring of this consent can be undertaken. Please advise the consent number, RM085213V3.

To:

15. The Consent Holder shall advise [Nelson City](#) Council's Resource Consent Monitoring Officer five days before work will commence on-site, so that monitoring of this consent can be undertaken. Please advise the consent number, ~~RM085213V3~~ [RM085213V5.](#)

New conditions (transportation)

17. [All shop fronting footpaths outside Stage 1 & 2 buildings \(excluding staff access areas\) shall provide a minimum 2.4-metre-wide footpath for pedestrians.](#)

Advice Note:

It is recommended that the Consent Holder seek input from Blind Citizens NZ and/or Blind and Low Vision NZ during detailed design stage to ensure that the pedestrian environment is suitable for vision impaired users.

18. [The new heavy vehicle drive-through for the Mitre 10 Mega building to the northeast of the existing Mitre 10 Mega building shall have visibility splays provided for vehicles exiting the drive-through towards the east. These visibility splays shall be shown on detailed plans and shall be submitted to Nelson City Council's Group Manager Infrastructure for certification at least 10 working days prior to construction being undertaken.](#)
19. [The final design of the proposed Mitre 10 Mega 'back of house' and the pedestrian crossing to the north of the existing Mitre 10 Mega building shall be detailed on design plans. These detailed plans shall be submitted to Nelson City Council's Group Manager](#)

Infrastructure for certification at least 10 working days prior to construction being undertaken.

20. A safety audit for the Pascoe Street vehicle/pedestrian entrance and the Whakatu Drive pedestrian/cycle entrance shall be provided at detailed design stage. The safety audits shall get the certification of the Nelson City Council Group Manager Infrastructure prior to construction being undertaken.

Advice Notes:

- The Nelson City Council Senior Transport Advisor recommends that the trees at the Whakatu Drive pedestrian/cycle entrance are located and sized to ensure adequate sight distances are provided between pedestrians and motorists using the car park.
- The safety audit will need to be in accordance with the Waka Kotahi guidelines on safety audits.

New conditions (Three Waters)

21. Fire hydrants shall be provided by the Consent Holder. This shall include one hydrant, capable of providing 12.5L/s, within 135m of every structure and a second hydrant, capable of providing 12.5L/s, within 270m of every structure.
22. Potable water supply shall be installed with backflow protection in accordance with the New Zealand Building Code to ensure that the potable supply and any water supplies servicing firefighting sprinklers are separated. Aboveground Reduced Pressure Zone devices will be required for service laterals supplying any buildings with fire sprinklers.
23. Existing wastewater pipes which are within the site may not be re-used unless they are less than 40 years old and proven to be in good condition.

Advice Note:

Proof of condition will involve CCTV inspection and pressure testing in accordance with the Nelson Tasman Land Development Manual 2020.

24. Wastewater flows from the site must not exceed 0.68 litres per second per hectare without specific approval from the Nelson City Council Group Manager Infrastructure.
25. Prior to any building consent application, the Consent Holder shall consult with Nelson City Council regarding any flow monitoring and Trade Waste Bylaw requirements. The final details for any specific onsite devices required to meet Trade Waste Bylaw requirements can be finalised at the detailed design stage. These devices (if required) shall be installed to the satisfaction of Nelson City Council prior to issue of Code of Compliance Certificate.
26. The Consent Holder shall provide the long section for the excavated channel bed profile used for the modelling reported in the Envirolink report dated 30 November 2022 and labelled in Figure 3 of that report as 'NSN JN 301122 Terrain Profile'. The data is to be provided in hard copy and electronic file format to Nelson City Council within 6 months of the granting of resource consent.
27. An encumbrance shall be registered on the title setting out the obligations of the landowner regarding an Operations and Maintenance schedule for the onsite stormwater detention pond and treatment devices. The Operations and Maintenance schedule must be provided with the design engineering plans when provided to Nelson City Council.
28. The Consent Holder shall submit "Design" engineering drawings for those works not already consented under Building Consent BC220477 and BC200646. The works shall show compliance with the requirements of the Nelson Tasman Land Development Manual 2020 and shall be sent to the Nelson City Council's Group Manager

Infrastructure for certification. No works shall commence until the "Design" engineering drawings have been certified.

Advice note:

All works completed by the Consent Holder shall be in accordance with the approved design drawings to the satisfaction of the Nelson City Council's Group Manager Infrastructure prior to the issuing of Building Consent Code Of Compliance.

29. Prior to the issuing of Building Consent Code Of Compliance, the Consent Holder shall:
- a) Submit "As-built" engineering plans for the approval of the Group Manager Infrastructure. The "As-built" engineering drawings shall meet the requirements of the Nelson Tasman Land Development Manual 2020, and be to the satisfaction of the Nelson City Council's Group Manager Infrastructure.
 - b) Engage a suitably qualified chartered professional engineer or registered professional surveyor to provide the Nelson City Council's Manager Consents and Compliance with written certification that all works have been completed in accordance with the requirements of the conditions of this consent and BC220477 and BC200646.

New advice notes

9. This decision relates to the use of Stage 1 and 2 buildings as Large Format Retail buildings. Additional resource consent(s) will be required for any other land uses in accordance with Rule INr.75A.2 of the NRMP.
10. The Consent Holder is advised to consider the swept paths of larger vehicles which may visit the site and should be aware that more space may be required for these vehicles. This should be considered prior to the detailed design stage.
11. It is recommended that appropriate separation, intervisibility, delineation and markings be used to address conflict between the public access route (both vehicle and pedestrian) and heavy vehicles manoeuvring and loading/unloading associated with the Mitre 10 'back of house' area. This could include kerbs, road markings and signage in accordance with the Manual of Traffic Signs and Markings (MOTSAM) and the Traffic Control Devices Manual, or planting/landscaping.
12. Conditions of this consent have been imposed pursuant to Sections 108 and 127 of the Act.
13. This is not a building consent, and the Consent Holder shall meet the requirements of the Nelson City Council for all Bylaws, Regulations and Acts.
14. In the event of Maori archaeological sites (e.g. shell midden, hangi or ovens, garden soils, pit depressions, occupation evidence, burials, taonga) or koiwi (human remains) being uncovered, activities in the vicinity of the discovery shall cease. The Consent Holder is advised that they are required to notify the appropriate iwi groups and Heritage New Zealand Pouhere Taonga Central Regional Office (phone 04 494 8320), and shall not recommence works in the area of the discovery until the relevant approvals to damage, destroy or modify such sites have been obtained.
15. This resource consent authorises only the activity described above. Any matters or activities not consented to by this consent or covered by the conditions above must either:

- comply with all the criteria of a relevant permitted activity in the Nelson Resource Management Plan (NRMP); or
 - be allowed by the Resource Management Act 1991; or
 - be authorised by a separate resource consent.
16. This consent is granted to the Consent Holder, but Section 134 of the Act states that such land use consent "attach to the land", and accordingly, may be enjoyed by any subsequent owners and occupiers of the land. Therefore, any reference to "Consent Holder" in any conditions shall mean the current owners and occupiers of the subject land. Any new owners or occupiers should therefore familiarise themselves with the conditions of this consent, as there may be conditions that are required to be complied with on an ongoing basis.
17. The Consent Holder should note that this resource consent does not override any registered interest on the property title.
18. Section 357A of the Act provides you with the right to lodge an objection with the Nelson City Council in respect of this decision and/or any associated conditions. Section 357B provides a right of objection to any additional charges. Any objection must be made in writing setting out the reasons for the objection and be lodged with the Nelson City Council within 15 working days of receiving this letter. The administration cost for an objection under section 357A is a fixed fee of \$320.00 (GST inclusive).
19. In addition to objection rights, section 120 of the Act provides you with the right to lodge an appeal with the Environment Court in respect of this decision and/or any associated conditions. Section 121 of the Act requires that any such appeal must be made in the prescribed form, must state the reasons for the appeal, the relief sought, state any matters required by regulations and must be lodged with both the Environment Court and the Nelson City Council within 15 working days of receiving this letter.
20. Monitoring: A monitoring charge of \$170 has been included in your invoice, as conditions of consent requiring monitoring have been imposed. This charge covers the costs involved in the first hour of monitoring compliance with the consent conditions. Where additional monitoring costs are required to determine that conditions have been met, these will be charged as per the Council's Fees and Charges policy in force at the time. Please email the Council's Monitoring Officer, regulatory@ncc.govt.nz, when work commences on this consent, so that monitoring can be carried out. Please quote the consent number, RM085213V5.

Condition 6 is deleted:

~~6.—The planting of the open space area as shown on the plan prepared by Rory Langbridge Landscape Architecture Nelson Supa Centa, Open Space Area, date 13/6/08, sheet SP-L2-B shall not include the species *Betula spp* due to its pollen release causing respiratory problems. Alternative species are acceptable subject to the agreement of Nelson City Council's Horticultural Supervisor. The implementation of the landscaping within the open space area shall be undertaken within the planting season immediately following the construction of the storm water detention area. (Refer to condition 14).~~

Condition 9(b) is deleted:

~~9(b) As each stage is developed, and with the exception of the waiver of 7 required parking~~

~~spaces approved as part of RM-085213V4, parking shall be provided within each stage at a ratio of 3 spaces 100m² of gross floor area.~~

A full updated copy of the resource consent conditions is attached to this decision as **APPENDIX A**

APPENDIX A

Full and Updated Conditions for Resource Consent RM085213 as varied by RM085213V1, RM085213V2, RM085213V3, RM085213V4 and RM085213V5

Relevant Plans:

Site Plan and Elevations prepared by James Stuart Architectural Ltd and titled Nelson Supa Centa, Site Plan dated 24/07/08, rev. B, sheet RC1 (except as modified by Traffic Design group drawing CAD:9396-2W1/1, referenced below), and Nelson Supa Centa, Elevations, date 24/07/08, rev. B, sheet RC2, and, Nelson Supa Centa, Elevations. Dated 24/07/08, rev. B, sheet RC3.

Drawings also prepared by James Stuart Architectural Ltd and titled Speight's Ale House, Nelson Supa Centa, Ground Floor Plan, date 12/06/08, rev. A sheet SK1, and, Speight's Ale House, Nelson Supa Centa, Mezz Floor Plan, date 12/06/08, rev. A, SK2, and, Speight's Ale House, Nelson Supa Centa, Elevations, date 12/06/08, rev. A, SK3.

Drawings prepared by Irving Smith Architects Ltd and titled "Gibbons Development - Nelson Junction" dated November 2021, including Sheets 1 -22.

Drawings prepared by Traffic Design Group and titled, Nelson Supa Centa, Cadillac Way Traffic Management, dated 24/06/08 DRG No. CAD: 9396W1/2, and Nelson Supa Centa, Pascoe Street Access Details, date 24/06/08, DRG.No CAD:9396W1/3, and Nelson Supa Centa, Traffic Management Plan, date 21/08/2008 DRG.No CAD:9396-2W1/1, as amended by the recommendations of the Stantec Ltd report of November 2021 submitted with the application.

Drawings prepared by Canopy Landscape Architects Ltd entitled "Nelson Junction Landscape Resource Consent Package" dated 09 November 2021, including Sheets A2-A10.

The Plans Labeled RM085213V1, A & B and dated 15 April 2011.

The Plans Labeled RM085213V2, A & B and dated 27 October 2011.

The Plans Labeled RM085213V3, A & B dated 10 April 2014.

The Plans Labeled RM085213V4, A & B.

The Plans Labelled RM085213V5, A, B, C, D, E, F, G, H and I.

General

1. The activity shall be carried out in accordance with:
 - the application (dated 27 June 2008), as varied by,
 - the application dated 30 March 2011 (Plan B dated 15 April 2011), and
 - the application 12 October 2011 (Plan A dated 27 October 2011) and
 - the application for variation RM085213V3 dated 10 March 2014 (plans A and B dated 10 April 2014) and
 - the application for variation RM085213V4 dated 15 July 2016 (Plans A and B dated July 2016) and
 - the application for variation RM085213V5 (Plans A - D dated November 2021), the additional information provided on 30 March 2022 (Plan E dated November 2021), the plans for the previously consented Pascoe Street entrance upgrade (Plan F dated 24 June 2008), the plans approved in Building Consent BC220477 (Plans G – I dated May 2022), and the works approved in Building Consent BC200646.

as modified by further information received, the Relevant Plans as referenced above, and the following conditions of consent:

Advice Note:

Further detailed engineering design plans are required for those parts of the development not covered by BC220477 as per the conditions of consent below.

Site Conditions

2. As each stage is developed, lighting shall be installed in the car parking and pedestrian areas for each stage in accordance with the standard AS / NZS 1158.3.1 2005. Certification that this has been achieved shall be provided by a suitably qualified light expert to Nelson City Council's Resource Consent Monitoring Officer prior to any car parking area, in addition to that already in existence, being open for public use.
3. Lighting shall be chosen for its ability to limit light spill and glare above the horizontal plane. (Note that Rule INr.41 'Light Spill' applies).
4. The external roof cladding shall be of a material, coating or colour which has a low reflectivity value. Should this involve the roofing material being coloured, this colour shall be from the same family of recessive and low reflective greys as those stated for the exterior walls of the buildings.
5. With the exception of the Mitre 10 Mega building and other facades facing the main car parking area, the exterior walls of the new buildings, shall be in general accordance with the "Architects Statement" prepared by Irving Smith Architects Ltd and submitted with the application to Nelson City Council on 3 December 2021.
6. Deleted.

Roading

7. All signage, roadmarking and proposed works on Pascoe Street and Quarantine Road / Cadillac Way road reserve shall be detailed on design plans and receive the approval of the Nelson City Council Group Manager Infrastructure prior to any construction or site works being undertaken. This work shall be carried out at the consent holder's cost.
8. The onsite cycle stands, shown on the traffic management plan prepared by Traffic Design Group titled Nelson Supa Centa, Traffic Management Plan, date 21/08/2008 DRG.No CAD:9396-2W1/1, shall be installed prior to the individual tenancy they are adjacent to opening to the public.

9. Any dirt or debris tracked onto the road as a result of the construction works on the site, shall be removed by the consent holder, at the consent holder's expense, within daylight hours on the same date as the dirt or debris tracking occurs.
- 9(a). The Pascoe Street access to the site shall be upgraded before the development of the site exceeds 25,500m² of gross floor area including retail and any other activity.
- 9(b). Deleted.

Site works (Earthworks) Conditions

10. At no time during the earthworks, (including back filling and drainage), shall the works encroach onto any adjacent private property. The property boundaries are those as shown on Lot 100, DP388661, CT 354590.
11. Prior to any earthworks taking place under this consent, a Dust, Erosion and Sedimentation Control Plan shall be prepared, by a chartered professional engineer practising in civil engineering and lodged with the Nelson City Council's Resource Consent Monitoring Officer. This plan shall be in accordance with the Nelson Tasman Land Development Manual 2020.

Advice note:

It is noted that a Dust Erosion and Sediment Control Plan has been lodged and certified for the Stage 1 works and approved in November 2021. The details of this plan shall be updated as necessary to include any additional earthworks on site during subsequent works.

Stormwater Conditions

12. All existing stormwater laterals and other existing connections and pipes not required for this development shall be disconnected and removed at the main at the cost of the consent holder.
13. The development must not create or increase ponding of stormwater on adjoining properties.
14. The consent holder shall extend the stormwater system to connect to any existing stormwater discharging onto this site from adjoining properties, except that the development of the Speight's Ale House and expansion of the Mitre 10 building may proceed prior to the construction of the storm water pond.

Monitoring

15. The Consent Holder shall advise Nelson City Council's Resource Consent Monitoring Officer five days before work will commence on-site, so that monitoring of this consent can be undertaken. Please advise the consent number, RM085213V5.
16. For the purposes of, and pursuant to Section 128 of the Resource Management Act 1991, the Council reserves the right to review this consent annually after the commencement of the activity, commencing from the date this consent is activated, for any of the following purposes:
- To impose any additional conditions, or to modify existing conditions of consent relating to the effects of the activity on the environment.
 - To require the Consent Holder to adopt the best practicable option to mitigate any adverse effect upon the environment, arising from the generated effects of the activity.
 - If the Council deems that it is necessary to do so in order to deal with any adverse effect on the environment which may arise from the exercise of this consent, and which is appropriate to deal with at a later date.

Roading (continued)

17. All shop fronting footpaths outside Stage 1 & 2 buildings (excluding staff access areas) shall provide a minimum 2.4-metre-wide footpath for pedestrians.

Advice Note:

- *It is recommended that the Consent Holder seek input from Blind Citizens NZ and/or Blind and Low Vision NZ during detailed design stage to ensure that the pedestrian environment is suitable for vision impaired users.*

18. The new heavy vehicle drive-through for the Mitre 10 Mega building to the northeast of the existing Mitre 10 Mega building shall have visibility splays provided for vehicles exiting the drive-through towards the east. These visibility splays shall be shown on detailed plans and shall be submitted to Nelson City Council's Group Manager Infrastructure for certification at least 10 working days prior to construction being undertaken.

19. The final design of the proposed Mitre 10 Mega 'back of house' and the pedestrian crossing to the north of the existing Mitre 10 Mega building shall be detailed on design plans. These detailed plans shall be submitted to Nelson City Council's Group Manager Infrastructure for certification at least 10 working days prior to construction being undertaken.

20. A safety audit for the Pascoe Street vehicle/pedestrian entrance and the Whakatu Drive pedestrian/cycle entrance shall be provided at detailed design stage. The safety audits shall get the certification of the Nelson City Council Group Manager Infrastructure prior to construction being undertaken.

Advice Notes:

- *The Nelson City Council Senior Transport Advisor recommends that the trees at the Whakatu Drive pedestrian/cycle entrance are located and sized to ensure adequate sight distances are provided between pedestrians and motorists using the car park.*
- *The safety audit will need to be in accordance with the Waka Kotahi guidelines on safety audits.*

Three Waters (continued)

21. Fire hydrants shall be provided by the Consent Holder. This shall include one hydrant, capable of providing 12.5L/s, within 135m of every structure and a second hydrant, capable of providing 12.5L/s, within 270m of every structure.

22. Potable water supply shall be installed with backflow protection in accordance with the New Zealand Building Code to ensure that the potable supply and any water supplies servicing firefighting sprinklers are separated. Aboveground Reduced Pressure Zone devices will be required for service laterals supplying any buildings with fire sprinklers.

23. Existing wastewater pipes which are within the site may not be re-used unless they are less than 40 years old and proven to be in good condition.

Advice Note:

- *Proof of condition will involve CCTV inspection and pressure testing in accordance with the Nelson Tasman Land Development Manual 2020.*

24. Wastewater flows from the site must not exceed 0.68 litres per second per hectare without specific approval from the Nelson City Council Group Manager Infrastructure.

25. Prior to any building consent application, the Consent Holder shall consult with Nelson City Council regarding any flow monitoring and Trade Waste Bylaw requirements. The final details for any specific onsite devices required to meet Trade Waste Bylaw requirements can be finalised at the detailed design stage. These devices (if required)

shall be installed to the satisfaction of Nelson City Council prior to issue of Code of Compliance Certificate.

26. The Consent Holder shall provide the long section for the excavated channel bed profile used for the modelling reported in the Envirolink report dated 30 November 2022 and labelled in Figure 3 of that report as 'NSN JN 301122 Terrain Profile'. The data is to be provided in hard copy and electronic file format to Nelson City Council within 6 months of the granting of resource consent.
27. An encumbrance shall be registered on the title setting out the obligations of the landowner regarding an Operations and Maintenance schedule for the onsite stormwater detention pond and treatment devices. The Operations and Maintenance schedule must be provided with the design engineering plans when provided to Nelson City Council.
28. The Consent Holder shall submit "Design" engineering drawings for those works not already consented under Building Consent BC220477 and BC200646. The works shall show compliance with the requirements of the Nelson Tasman Land Development Manual 2020 and shall be sent to the Nelson City Council's Group Manager Infrastructure for certification. No works shall commence until the "Design" engineering drawings have been certified.

Advice note:

All works completed by the Consent Holder shall be in accordance with the approved design drawings to the satisfaction of the Nelson City Council's Group Manager Infrastructure prior to the issuing of Building Consent Code Of Compliance.

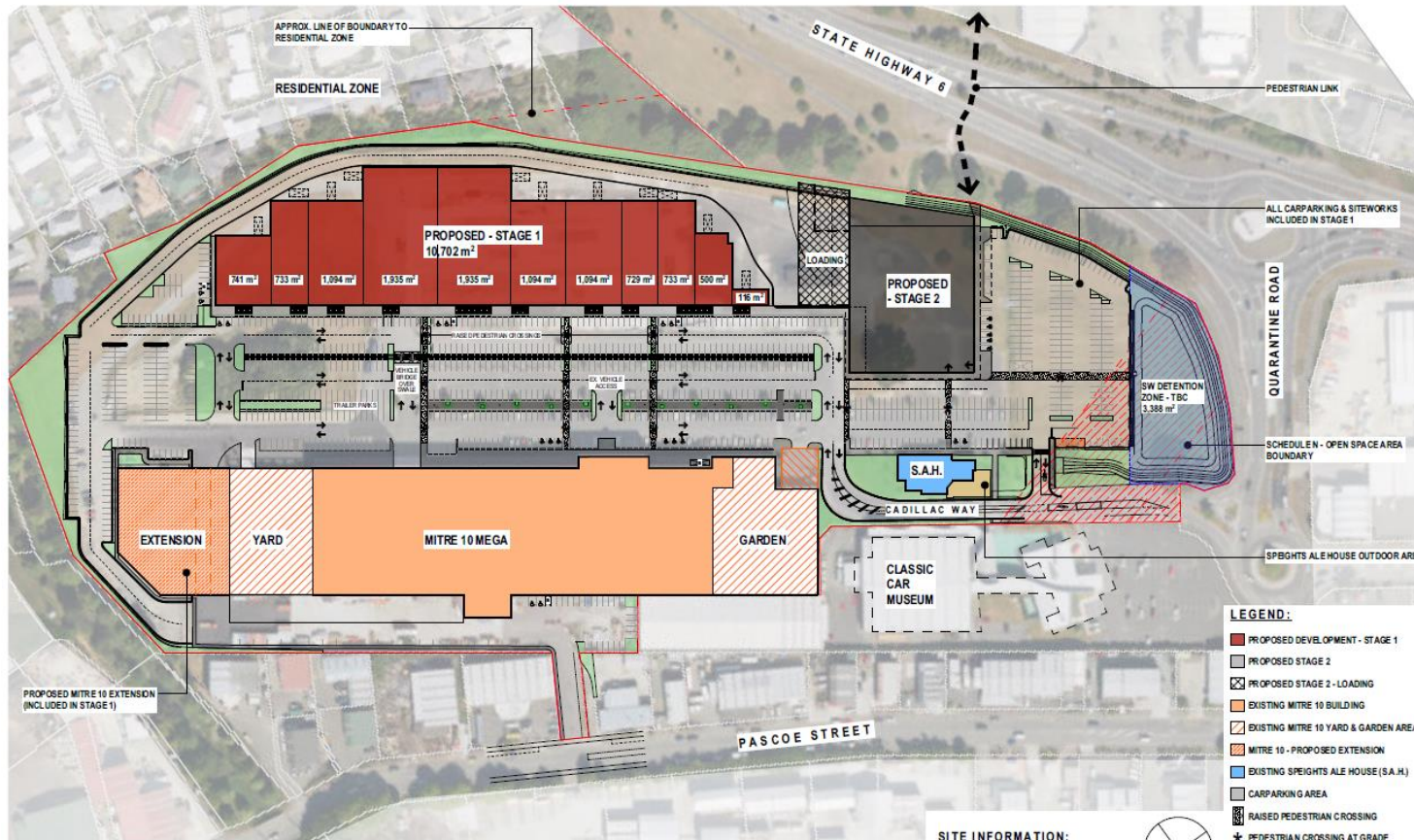
29. Prior to the issuing of Building Consent Code Of Compliance, the Consent Holder shall:
 - a) Submit "As-built" engineering plans for the approval of the Group Manager Infrastructure. The "As-built" engineering drawings shall meet the requirements of the Nelson Tasman Land Development Manual 2020, and be to the satisfaction of the Nelson City Council's Group Manager Infrastructure.
 - b) Engage a suitably qualified chartered professional engineer or registered professional surveyor to provide the Nelson City Council's Manager Consents and Compliance with written certification that all works have been completed in accordance with the requirements of the conditions of this consent and the details provided in Building Consents BC220477 and BC200646.

ADVICE NOTES

1. At building consent stage the applicant will be required to demonstrate compliance to other relevant plan rules as per Schedule N.3 5) of the Industrial Zone, Nelson Resource Management Plan.
2. All works within road reserve require road opening notices, traffic management plans and vehicle crossing permits as relevant. Contact Nelson City Council's Technical Services Department for advice and application.
3. Water connection and disconnection permits are required separately for works involving connection and disconnection to the water supply network. Contact Nelson City Council's Technical Services Department for advice and application.
4. Development Contributions as per the LTCCP will apply at Building Consent Stage.
5. At building consent stage the development should be provided with a piped reticulation connecting to the existing Nelson City Council reticulated sewer serving this site.
6. Also at this stage all existing sewer laterals not required for this development should be disconnected and removed at the main at the cost of the consent holder.
7. At building consent stage the consent holder should install, at his/her cost, water reticulation to serve the site connecting Nelson City Council water mains for fire fighting and water supply.
8. Also at this stage all existing water connections not required for this development should be disconnected and removed at the main at the cost of the consent holder.
9. This decision relates to the use of Stage 1 and 2 buildings as Large Format Retail buildings. Additional resource consent(s) will be required for any other land uses in accordance with Rule INr.75A.2 of the NRMP.
10. The Consent Holder is advised to consider the swept paths of larger vehicles which may visit the site and should be aware that more space may be required for these vehicles. This should be considered prior to the detailed design stage.
11. It is recommended that appropriate separation, intervisibility, delineation and markings be used to address conflict between the public access route (both vehicle and pedestrian) and heavy vehicles manoeuvring and loading/unloading associated with the Mitre 10 'back of house' area. This could include kerbs, road markings and signage in accordance with the Manual of Traffic Signs and Markings (MOTSAM) and the Traffic Control Devices Manual, or planting/landscaping.
12. Conditions of this consent have been imposed pursuant to Sections 108 and 127 of the Act.
13. This is not a building consent, and the Consent Holder shall meet the requirements of the Nelson City Council for all Bylaws, Regulations and Acts.
14. In the event of Maori archaeological sites (e.g. shell midden, hangi or ovens, garden soils, pit depressions, occupation evidence, burials, taonga) or koiwi (human remains) being uncovered, activities in the vicinity of the discovery shall cease. The Consent Holder is advised that they are required to notify the appropriate iwi groups and Heritage New Zealand Pouhere Taonga Central Regional Office (phone 04 494 8320), and shall not recommence works in the area of the discovery until the relevant approvals to damage, destroy or modify such sites have been obtained.
15. This resource consent authorises only the activity described above. Any matters or activities not consented to by this consent or covered by the conditions above must either:

- comply with all the criteria of a relevant permitted activity in the Nelson Resource Management Plan (NRMP); or
 - be allowed by the Resource Management Act 1991; or
 - be authorised by a separate resource consent.
16. This consent is granted to the Consent Holder, but Section 134 of the Act states that such land use consent “attach to the land”, and accordingly, may be enjoyed by any subsequent owners and occupiers of the land. Therefore, any reference to “Consent Holder” in any conditions shall mean the current owners and occupiers of the subject land. Any new owners or occupiers should therefore familiarise themselves with the conditions of this consent, as there may be conditions that are required to be complied with on an ongoing basis.
17. The Consent Holder should note that this resource consent does not override any registered interest on the property title.
18. Section 357A of the Act provides you with the right to lodge an objection with the Nelson City Council in respect of this decision and/or any associated conditions. Section 357B provides a right of objection to any additional charges. Any objection must be made in writing setting out the reasons for the objection and be lodged with the Nelson City Council within 15 working days of receiving this letter. The administration cost for an objection under section 357A is a fixed fee of \$320.00 (GST inclusive).
19. In addition to objection rights, section 120 of the Act provides you with the right to lodge an appeal with the Environment Court in respect of this decision and/or any associated conditions. Section 121 of the Act requires that any such appeal must be made in the prescribed form, must state the reasons for the appeal, the relief sought, state any matters required by regulations and must be lodged with both the Environment Court and the Nelson City Council within 15 working days of receiving this letter.
20. Monitoring: A monitoring charge of \$170 has been included in your invoice, as conditions of consent requiring monitoring have been imposed. This charge covers the costs involved in the first hour of monitoring compliance with the consent conditions. Where additional monitoring costs are required to determine that conditions have been met, these will be charged as per the Council’s Fees and Charges policy in force at the time. Please email the Council’s Monitoring Officer, regulatory@ncc.govt.nz, when work commences on this consent, so that monitoring can be carried out. Please quote the consent number, RM085213V5.

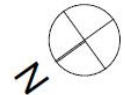
RM085213V5 Plan A dated November 2021



LEGEND:

- PROPOSED DEVELOPMENT - STAGE 1
- PROPOSED STAGE 2
- PROPOSED STAGE 2 - LOADING
- EXISTING MITRE 10 BUILDING
- EXISTING MITRE 10 YARD & GARDEN AREA
- MITRE 10 - PROPOSED EXTENSION
- EXISTING SPEIGHTS ALE HOUSE (S.A.H.)
- CARPARKING AREA
- RAISED PEDESTRIAN CROSSING
- ★ PEDESTRIAN CROSSING AT GRADE
- 5x2.5m CARPARK (STAGE 2 = 5x2.6m)
- LAND SCAPING AREA
- EXISTING VIEW EASEMENT

SITE INFORMATION:
 33 CADILLAC WAY, NELSON
 LOT 3, DP 428877, SEC 4 SO 590328
 TOTAL SITE AREA = 89,562m²



REVISION	DATE	GIBBONS DEVELOPMENT - NELSON JUNCTION	RESOURCE CONSENT ISSUE - 17-11-21	DRAWN	ISA	IRVING SMITH ARCHITECTS LTD. LEVEL 1, 96 COLLINGWOOD STREET PO BOX 222, NELSON 7840, NZ +64 3 948 1372 www.isarcn.co.nz	irving smith architects 001
REV. RESOURCE CONSENT ISSUE	17-11-21	33 CADILLAC WAY, NELSON	14/01/2022	DATE	NOV 2021		
		OVERALL SITE PLAN	SCALE	1:1500 @ A3	JOB NO.		

RM085213V5 &
 RM225273

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RM085213V5 Plan B dated November 2021



LEGEND:

- | | | | | |
|--------------------------------------|---|--|---|---|
| PROPOSED DEVELOPMENT - STAGE 1 | MITRE 10 - PROPOSED EXTENSION | ① PROPOSED DETENTION BASIN. GRASSED BASIN WITH LOW NATIVE RIPARIAN PLANTINGS TO EDGES. (REFER AREA 2 PLANTING PALETTE) | ④ LANDSCAPE AMENITY AREA. MASS PLANTED WITH LOW NATIVE GRASSES WITH CABBAGE TREE + LANCEWOOD GROVES (REFER AREA 4 PLANTING PALETTE) | ⑤ LANDSCAPE AMENITY PLANTING. NARROWING OF PEDESTRIAN CONCOURSE TO ALLOW FOR 1.2m GARDEN BED WITH UNDER PLANTED UPRIGHT FEATURE TREES (REFER AREA 1 & 3 PLANTING PALETTE) |
| PROPOSED STAGE 2 | CARPARKING AREA | ② 3.0m CARPARK SWALE. BANKS PLANTED WITH LOW NATIVE RIPARIAN SPECIES PUNCTUATED WITH UPRIGHT NATIVE TREE (REFER AREA 2 PLANTING PALETTE) | ⑥ LANDSCAPE AMENITY AREA. MIXED NATIVE SHRUB PLANTINGS AS BACKDROP TO DEVELOPMENT (REFER AREA 4 PLANTING PALETTE) | ⑥ PEDESTRIAN CONCOURSE. ACID WASH CONCRETE WITH FIRTH HOLLAND PAVER PUNCTUATING TENANCY ENTRANCES |
| PROPOSED STAGE 2 - LOADING | 5x2.5m CARPARK (STAGE 2 = 5x2.6m) | ③ CARPARK AMENITY PLANTING. LOW MIXED PLANTINGS WITH TITOKI FEATURE TREES LINING PEDESTRIAN WALKWAYS (REFER AREA 3 PLANTING PALETTE) | ⑦ LANDSCAPE AMENITY AREA. OPEN GRASSED AREAS WITH MIXED NATIVE + EXOTIC TREE SPECIMENS (REFER AREA 1 PLANTING PALETTE) | EXISTING TREE RETAINED |
| EXISTING MITRE 10 BUILDING | EXISTING CARPARK REMOVED TO ALLOW FOR NEW WORKS | ④ SW ENTRANCE FEATURE. BASIN WITH OUTLET PIPES LANDSCAPED WITH FEATURE ROCKS, LOW NATIVE RIPARIAN PLANTING WITH LARGER NATIVE FEATURE TREES TO EDGES (REFER AREA 1 + 3 PLANTING PALETTE) | ⑧ EXISTING SWALE PLANTED WITH NATIVE TREE SPECIES TO EDGES (REFER AREA 1 PLANTING PALETTE) | |
| EXISTING MITRE 10 YARD & GARDEN AREA | EXISTING VIEW EASEMENT | | | |

PROJECT NELSON JUNCTION GIBBONS DEVELOPMENT	DRAWING TITLE LANDSCAPE MASTERPLAN	Scale Date Job No. 1:1000 @ A3 09 NOVEMBER 2021 2105		This project is made possible and all parts here of Nelson are property of Canopy NZ Ltd General Landscape Architects 1015 Lambton Quay, Wellington www.canopy.co.nz	Sheet A-2	Rev E	Landscape architects
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RM085213V5 &
RM225273

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RM085213V5 Plan C dated November 2021



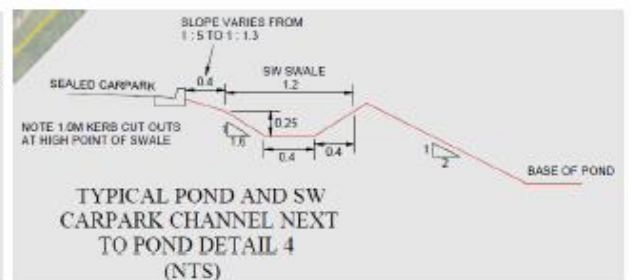
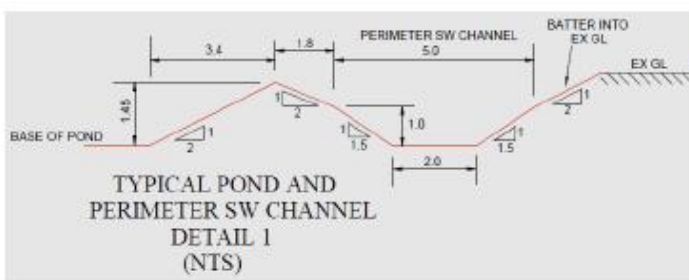
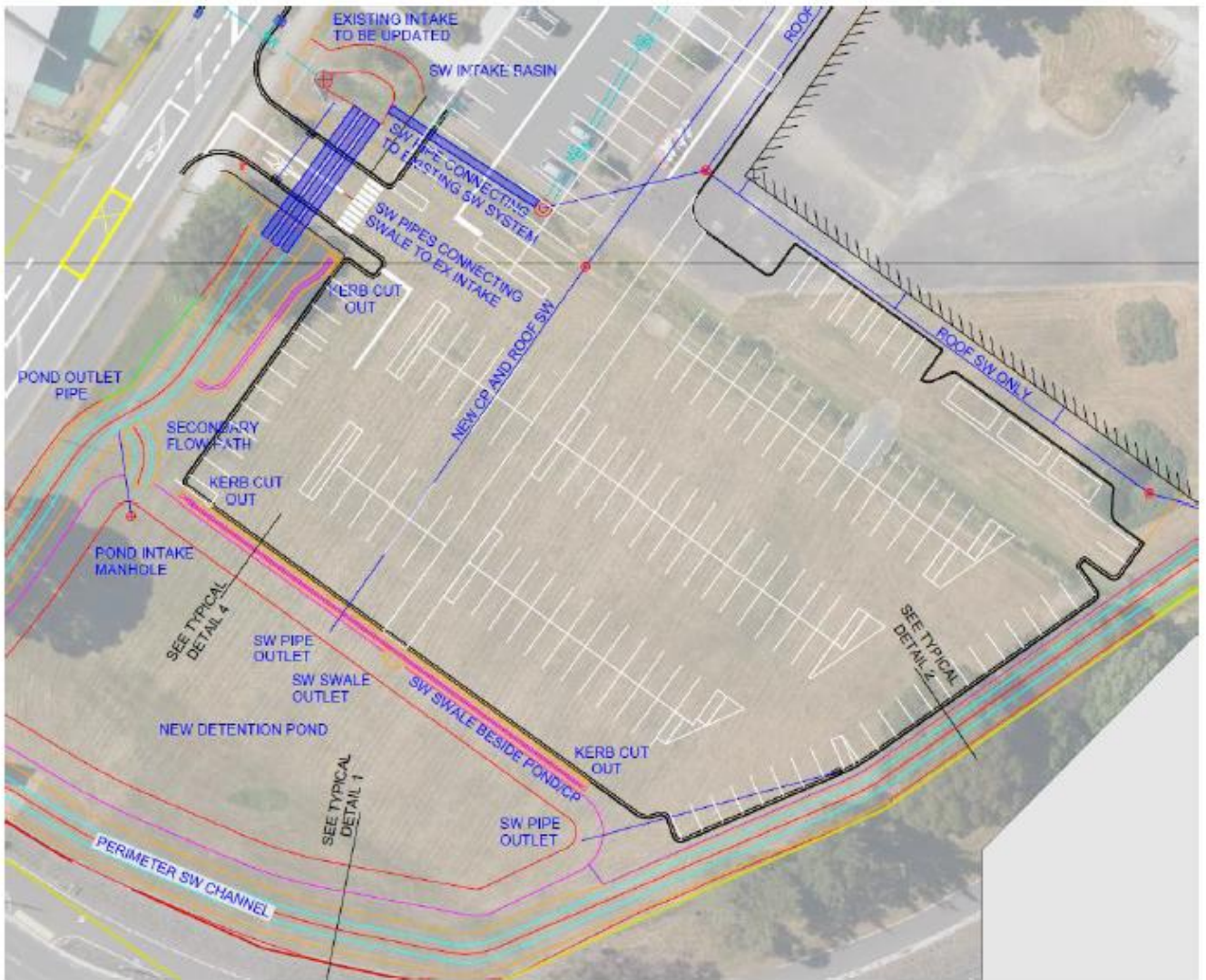
<p>PROJECT NELSON JUNCTION GIBBONS DEVELOPMENT</p>	<p>DRAWING TITLE OPEN SPACE AMENITY AREA</p>	<p>Scale Date: 06 NOVEMBER 2021 Job No: 2156</p>	<p>This copyright is the property of Canopy NZ Ltd. Canopy Landscape Architects 111 St Hill Street, Nelson, New Zealand www.canopy.co.nz</p>	<p>Sheet: A-9 Plan: E</p>	
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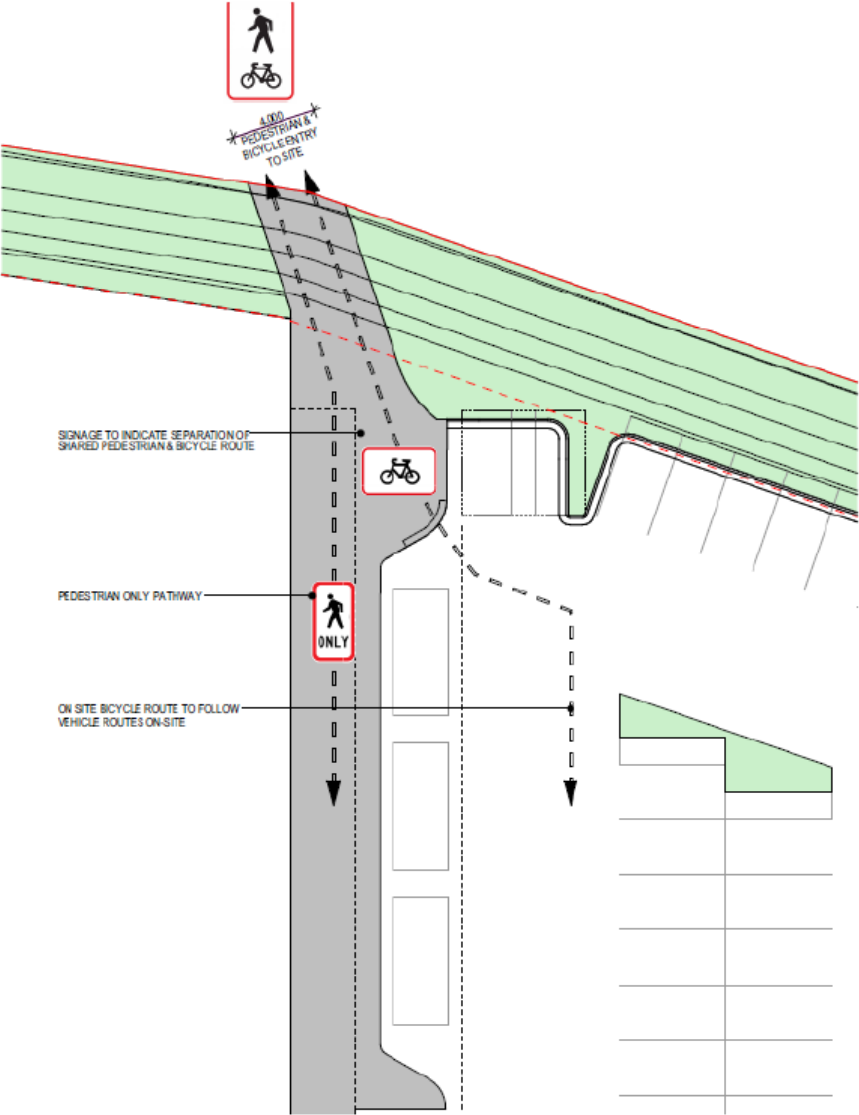
RM085213V5 &
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Notice of Decision

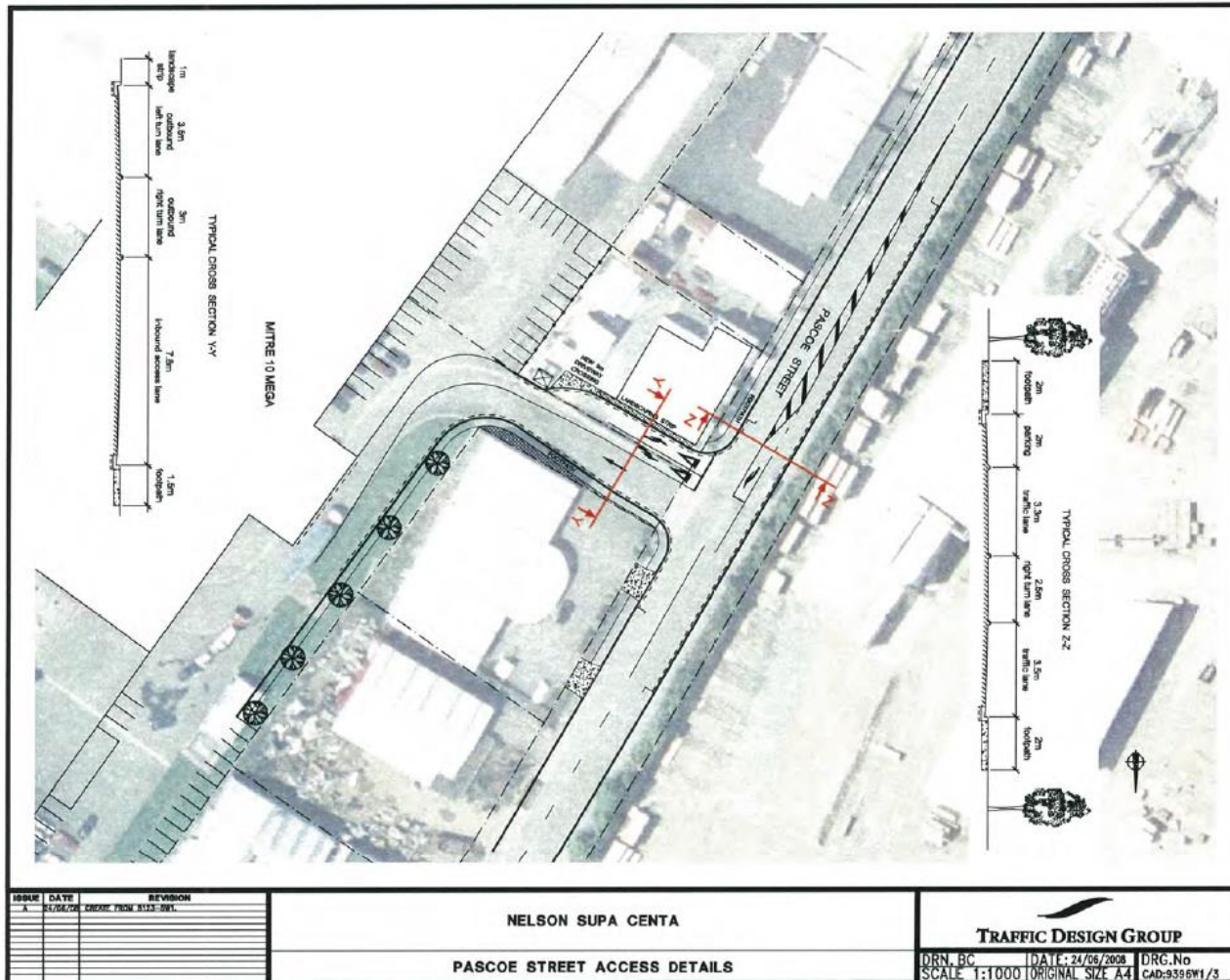
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RM085213V5 Plan D dated November 2021





RM085213V5 Plan F dated 24 December 2008

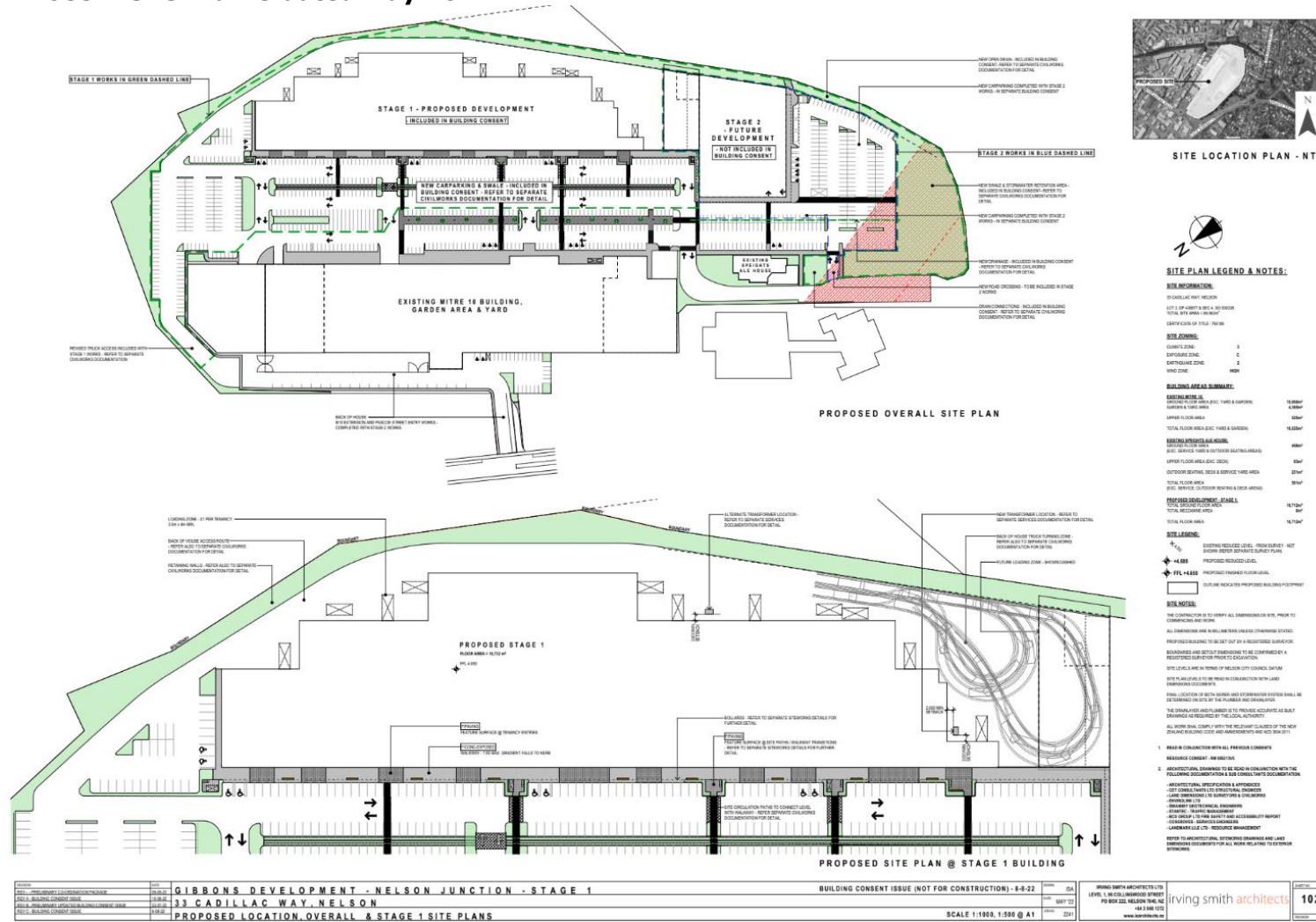


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RM085213V5 Plan G dated May 2022

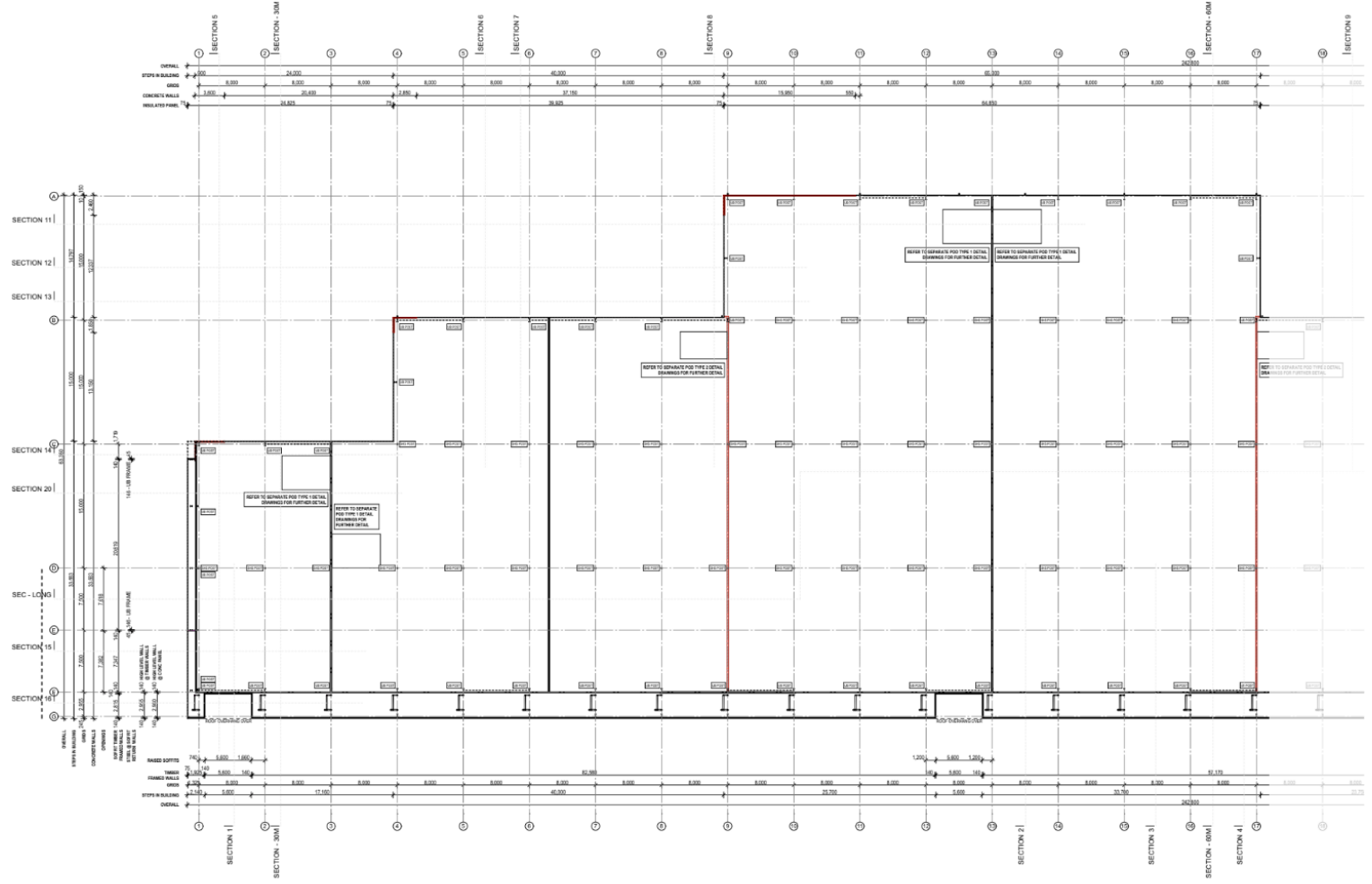


RM085213V5 & RM225273

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RM085213V5 Plan H dated May 2022



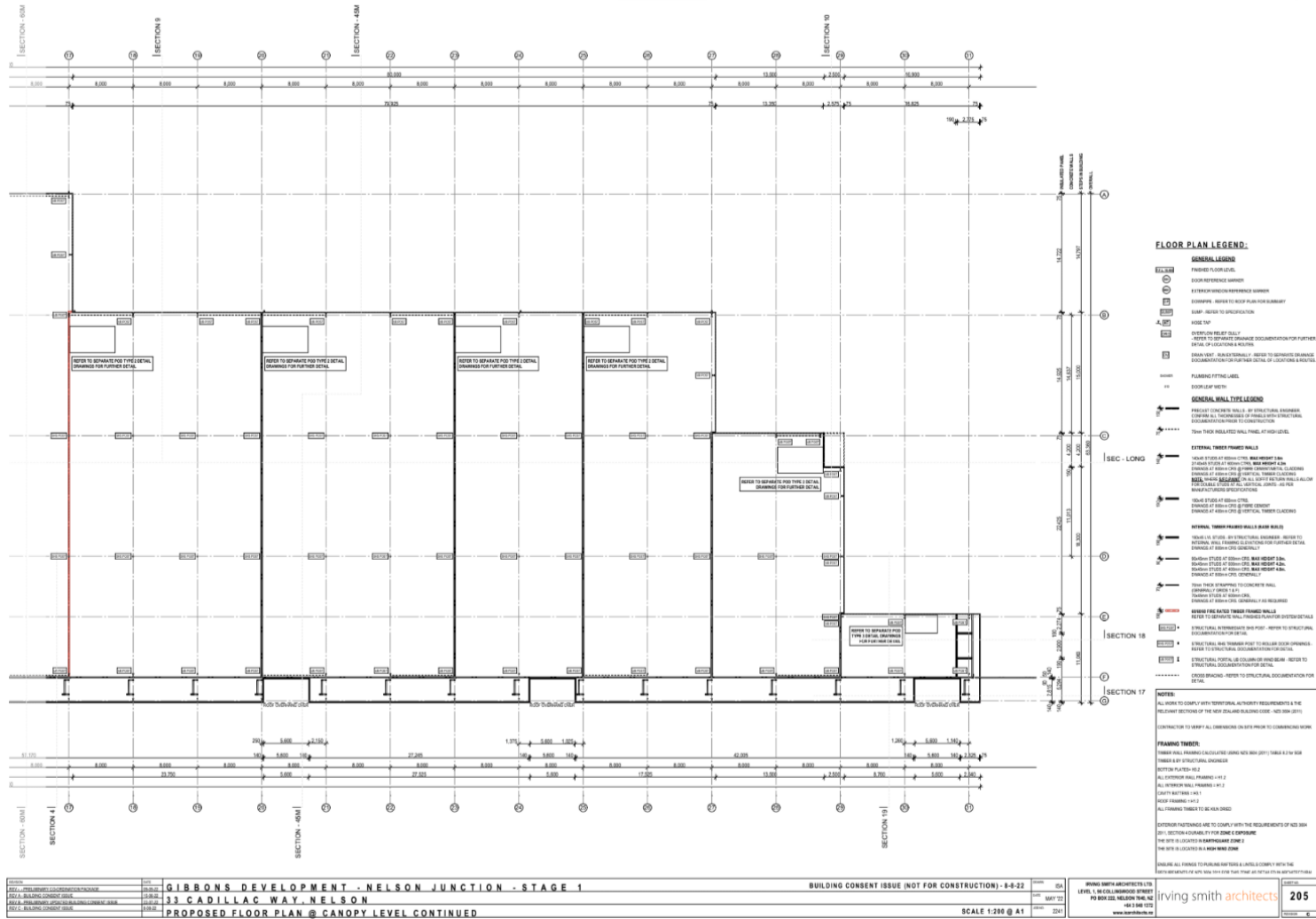
GIBBONS DEVELOPMENT - NELSON JUNCTION - STAGE 1 33 CADILLAC WAY, NELSON PROPOSED FLOOR PLAN @ CANOPY LEVEL		BUILDING CONSENT ISSUE (NOT FOR CONSTRUCTION) - 8-8-22 SCALE 1:250 @ A1	REFER TO DRAWING 205 FOR FURTHER DETAIL INCLUDING LEGEND, NOTES IRVING SMITH ARCHITECTS LTD LEVEL 1, 86 COLLINGWOOD STREET PO BOX 222, NELSON, NEW ZEALAND +64 3 538 1312 www.irmas.co.nz	204
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RM085213V5 &
RM225273

Notice of Decision

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RM085213V5 Plan I dated May 2022



RM085213V5 &
RM225273

Notice of Decision

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RESOURCE CONSENT DECISION

Resource Consent number RM225273 is granted to:

GPI 2 Limited

The activity:

To retrospectively consent alterations made to the true left bank of Jenkins Creek following the August 2022 flood event.

Note: These conditions should be read in conjunction with the conditions for the following consent:

Land use consent RM085213V5 To vary conditions of consent to allow for the construction of Stages 1 and 2 of the development.

Location details:

Address of property: 33 Cadillac Way, Nelson

Legal description: Lot 1 DP 14863

Record of title: NL9B/1167

Location co-ordinates: 1620293; 5428436 (NZ Transverse Mercator)

CONDITIONS

Duration of Consent:

1. This consent expires in 5 years on 8 February 2028.

Geotechnical:

2. Within 6 months of the granting of consent the Consent Holder shall provide evidence from a Suitably Qualified and Experienced Geotechnical Engineer confirming that the section of the stopbank along the true-left bank of Jenkins Creek, modified by the Consent Holder in September 2022, is suitably compacted to the same level of standard to the adjoining sections of stopbank both upstream and downstream of the modified section. The Consent Holder's Geotechnical Engineer must provide specific comment regarding the integrity of the earth fill around existing vegetation and Nelson City Council asset infrastructure on the stopbank and make recommendations on any remediation works required to minimise risks of stopbank scour and structural failure. The Consent Holder must undertake the identified remediation works and if this cannot be provided, then the Consent Holder needs to reconstruct this section of the stopbank to suitably mitigate the risks of failure from flooding within 1 year of the granting of this resource consent.

Gravel extraction

3. The Consent Holder shall maintain the excavated channel profile from 12m upstream of Pascoe St to the upstream end of the raised stop bank works for up to five years or such lesser period if Nelson City Council can complete any upgrade works or the Consent Holder can provide evidence that flooding impacts are less than minor without conducting further gravel extraction.

Advice Note:

Maintenance of channel capacity is normally a Nelson City Council responsibility as it is a Council asset, but this condition has been volunteered by the Consent Holder as there may be more regular maintenance required to maintain the excavated channel profile, and the 5 year period will give Nelson City Council time to complete priority works in the region and potentially some upgrading in this location. The works shall be instructed by the Nelson City Council, undertaken by the Applicant's own contractor, under the supervision of Nelson City Council's Maintenance contractor (currently Nelmac) in compliance with Nelson City Council's global Urban Drainage resource consent (RM175025/175033) and conjunctly with Council's own maintenance of the 12m sections either side of the Pascoe St bridge (clearance of the channel will be less effective if these 12m sections are not equally maintained). The associated costs of the above process and the cost sharing arrangement of these, is to be documented in a side agreement between the Consent Holder and Council.

BACKGROUND

History

On 15 April 2005, Nelson City Council (NCC) granted resource consent (RM045576) to Trade Base Nelson Limited for the establishment of a Mitre 10 Mega store on the subject site. This proposal was to construct a store with a 10,000m² footprint and supported by 224 on-site parking spaces.

On 28 August 2007, Plan Change Request 06/01 from Catal Developments Limited was granted. This Plan Change introduced a suite of rules (*Schedule N*) that enabled large format retailing to occur within clearly defined site boundaries as a *controlled activity*. *Schedule N* requires resource consent for all applicable activities so that control over design matters can be retained by NCC.

Resource consent RM085213 was granted on 8 September 2008. This consent authorised the design and layout of a large format retail development comprising a gross floor area (GFA) of 30,000m² (including the existing Mitre 10 Mega store, but excluding the yard display, i.e., the 1579m² of Mitre 10 garden centre). The development also provided 960 compliant parking spaces and access from both Quarantine Road and Pascoe Street. Consent was also granted for a building within the Inundation Overlay (also a controlled activity).

RM085213 has been varied four times since September 2008. The first variation (V1) was granted on 21 April 2011. This variation enabled the staging of the development, whereby the parking, storm water management, landscape and access components would be developed in phases as the development progressed.

The second variation (V2) was granted on 2 November 2011. This variation enabled the use of an existing hard standing area for parking.

On 18 February 2013 the lapsing period of RM085213 (X1) (including V1 and V2) was extended for a further 10 years. This land use consent now lapses on 8 September 2023.

Variation 3 (V3) was granted on 16 April 2014 which enabled an altered building footprint for the garden centre, an extended trade area, and altered parking layout and traffic circulation.

A fourth variation (V4) was granted on 8 August 2016 to enable a 2000m² extension to the Mitre 10 trade yard and the establishment of a drive-through area.

Existing use of the site:

While resource consent to extend the retail spaces on the site has been held for some time (with the lapse period extension granted in 2013), the consent holder has not developed a large portion of the site, in accordance with the plans first consented in 2008.

The existing tenants at 33 Cadillac Way include the Mitre 10 Mega store which is 10,525m² (plus a 4,635m² garden and yard area) and the Speights Ale House (SAH) which is 501m² (plus a 231m² outdoor seating, deck and service yard area).

Current application:

The proposed changes can be summarised as follows:

- An extension (2,500m²) to the northern end of the existing Mitre 10 building.
- 10,702m² Ground Floor Area (GFA) of retail space to form Stage 1 on the eastern side of site.
- 4,000m² GFA (including mezzanine floor) to form Stage 2 in the south-eastern part of the site – no use is specified for this building.

- A total GFA (existing, State 1 and Stage 2) of 28,228m² (previously consented at 30,000m²) – this does not include outdoor spaces.
- A new 116m² unit to operate as a cafe to serve customers and staff. The combined GFA of this new cafe, the existing Mitre 10 Mega café and the Speights Ale House does not exceed 1,200m².
- A 3,388m² stormwater retention pond in the southern section of site. The construction of the pond (which had previously been consented as a stormwater swale in earlier variations of this consent) will divert the existing perimeter drain and increase its length from 110 metres to 240 metres (approx.).
- Undertake landscaping on the site in accordance with the landscaping plan provided with the application. This includes planting in the new parking areas and surrounding the proposed stormwater retention pond.
- Alterations to the internal roading configuration to accommodate additional parking spaces and building extensions. These will include traffic calming measures.
- An improved (previously consented) vehicle/pedestrian access from Pascoe Street which will accommodate all heavy vehicle deliveries to the site.
- A new pedestrian link between the subject site and Annesbrook Drive (State Highway 6).
- A vehicle access directly from Cadillac Way to the new southern carpark on the site – this was previously consented.
- 954 carparks (including trailer parking) which is six fewer than the 960 parking spaces previously consented.

An additional resource consent is sought to retrospectively consent the raising of a NCC owned stopbank along the true left bank of Jenkins Creek and associated earthworks within the application site. This consent was applied for at the request of NCC to retrospectively consent earthworks undertaken following the August 2022 flood event. It is considered appropriate to bundle the two resource consent decisions as the consent variation (RM085213V5) relies on the retrospective earthworks consent (RM225273) being granted to mitigate effects.

PLAN RULES AFFECTED

According to the NRMP, the following apply to the subject property:

Zoning: Industrial

Overlays: Schedule N, Inundation

Status: RM085213V5 – Controlled – Inr.60.2 – Erection of a building in the Inundation Overlay that extends the ground floor area by more than 20%

RM085213V5 – Controlled – Inr.75A.2 – Development of land contained in Schedule N

RM085213V5 – Discretionary – Change of consent conditions under Section 127 of the Resource Management Act 1991 (RMA)

RM225273 – Restricted Discretionary – INr.54.3 – Earthworks that contravene controlled activity standard (c) for earthworks within 10m of the bank of Jenkins Creek.

REASONS FOR THE DECISIONS

1. I consider that the adverse effects of the activity on the environment will be no more than minor, and no persons are deemed adversely affected by this proposal for the following reasons.
2. The conditions of consent sought to be varied through this application can comply with the relevant matters of control listed in Rule INr.75A.2 of the NRMP.
3. The applicant has provided evidence that in a 1%AEP flood event, flood waters from Jenkins Creek will not overtop the stopbank on the true left side of the creek. The applicant has volunteered a condition of consent to ensure that the depth of Jenkins Creek does not exceed the level identified in the evidence provided by the applicant. A condition of consent requires them to maintain the excavated channel profile of the creek for a period of five years.
4. The applicant is applying to retrospectively consent the raising of the true-left stopbank of Jenkins Creek. The applicant's Geotechnical Engineer has provided comment on the works undertaken to raise the stopbank and has stated that the works undertaken cannot comply with the compaction standards required by New Zealand Standard NZS4431. To mitigate this shortcoming and to ensure works on Stages 1 and 2 can progress, the applicant has volunteered to provide evidence from a Geotechnical Engineer that the stopbank has been formed to the same level of standard as the adjoining stopbank upstream and downstream of the modified section. The applicant must then either undertake recommended remediation works or reconstruct this section of the stopbank to suitable mitigate any risks of stopbank failure.
5. The applicant has provided a Traffic Report with their application. The traffic report has provided most of the information necessary to grant resource consent. In agreement with Nelson City Council's Senior Transportation Advisor, the applicant has volunteered to provide additional design details for certification a minimum of 10 days prior to construction being undertaken.
6. The resource consent application has been reviewed by the relevant Nelson City Council subject experts regarding stormwater inundation. There have been ongoing discussions with the applicant regarding stormwater inundation effects, which has led to additional inundation modelling being provided and details on the hydraulic capacity of Jenkins Creek. In agreement with Nelson City Council's Activity Engineer (Stormwater and Flood Protection), the applicant has volunteered conditions of consent which suitably mitigate these effects to a level which is no more than minor.
7. Nelson City Council has considered the relevant principles outlined in sections 6, 7 and 8 of the Act and has determined that granting this application (subject to conditions) better achieves the sustainable management purpose of the Act (as set out in section 5) than refusing consent.

Reporting Officer: Mitchell Hutchings

Position: Consultant Planner

Signed



Date 8 February 2023

The decision to change and/or cancel conditions is **granted** on 8 February 2023 pursuant to delegated authority from Nelson City Council by:



Mandy Bishop
Manager Consents and Compliance

20 September 2023

PO Box 645 Nelson 7040
Phone: 03 546 0200
Fax: 03 546 0239

GPI 2 Limited
C/- Landmark Lile Limited
PO BOX 343
Nelson 7040

Resource Consent Number: 085213V6
Contact: Mitchell Hutchings
DD:03 373 2036
Email: Mitchell.hutchings@wsp.com
www.nelson.govt.nz

Tēnā koe Mark

Resource consent is granted

Please find attached your resource consent, granted pursuant to Section 113(4) of the Resource Management Act 1991 ("the Act").

Please ensure you read the conditions of your consent carefully before you commence your activity. Some conditions may require you to carry out specific actions before you start. You may also need to obtain other permits or building consents before commencing your activity.

If you have any questions regarding any aspect of your consent or its conditions, please don't hesitate to contact me.

Ngā mihi nui



Mitchell Hutchings
Consultant Planner

DECISION TO CHANGE CONSENT CONDITIONS

Resource Consent number RM085213V6 is granted to:

GPI 2 Limited

The activity:

Change of conditions 1, 17 & 20; and the deletion of condition 18 of Resource Consent RM085213V5 as already varied by RM085213V1, V2, V3, V4 & V5.

Note: These conditions should be read in conjunction with the conditions for the following consents:

Land disturbance consent RM235131 To undertake earthworks in the Industrial Zone which exceed 1.2 metres in height

Extension of lapse period RM085213X2 To extend the existing resource consent lapse period by a further 5 years

Location details:

Address of property: 33 Cadillac Way, Nelson

Legal description: Lot 3 DP 426877

Record of title: 765185

Location co-ordinates: 1620029; 5428020 (NZ Transverse Mercator)

CONDITIONS

Condition 1 is changed from:

1. The activity shall be carried out in accordance with:
 - the application (dated 27 June 2008), as varied by,
 - the application dated 30 March 2011 (Plan B dated 15 April 2011), and
 - the application 12 October 2011 (Plan A dated 27 October 2011) and
 - the application for variation RM085213V3 dated 10 March 2014 (plans A and B dated 10 April 2014) and
 - the application for variation RM085213V4 dated 15 July 2016 (Plans A and B dated July 2016) and
 - the application for variation RM085213V5 (Plans A - D dated November 2021), the additional information provided on 30 March 2022 (Plan E dated November 2021), the plans for the previously consented Pascoe Street entrance upgrade (Plan F dated 24 June 2008), the plans approved in Building Consent BC220477 (Plans G – I dated May 2022), and the works approved in Building Consent BC200646.

as modified by further information received, the Relevant Plans as referenced above, and the following conditions of consent:

Advice Note:

Further detailed engineering design plans are required for those parts of the development not covered by BC220477 as per the conditions of consent below.

To:

1. The activity shall be carried out in accordance with:
 - the application (dated 27 June 2008), as varied by,
 - the application dated 30 March 2011 (Plan B dated 15 April 2011), and
 - the application 12 October 2011 (Plan A dated 27 October 2011), and
 - the application for variation RM085213V3 dated 10 March 2014 (Plans A and B dated 10 April 2014), and
 - the application for variation RM085213V4 dated 15 July 2016 (Plans A and B dated July 2016), and
 - the application for variation RM085213V5 (Plans A - D dated November 2021), the additional information provided on 30 March 2022 (Plan E dated November 2021), the plans for the previously consented Pascoe Street entrance upgrade (Plan F dated 24 June 2008), the plans approved in Building Consent BC220477 (Plans G – I dated May 2022), and the works approved in Building Consent BC200646, and
 - the application for variation RM085213V6 dated (Plans A & B dated Nov 2021, Plan C dated May 2023), and the additional information provided on 31 July 2023 (Plan D dated Nov 2021).

as modified by further information received, the Relevant Plans as referenced above, and the following conditions of consent:

Advice Note:

Further detailed engineering design plans are required for those parts of the development not covered by BC220477 as per the conditions of consent below.

Condition 17 is changed from:

17. All shop fronting footpaths outside Stage 1 & 2 buildings (excluding staff access areas) shall provide a minimum 2.4-metre-wide footpath for pedestrians.

Advice Note:

It is recommended that the Consent Holder seek input from Blind Citizens NZ and/or Blind and Low Vision NZ during detailed design stage to ensure that the pedestrian environment is suitable for vision impaired users.

To:

17. All shop fronting footpaths outside Stage 1, 2, & 4 buildings (excluding staff access areas) shall provide a minimum 2.4-metre-wide footpath for pedestrians.

Advice Note:

It is recommended that the Consent Holder seek input from Blind Citizens NZ and/or Blind and Low Vision NZ during detailed design stage to ensure that the pedestrian environment is suitable for vision impaired users.

Condition 19 is changed from:

19. The final design of the proposed Mitre 10 Mega 'back of house' and the pedestrian crossing to the north of the existing Mitre 10 Mega building shall be detailed on design plans. These detailed shall be submitted to Nelson City Council's Group Manager Infrastructure for certification at least 10 working days prior to construction being undertaken.

To:

RM085213V6

Notice of Decision

Page 3 of 20

19. The final design of the proposed Mitre 10 Mega 'back of house' and the pedestrian crossing to the north of the existing Mitre 10 Mega building shall be detailed on design plans. These detailed plans shall be submitted to Nelson City Council's Group Manager Infrastructure for certification at least 10 working days prior to construction being undertaken.

Advice Note:

- The Nelson City Council Principal Transportation Engineer Consultant recommends that a paved buildout area is provided at the eastern side of the pedestrian crossing. This is to ensure any pedestrians waiting to cross are within motorists "cone of vision" as they turn left towards the Pascoe Street entrance/exit.

Condition 20 is changed from:

20. A safety audit for the Pascoe Street vehicle/pedestrian entrance and the Whakatu Drive pedestrian/cycle entrance shall be provided at detailed design stage. The safety audits shall get the certification of the Nelson City Council Group Manager Infrastructure prior to construction being undertaken.

Advice Notes:

- *The Nelson City Council Senior Transport Advisor recommends that the trees at the Whakatu Drive pedestrian/cycle entrance are located and sized to ensure adequate sight distances are provided between pedestrians and motorists using the car park.*
- *The safety audit will need to be in accordance with the Waka Kotahi guidelines on safety audits.*

To:

A safety audit for the Pascoe Street vehicle/pedestrian entrance and the Whakatu Drive pedestrian/cycle entrance shall be provided at detailed design stage. ~~The safety audits shall get the certification of the Nelson City Council Group Manager Infrastructure prior to construction being undertaken.~~ A post construction safety audit for the Pascoe Street vehicle/pedestrian entrance is also required. Recommendations from the safety audits are to be implemented by the owner/developer to the Nelson City Council Group Manager Infrastructure's satisfaction.

Advice Notes:

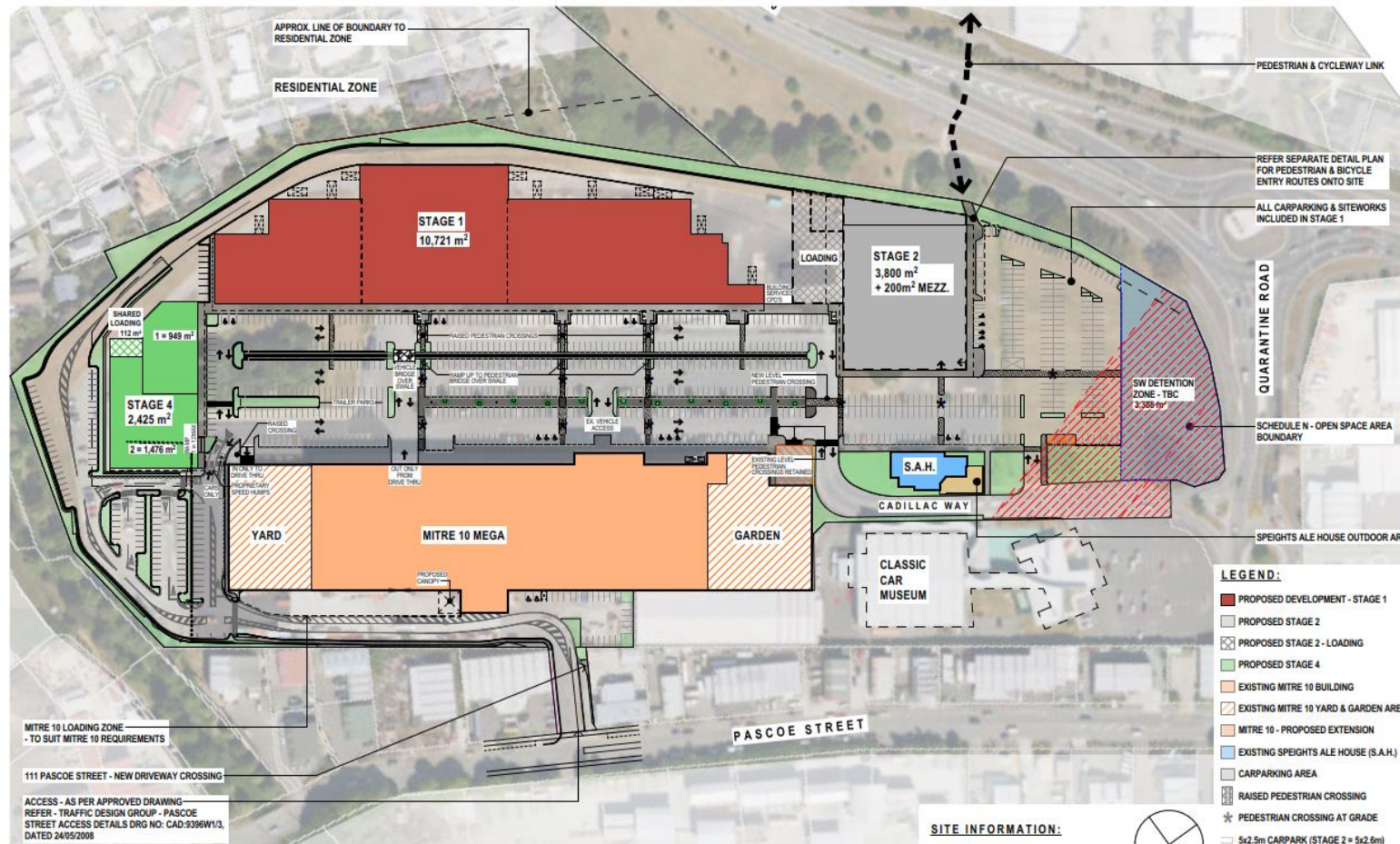
- *The Nelson City Council Senior Transport Advisor recommends that the trees at the Whakatu Drive pedestrian/cycle entrance are located and sized to ensure adequate sight distances are provided between pedestrians and motorists using the car park.*
- *The safety audit will need to be in accordance with the Waka Kotahi guidelines on safety audits.*

Condition 18 is deleted:

~~18. The new heavy vehicle drive through for the Mitre 10 Mega building to the northeast of the existing Mitre 10 Mega building shall have visibility splays provided for vehicles exiting the drive through towards the east. These visibility splays shall be shown on detailed plans and shall be submitted to Nelson City Council's Group Manager Infrastructure for certification at least 10 working days prior to construction being undertaken.~~

*A full updated copy of the resource consent conditions is attached to this decision as **APPENDIX A***

RM085213V6 Plan A dated November 2021

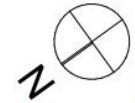


MITRE 10 LOADING ZONE
- TO SUIT MITRE 10 REQUIREMENTS

111 PASCOE STREET - NEW DRIVEWAY CROSSING

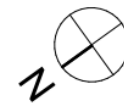
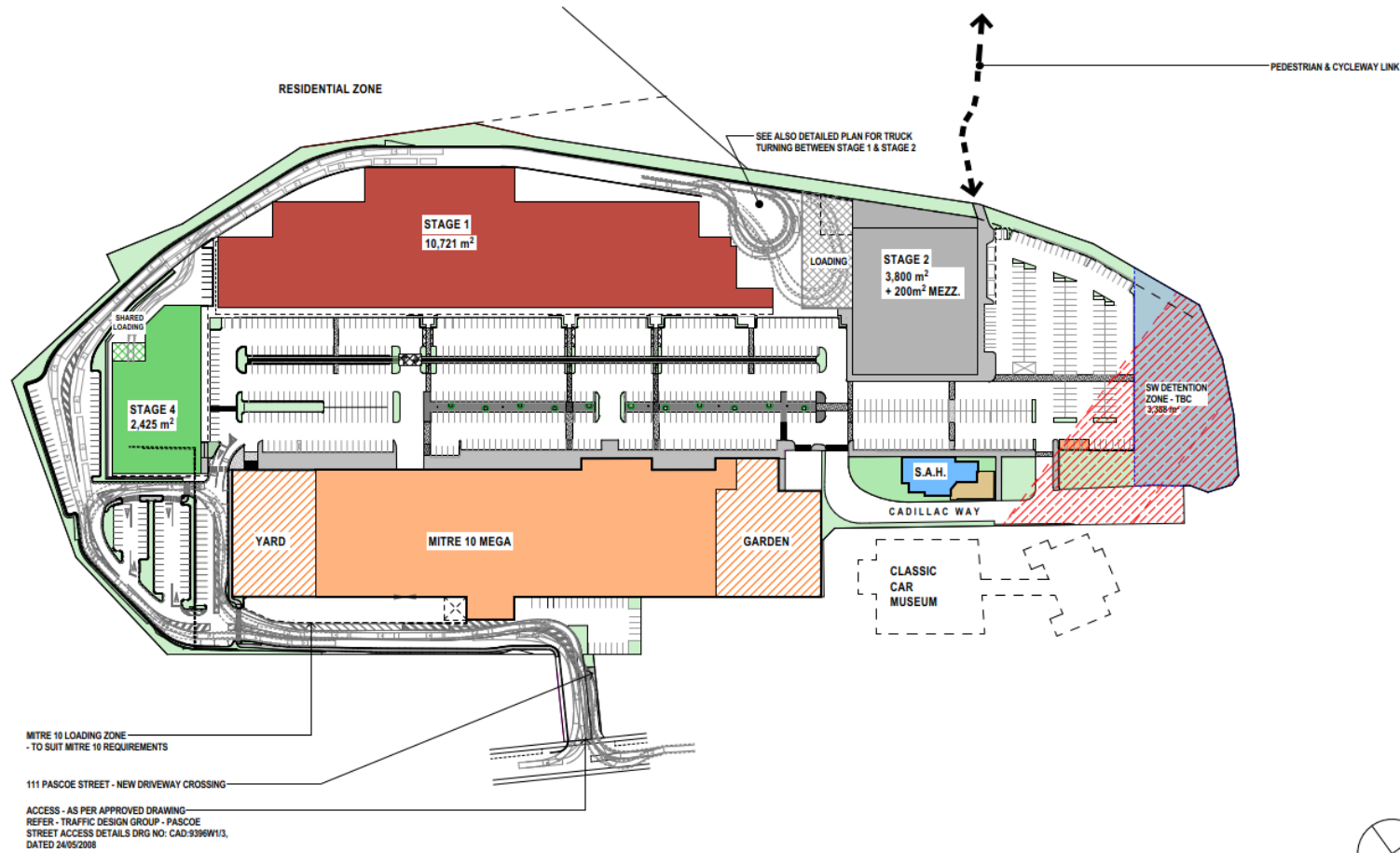
ACCESS - AS PER APPROVED DRAWING
REFER - TRAFFIC DESIGN GROUP - PASCOE
STREET ACCESS DETAILS DRG NO: CAD-9396W1/3,
DATED 24/05/2008

SITE INFORMATION:
33 CADILLAC WAY, NELSON
LOT 3, DP 426877, SEC 4 SO 500328
TOTAL SITE AREA = 89,952m²



<table border="1"> <tr> <th>REVISION</th> <th>DATE</th> <th colspan="2">GIBBONS DEVELOPMENT - NELSON JUNCTION</th> <th>RESOURCE CONSENT AMENDMENT - 19-05-23</th> <th>ISSUED</th> <th>ISA</th> </tr> <tr> <td>REV A - RESOURCE CONSENT ISSUE</td> <td>17-11-21</td> <td colspan="2">33 CADILLAC WAY, NELSON</td> <td>NOV 2021</td> <td>IRVING SMITH ARCHITECTS LTD.</td> <td>LEVEL 1, 96 COLLINGWOOD STREET</td> </tr> <tr> <td>REV B - RESOURCE CONSENT AMENDMENT</td> <td>19-05-23</td> <td colspan="2">OVERALL SITE PLAN</td> <td>NOV 2021</td> <td>PO BOX 222, NELSON 7040, NZ</td> <td>+64 3 548 1372</td> </tr> <tr> <td>REV C - CARPARK LAYOUT & ROAD MARKINGS REVISED</td> <td>28-07-23</td> <td colspan="2"></td> <td>NOV 2021</td> <td>www.isarchitects.nz</td> <td></td> </tr> <tr> <td>REV D - PEDESTRIAN CROSSINGS & ROAD MARKINGS REVISED</td> <td>14-09-23</td> <td colspan="2"></td> <td>NOV 2021</td> <td></td> <td></td> </tr> <tr> <td>REV E - UPDATED LOADING ZONE MARKINGS REVISED</td> <td>19-09-23</td> <td colspan="2"></td> <td></td> <td></td> <td></td> </tr> </table>	REVISION	DATE	GIBBONS DEVELOPMENT - NELSON JUNCTION		RESOURCE CONSENT AMENDMENT - 19-05-23	ISSUED	ISA	REV A - RESOURCE CONSENT ISSUE	17-11-21	33 CADILLAC WAY, NELSON		NOV 2021	IRVING SMITH ARCHITECTS LTD.	LEVEL 1, 96 COLLINGWOOD STREET	REV B - RESOURCE CONSENT AMENDMENT	19-05-23	OVERALL SITE PLAN		NOV 2021	PO BOX 222, NELSON 7040, NZ	+64 3 548 1372	REV C - CARPARK LAYOUT & ROAD MARKINGS REVISED	28-07-23			NOV 2021	www.isarchitects.nz		REV D - PEDESTRIAN CROSSINGS & ROAD MARKINGS REVISED	14-09-23			NOV 2021			REV E - UPDATED LOADING ZONE MARKINGS REVISED	19-09-23						<p>SCALE 1:1500 @ A3</p>	<p>SHEET NO: 001</p> <p>REVISION: E</p>
REVISION	DATE	GIBBONS DEVELOPMENT - NELSON JUNCTION		RESOURCE CONSENT AMENDMENT - 19-05-23	ISSUED	ISA																																						
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REV B - RESOURCE CONSENT AMENDMENT	19-05-23	OVERALL SITE PLAN		NOV 2021	PO BOX 222, NELSON 7040, NZ	+64 3 548 1372																																						
REV C - CARPARK LAYOUT & ROAD MARKINGS REVISED	28-07-23			NOV 2021	www.isarchitects.nz																																							
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REV E - UPDATED LOADING ZONE MARKINGS REVISED	19-09-23																																											

RM085213V6 Plan B dated November 2021



REVISION	DATE	GIBBONS DEVELOPMENT - NELSON JUNCTION RESOURCE CONSENT AMENDMENT - 19-05-21 33 CADILLAC WAY, NELSON OVERALL SITE PLAN - ONSITE TRUCK TURNING PATHS	DRAWN	ISA	IRVING SMITH ARCHITECTS LTD. LEVEL 1, 96 COLLINGWOOD STREET PO BOX 222, NELSON 7040, NZ +64 3 548 1372 www.isarchitects.nz	SHEET NO:	004
REV A - RESOURCE CONSENT ISSUE	17-11-21		DATE:	NOV 2021			
REV C - RESOURCE CONSENT AMENDMENT	15-05-23		JOB NO:	2241			
REV D - CARPARK LAYOUT & TRUCK TURNING REVISED	28-07-23						
REV E - PEDESTRIAN CROSSING & ROAD MARKINGS REVISED	14-09-23						
REV F - IMPERIAL LOADING ZONE MARKINGS REVISED	19-09-23					REVISION	F

RM085213V6 Plan C dated May 2023



LEGEND:

- | | | | | |
|--------------------------------|---|---|--|---|
| PROPOSED DEVELOPMENT - STAGE 1 | EXISTING MITRE 10 BUILDING | ① PROPOSED DETENTION BASIN, GRASSED BASIN WITH LOW NATIVE RIPARIAN PLANTING TO EDGES. (REFER AREA 2 PLANTING PALETTE) | ⑤ LANDSCAPE AMENITY AREA. MIXED NATIVE SHRUB PLANTINGS AS BACKDROP TO DEVELOPMENT. (REFER AREA 4 PLANTING PALETTE) | ⑥ PEDESTRIAN CONCOURSE. ACID WASH CONCRETE WITH FIRTH HOLLAND PAVER PUNCTUATING TENANCY ENTRANCES |
| PROPOSED STAGE 2 | EXISTING MITRE 10 YARD & GARDEN AREA | ② 3.0m CARPARK SWALE. BANKS PLANTED WITH LOW NATIVE RIPARIAN SPECIES PUNCTUATED WITH UPRIGHT NATIVE TREE. (REFER AREA 2 PLANTING PALETTE) | ⑥ LANDSCAPE AMENITY AREA. OPEN GRASSED AREAS WITH MIXED NATIVE + EXOTIC TREE SPECIMENS. (REFER AREA 1 PLANTING PALETTE) | EXISTING TREE RETAINED |
| PROPOSED STAGE 2 - LOADING | 5x2.5m CARPARK (STAGE 2 = 5x2.6m, STAGE 4 = 3.9x2.5m) | ③ CARPARK AMENITY PLANTING. LOW MIXED PLANTINGS WITH TITOKI FEATURE TREES LINING PEDESTRIAN WALKWAYS. (REFER AREA 3 PLANTING PALETTE) | ⑦ EXISTING SWALE PLANTED WITH NATIVE TREE SPECIES TO EDGES. (REFER AREA 4 PLANTING PALETTE) | |
| PROPOSED STAGE 4 | LANDSCAPING AREA | ④ SW ENTRANCE FEATURE. BASIN WITH OUTLET PIPES LANDSCAPED WITH FEATURE ROCKS, LOW NATIVE RIPARIAN PLANTING. (REFER AREA 1 + 3 PLANTING PALETTE) | ⑧ LANDSCAPE AMENITY PLANTING. NARROWING OF PEDESTRIAN CONCOURSE TO ALLOW FOR 1.2m GARDEN BED WITH UNDER PLANTED UPRIGHT FEATURE TREES. (REFER AREA 1 & 3 PLANTING PALETTE) | |
| PROPOSED STAGE 4 - LOADING | EXISTING VIEW EASEMENT | | | |

PROJECT
NELSON JUNCTION
GIBBONS DEVELOPMENT

DRAWING TITLE
LANDSCAPE MASTERPLAN

Scale 1:1000 @ A3
Date 29 MAY 2023
Job No. 2316



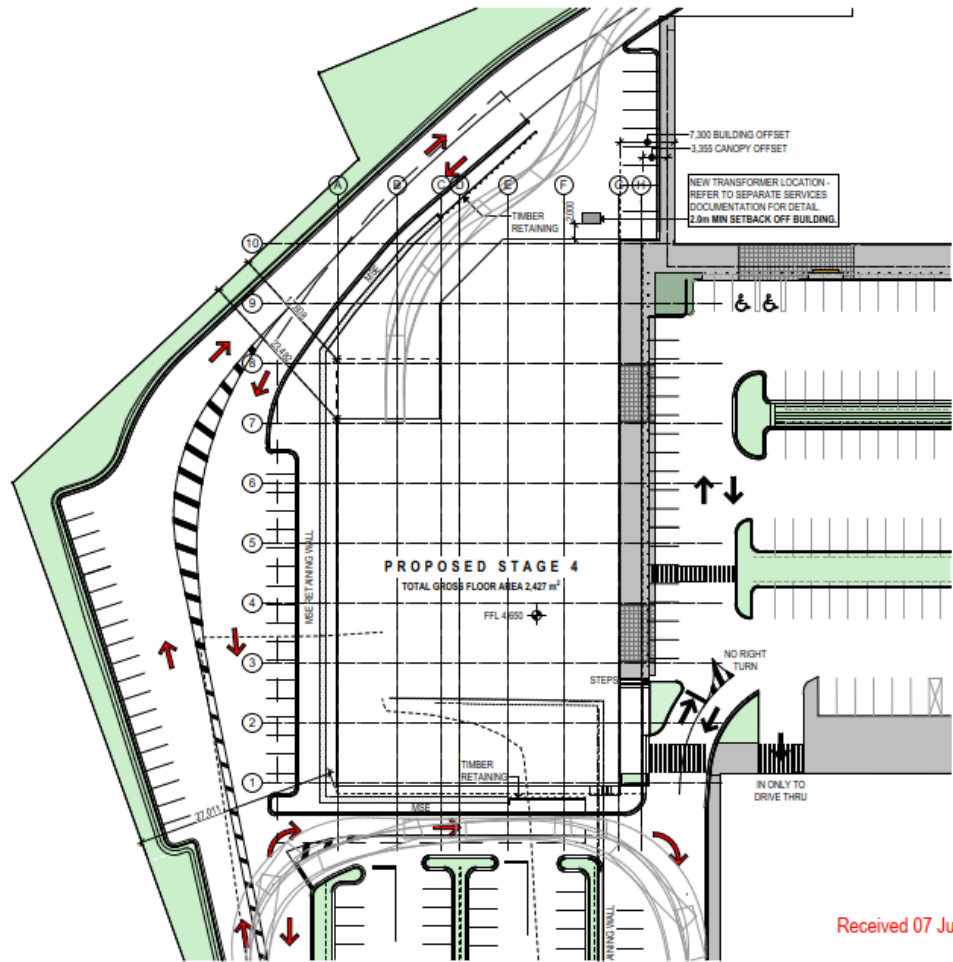
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Sheet A-2
Rev F

Boffa Miskell



RM085213V6 Plan D dated November 2021



Received 07 June 2023

REV - RESOURCE CONSENT AMENDMENT	DATE 15/05/23	GIBBONS DEVELOPMENT - NELSON JUNCTION	RESOURCE CONSENT AMENDMENT - 19-05-23	DRAWN ISA	IRVING SMITH ARCHITECTS LTD. LEVEL 1, 96 COLLINGWOOD STREET PO BOX 222, NELSON 7046, NZ +64 3 548 1372 www.isarchitects.nz	DATE NOV 2021	 01
		33 CADILLAC WAY, NELSON		SCALE 1:500 @ A3			
		PART SITE PLAN					

BACKGROUND

On 15 April 2005, Nelson City Council (NCC) granted resource consent (RM045576) to Trade Base Nelson Limited for the establishment of a Mitre 10 Mega store on the subject site. This proposal was to construct a store with a 10,000m² footprint and supported by 224 on-site parking spaces.

On 28 August 2007, Plan Change Request 06/01 from Catal Developments Limited was granted. This Plan Change introduced a suite of rules (*Schedule N*) that enabled large format retailing to occur within clearly defined site boundaries as a *controlled activity*. *Schedule N* requires resource consent for all applicable activities so that control over design matters can be retained by NCC.

Resource consent RM085213 was granted on 8 September 2008. This consent authorised the design and layout of a large format retail development comprising a gross floor area (GFA) of 30,000m² (including the existing Mitre 10 Mega store, but excluding the yard display, i.e., the 1579m² of Mitre 10 garden centre). The development also provided 960 compliant parking spaces and access from both Quarantine Road and Pascoe Street. Consent was also granted for a building within the Inundation Overlay (also a controlled activity).

RM085213 has been varied four times since September 2008. The first variation (V1) was granted on 21 April 2011. This variation enabled the staging of the development, whereby the parking, storm water management, landscape and access components would be developed in phases as the development progressed.

The second variation (V2) was granted on 2 November 2011. This variation enabled the use of an existing hard standing area for parking.

On 18 February 2013 the lapsing period of RM085213 (X1) (including V1 and V2) was extended for a further 10 years. This land use consent now lapses on 8 September 2023.

Variation 3 (V3) was granted on 16 April 2014 which enabled an altered building footprint for the garden centre, an extended trade area, and altered parking layout and traffic circulation.

Variation 4 (V4) was granted on 8 August 2016 to enable a 2000m² extension to the Mitre 10 trade yard and the establishment of a drive-through area.

A fifth variation (V5) was granted on 8 February 2023 to accommodate changes to plans for onsite development. This consent decision was bundled with resource consent (RM225273) to retrospectively consent earthworks within 10 metres of a stream listed in Appendix 6 of the NRMP.

Existing use of the site:

The existing tenants at 33 Cadillac Way include the Mitre 10 Mega store which is 10,525m² (plus a 4,635m² garden center and yard area) and the Speights Ale House (SAH) which is 501m² (plus a 231m² outdoor seating, deck and service yard area).

Variation 5 to RM085213V5 which was granted earlier in 2023 relates to the development of Stage 1 on the site. Variation 5 authorised the following changes to previous consent variations:

- An extension (2,500m²) to the northern end of the existing Mitre 10 Mega building.
- 10,702m² Ground Floor Area (GFA) of retail space to form Stage 1 on the eastern side of site.
- 4,000m² GFA (including mezzanine floor) to form Stage 2 in the south-eastern part of the site – no use is specified for this building.

- A total GFA (existing, State 1 and Stage 2) of 28,228m² (previously consented at 30,000m²) – this does not include outdoor spaces.
- A new 116m² unit to operate as a cafe to serve customers and staff. The combined GFA of this new cafe, the existing Mitre 10 Mega café and the Speights Ale House does not exceed 1,200m².
- A 3,388m² stormwater retention pond in the southern section of site. The construction of the pond (which had previously been consented as a stormwater swale in earlier variations of this consent) will divert the existing perimeter drain and increase the drain length from 110 metres to 240 metres (approx.).
- Undertake landscaping on the site in accordance with the landscaping plan provided with the application. This includes planting within the new parking areas and surrounding the proposed stormwater retention pond.
- Alterations to the internal roading configuration to accommodate additional parking spaces and building extensions. These will include traffic calming measures.
- An improved (previously consented) vehicle/pedestrian access from Pascoe Street which will accommodate all heavy vehicle deliveries to the site.
- A new pedestrian link between the subject site and Annesbrook Drive (State Highway 6).
- A vehicle access directly from Cadillac Way to the new southern carpark on the site – this was previously consented.
- 954 carparks (including trailer parking) which is six fewer than the 960 parking spaces previously consented.

Stage 1 is currently under construction.

Current application:

The proposed changes can be summarised as follows:

- The removal of the Mitre 10 Mega extension authorised through Variation 5
- The construction of a new standalone (2,425m²) building referred to as Stage 4 (note there is no Stage 3)
- There is a total new proposed floor area of 28, 172m² which is 53m² smaller than the currently consented floor area under Variation 5 of 28, 228m²).
- The reconfiguration of the internal car parking
- A new delivery bay to the east of the proposed Stage 4 building
- Re-configured/shortened back of house area of Mitre 10 Mega

Resource Consent is also sought for earthworks to construct two retaining structures in the northern section of the site to allow for the construction of Stage 4, and to extend the consent lapse period by 5 years. The earthworks required are to build the Stage 4 building down into the site as opposed to a retaining wall to raise any building up. The alignment of the access road has not been modified since Variation 5 (RM085213V5) and it will be no closer to the adjoining residential properties to the east.

PLAN RULES AFFECTED

According to the NRMP, the following apply to the subject property:

Zoning: Industrial

Overlays: Schedule N, Inundation

Status: RM085213V6 – Controlled – Inr.60.2 – Erection of a building in the Inundation Overlay that extends the ground floor area by more than 20%

RM085213V6 – Controlled – Inr.75A.2 – Development of land contained in Schedule N

RM085213V6 – Discretionary – Change of consent conditions under Section 127 of the Resource Management Act 1991 (RMA) to remove Mitre 10 Mega extension from approved plans and add Stage 4 development

REASONS FOR THE DECISION

1. I consider that the adverse effects of the activity on the environment will be no more than minor, and no persons are deemed adversely affected by this proposal for the following reasons.
2. The conditions of consent sought to be varied through this application can comply with the relevant controlled activity criteria listed in Rule INr.75A.3 of the NRMP. The controlled activity matters of control listed in Rule INr.75A.3 are limited to the total floor area of all combined buildings; the activities proposed; co-occupation of spaces; and ensuring that any proposal can also comply with the permitted activity criteria for the Industrial Zone. The applicant has adequately demonstrated this in their resource consent application by providing detail on the total floor area (1,828m² short of the maximum size of 30,000m²); by explaining that all future tenants will meet the required size/occupancy requirements; and by demonstrating compliance with relevant permitted activity assessments for the Industrial Zone. An assessment has been undertaken on the effects available to be assessed as a controlled activity including the layout of the parking areas; landscaping; safe pedestrian links; lighting; external walls; and pedestrian access – many of which relate to potential amenity effects. The assessment provided by the applicant concludes that any effects will be less than minor. Their assessment has been reviewed by Nelson City Council representatives and consultants employed on behalf of Nelson City Council (including me) and is assessed as follows:
 - i. Layout of central parking areas – The parking areas are clearly defined in the applicant’s site plan and the variation to the northern car park moves parking areas to the north-west to the location of an existing carpark.
 - ii. Landscape planting within parking area – A landscaping plan has been provided by the applicant clearly showing planting within parking areas, including the proposed car park to the west of Stage 4. The landscaping proposed is appropriate for the development proposed, with suitable larger specimens proposed to mitigate effect of building facades.

- iii. Safe pedestrian access – Pedestrian connections within parking areas have been demonstrated on the plans provided by the applicant during the Request For Information which improves safety for pedestrians navigating the site.
- iv. Adequate lighting within parking area – As part of the previous variation (RM085213V5) the applicant provided confirmation from Powertech confirming that all lighting for the development would be in accordance with AS/NZS1158:2 and the requirements of the NTLDM. This is a requirement of Condition 2 and this is not proposed to be varied by this resource consent application.
- v & vi. Colour and modulation of external walls facing boundaries – The applicant has provided updated Architectural Plans as part of their application (and updated via Request For Information). The applicant provided an Architectural Comment and Colour Palette as part of the previous variation (RM085213V5) providing details for external wall colour and modulation. There is an existing condition of consent for the external facades of buildings (which would now include Stage 4) to be constructed in accordance with the Architectural Comment document and this is not proposed to be varied.
- vii. Vehicular/pedestrian access from Pascoe Street – Vehicular and pedestrian access from Pascoe Street is not proposed to be changed as part of this resource consent variation. Condition 9a details when the Pascoe Street entrance is to be upgraded and the design details for this are attached as a plan to the previous resource consent variation (RM085213V5).
- viii. Maintenance of open space/landscaping in “open space” land – This relates to the southern area of the site and this is not proposed to be modified as part of this variation.

As part of the Section 95 assessment for this resource consent application (when determining the effects on the environment and on persons), it has been concluded that with the conditions of consent volunteered, any effects from the proposal will be less than minor.

Transport effects

3. The applicant has engaged a Transportation Engineer to provide a Traffic Report with their application. The Traffic Report has provided most of the information necessary to grant resource consent. Additional information was requested from the applicant in the Request For Information (RFI) including details of heavy vehicle manoeuvring for the Stage 4 building, lines of site for the Mitre 10 Mega Back Of House, Pedestrian connection between Mitre 10 Mega and Stage 4, and internal parking configuration. Following some additional questions regarding the Mitre 10 Back Of House pedestrian crossing, the applicant updated their plans to include a concrete build out area to improve pedestrian visibility particularly from heavy vehicles turning left out of the Stage 4 carpark to ensure that pedestrians are in driver’s ‘cone of vision’.

4. After reviewing the applicant's RFI response, Nelson City Council's Principal Transport Engineer Consultant has commented that the potential transport effects he had initially considered have been answered and that the transport effects associated with this consent variation will be less than minor. With regard to the concrete build out area at the Mitre 10 Back Of House, it was commented that the updated plans provided show adequate detail to mitigate pedestrian safety that was identified at this location in the previous plan set.

Stormwater and Inundation effects

5. Resource consent RM225273 was granted retrospectively in February 2023 for the raising of the true left stopbank of Jenkins Creek. As a result of the stopbank being raised, no inundation effects are anticipated to impact the site in a 1% Annual Exceedance Probability (AEP) storm event. The total floor area is being reduced by 53m². The resource consent application has been reviewed by the Nelson City Council Senior Engineer – Land Development. They have stated that they are satisfied that the application can progress and that they have no comments/questions as RM225273 (granted in February 2023) for the raising of the Jenkins Creek true left stopbank has effectively mitigated any flooding/inundation effects on the site. As a result, there is no longer any flooding or inundation concerns for the subject site.

Amenity Effects

6. Amenity effects of the proposed variation has been assessed as part of this application. While the proposed Stage 4 building is closer to the north-eastern boundary than the existing Mitre 10 Mega extension (as consented under RM085213V5 which is no longer proposed to be built), the proposed building can comply with the relevant yard setback and height recession rules for the Industrial zone. The proposed retaining walls are recessed down within the land to support soil to the north. For this reason, they will not be visible from adjoining properties.
7. The access road is not proposed to move as part of this application and will remain in its existing location which has formerly been consented. No conditions are necessary relating to amenity effects.
8. The proposed landscaping has been assessed as part of this application as required by the matters of control listed in Rule INr.75A.3. A Landscape Resource Consent Package has been provided by Boffa Miskell. The plan details the species selection and location of planting proposed on the site. There is additional planting proposed within the reconfigured parking for the Stage 4 building and reconfigured planting along the northern boundary of the site. The planting along the northern boundary has been strategically located in front of existing neighbouring dwellings. The selected species in this location are larger specimens including *Sophora microphylla* (kowhai), *Ginkgo biloba* (Ginko) and *Podocarpus totara* (Totara) which will suitably mitigate visual amenity effects of large unmodulated facades on properties to the north-east of the site once trees are established.
9. The applicant has provided an assessment from their Architect as part of their previous variation application (RM085213V5), referred to as the 'Architects Statement'. The statement discusses the design intentions and material selections for Stage 1 and 2

Buildings. Condition 5 of RM085213V5 which is not proposed to be varied as part of the current application details that the exterior walls of the (all) new buildings (which would now including Stage 4), shall be in general accordance with the Architects Statement. The current Stage 4 proposal will have modulated walls similar to that discussed in the Architects Statement in RM085213V5. The walls are a similar length to the Stage 1 buildings which will avoid dominant modular forms being visible from the properties to the north. As such, adverse amenity effects from the proposed Stage 4 building will be minimised on adjoining properties.

Summary

10. The activity is consistent with the relevant objectives and policies contained in the Nelson Resource Management Plan and the Nelson Regional Policy Statement for risk from traffic safety, natural hazards, and amenity values for the reasons detailed above.
11. I have considered the relevant principles outlined in sections 6, 7 and 8 of the Act and I have concluded that granting consent to this application (subject to conditions) will achieve the sustainable management purpose of the Act (as set out in section 5).

Reporting Officer: Mitchell Hutchings

Position: Consultant Planner

Signed  _____ Date 20 September 2023

This decision report has been reviewed and resource consent to change and cancel conditions is **granted** in accordance with the recommendation on 20 September 2023 pursuant to delegated authority from Nelson City Council by:



Adrian Ramage

Team Leader Resource Consents

Adrian Ramage
Resource Consents Unit
Nelson City Council
(Authorised Officer Pursuant to
Delegation)

APPENDIX A

Full and Updated Conditions for Resource Consent RM085213 as varied by RM085213V1, RM085213V2, RM085213V3, RM085213V4, RM085213V5 and RM085213V6 dated 20 September 2023.

Please note that the plans referenced below are the complete set of plans for the current application (RM085213V6). While dated 2021, these plans have been submitted with the current application in 2023 and have been updated in 2023 while still retaining the 2021 dates. The latest of these was provided by the applicant on 19 September 2023. The four plans referenced in Condition 1 of this consent decision are the most relevant conditions to this application relating to the site plan, vehicle tracking, landscaping and geotechnical considerations.

Relevant Plans:

Drawings prepared by Irving Smith Architects entitled “Gibbons Development – Nelson Junction” dated Nov 2021 including Sheets 01-10 received on 07 June 2023.

Drawings prepared by Boffa Miskell entitled “Nelson Junction Landscape Resource Consent Package” dated 24 May 2023, including Sheets A-2 and A-4.

Drawings prepared by Irving Smith Architects entitled “Gibbons Development – Nelson Junction” dated Nov 2021 including Sheets 001-004 received on 31 July 2023.

General

1. The activity shall be carried out in accordance with:
 - the application (dated 27 June 2008), as varied by,
 - the application dated 30 March 2011 (Plan B dated 15 April 2011), and
 - the application 12 October 2011 (Plan A dated 27 October 2011), and
 - the application for variation RM085213V3 dated 10 March 2014 (Plans A and B dated 10 April 2014), and
 - the application for variation RM085213V4 dated 15 July 2016 (Plans A and B dated July 2016), and
 - the application for variation RM085213V5 (Plans A - D dated November 2021), the additional information provided on 30 March 2022 (Plan E dated November 2021), the plans for the previously consented Pascoe Street entrance upgrade (Plan F dated 24 June 2008), the plans approved in Building Consent BC220477 (Plans G – I dated May 2022), and the works approved in Building Consent BC200646, and
 - the application for variation RM085213V6 dated (Plans A & B dated Nov 2021, Plan C dated May 2023), and the additional information provided on 31 July 2023 (Plan D dated Nov 2021).

as modified by further information received, the Relevant Plans as referenced above, and the following conditions of consent:

Advice Note:

Further detailed engineering design plans are required for those parts of the development not covered by BC220477 as per the conditions of consent below.

Site Conditions

2. As each stage is developed, lighting shall be installed in the car parking and pedestrian areas for each stage in accordance with the standard AS / NZS 1158.3.1 2005. Certification that this has been achieved shall be provided by a suitably qualified light expert to Nelson City Council's Resource Consent Monitoring Officer prior to any car parking area, in addition to that already in existence, being open for public use.
3. Lighting shall be chosen for its ability to limit light spill and glare above the horizontal plane. (Note that Rule INr.41 'Light Spill' applies).
4. The external roof cladding shall be of a material, coating or colour which has a low reflectivity value. Should this involve the roofing material being coloured, this colour shall be from the same family of recessive and low reflective greys as those stated for the exterior walls of the buildings.
5. With the exception of the Mitre 10 Mega building and other facades facing the main car parking area, the exterior walls of the new buildings, shall be in general accordance with the "Architects Statement" prepared by Irving Smith Architects Ltd and submitted with the application to Nelson City Council on 3 December 2021.
6. Deleted.

Roading

7. All signage, roadmarking and proposed works on Pascoe Street and Quarantine Road / Cadillac Way road reserve shall be detailed on design plans and receive the approval of the Nelson City Council Group Manager Infrastructure prior to any construction or site works being undertaken. This work shall be carried out at the consent holder's cost.
8. The onsite cycle stands, shown on the traffic management plan prepared by Traffic Design Group titled Nelson Supa Centa, Traffic Management Plan, date 21/08/2008 DRG.No CAD:9396-2W1/1, shall be installed prior to the individual tenancy they are adjacent to opening to the public.
9. Any dirt or debris tracked onto the road as a result of the construction works on the site, shall be removed by the consent holder, at the consent holder's expense, within daylight hours on the same date as the dirt or debris tracking occurs.
- 9(a). The Pascoe Street access to the site shall be upgraded before the development of the site exceeds 25,500m² of gross floor area including retail and any other activity.
- 9(b). Deleted.

Site works (Earthworks) Conditions

10. At no time during the earthworks, (including back filling and drainage), shall the works encroach onto any adjacent private property. The property boundaries are those as shown on Lot 100, DP388661, CT 354590.
11. Prior to any earthworks taking place under this consent, a Dust, Erosion and Sedimentation Control Plan shall be prepared, by a chartered professional engineer practising in civil engineering and lodged with the Nelson City Council's Resource Consent Monitoring Officer. This plan shall be in accordance with the Nelson Tasman Land Development Manual 2020.

Advice note:

It is noted that a Dust Erosion and Sediment Control Plan has been lodged and certified for the Stage 1 works and approved in November 2021. The details of this plan shall be updated as necessary to include any additional earthworks on site during subsequent works.

Stormwater Conditions

12. All existing stormwater laterals and other existing connections and pipes not required for this development shall be disconnected and removed at the main at the cost of the consent holder.
13. The development must not create or increase ponding of stormwater on adjoining properties.
14. The consent holder shall extend the stormwater system to connect to any existing stormwater discharging onto this site from adjoining properties, except that the development of the Speight's Ale House and expansion of the Mitre 10 building may proceed prior to the construction of the storm water pond.

Monitoring

15. The Consent Holder shall advise Nelson City Council's Resource Consent Monitoring Officer five days before work will commence on-site, so that monitoring of this consent can be undertaken. Please advise the consent number, RM085213V5.
16. For the purposes of, and pursuant to Section 128 of the Resource Management Act 1991, the Council reserves the right to review this consent annually after the commencement of the activity, commencing from the date this consent is activated, for any of the following purposes:
 - To impose any additional conditions, or to modify existing conditions of consent relating to the effects of the activity on the environment.
 - To require the Consent Holder to adopt the best practicable option to mitigate any adverse effect upon the environment, arising from the generated effects of the activity.
 - If the Council deems that it is necessary to do so in order to deal with any adverse effect on the environment which may arise from the exercise of this consent, and which is appropriate to deal with at a later date.

Roading (continued)

17. All shop fronting footpaths outside Stage 1, 2 & 4 buildings (excluding staff access areas) shall provide a minimum 2.4-metre-wide footpath for pedestrians.

Advice Note:

- *It is recommended that the Consent Holder seek input from Blind Citizens NZ and/or Blind and Low Vision NZ during detailed design stage to ensure that the pedestrian environment is suitable for vision impaired users.*

18. Deleted.

19. The final design of the proposed Mitre 10 Mega 'back of house' and the pedestrian crossing to the north of the existing Mitre 10 Mega building shall be detailed on design plans. These detailed plans shall be submitted to Nelson City Council's Group Manager Infrastructure for certification at least 10 working days prior to construction being undertaken.

Advice Note:

The Nelson City Council Principal Transportation Engineer Consultant recommends that a paved buildout area is provided at the eastern side of the pedestrian crossing. This is to ensure any pedestrians waiting to cross are within motorists "cone of vision" as they turn left towards the Pascoe Street entrance/exit.

20. A safety audit for the Pascoe Street vehicle/pedestrian entrance and the Whakatu Drive pedestrian/cycle entrance shall be provided at detailed design stage. A post construction safety audit for the Pascoe Street vehicle/pedestrian entrance is also

required. Recommendations from the safety audits are to be implemented by the owner/developer to the Nelson City Council Group Manager Infrastructure's satisfaction.

Advice Notes:

- *The Nelson City Council Senior Transport Advisor recommends that the trees at the Whakatu Drive pedestrian/cycle entrance are located and sized to ensure adequate sight distances are provided between pedestrians and motorists using the car park.*
- *The safety audit will need to be in accordance with the Waka Kotahi guidelines on safety audits.*

Three Waters (continued)

20. Fire hydrants shall be provided by the Consent Holder. This shall include one hydrant, capable of providing 12.5L/s, within 135m of every structure and a second hydrant, capable of providing 12.5L/s, within 270m of every structure.
21. Potable water supply shall be installed with backflow protection in accordance with the New Zealand Building Code to ensure that the potable supply and any water supplies servicing firefighting sprinklers are separated. Aboveground Reduced Pressure Zone devices will be required for service laterals supplying any buildings with fire sprinklers.
22. Existing wastewater pipes which are within the site may not be re-used unless they are less than 40 years old and proven to be in good condition.

Advice Note:

- *Proof of condition will involve CCTV inspection and pressure testing in accordance with the Nelson Tasman Land Development Manual 2020.*
23. Wastewater flows from the site must not exceed 0.68 litres per second per hectare without specific approval from the Nelson City Council Group Manager Infrastructure.
 24. Prior to any building consent application, the Consent Holder shall consult with Nelson City Council regarding any flow monitoring and Trade Waste Bylaw requirements. The final details for any specific onsite devices required to meet Trade Waste Bylaw requirements can be finalised at the detailed design stage. These devices (if required) shall be installed to the satisfaction of Nelson City Council prior to issue of Code of Compliance Certificate.
 25. The Consent Holder shall provide the long section for the excavated channel bed profile used for the modelling reported in the Envirolink report dated 30 November 2022 and labelled in Figure 3 of that report as 'NSN JN 301122 Terrain Profile'. The data is to be provided in hard copy and electronic file format to Nelson City Council within 6 months of the granting of resource consent.
 26. An encumbrance shall be registered on the title setting out the obligations of the landowner regarding an Operations and Maintenance schedule for the onsite stormwater detention pond and treatment devices. The Operations and Maintenance schedule must be provided with the design engineering plans when provided to Nelson City Council.
 27. The Consent Holder shall submit "Design" engineering drawings for those works not already consented under Building Consent BC220477 and BC200646. The works shall show compliance with the requirements of the Nelson Tasman Land Development Manual 2020 and shall be sent to the Nelson City Council's Group Manager Infrastructure for certification. No works shall commence until the "Design" engineering drawings have been certified.

Advice note:

All works completed by the Consent Holder shall be in accordance with the approved design drawings to the satisfaction of the Nelson City Council's Group Manager Infrastructure prior to the issuing of Building Consent Code Of Compliance.

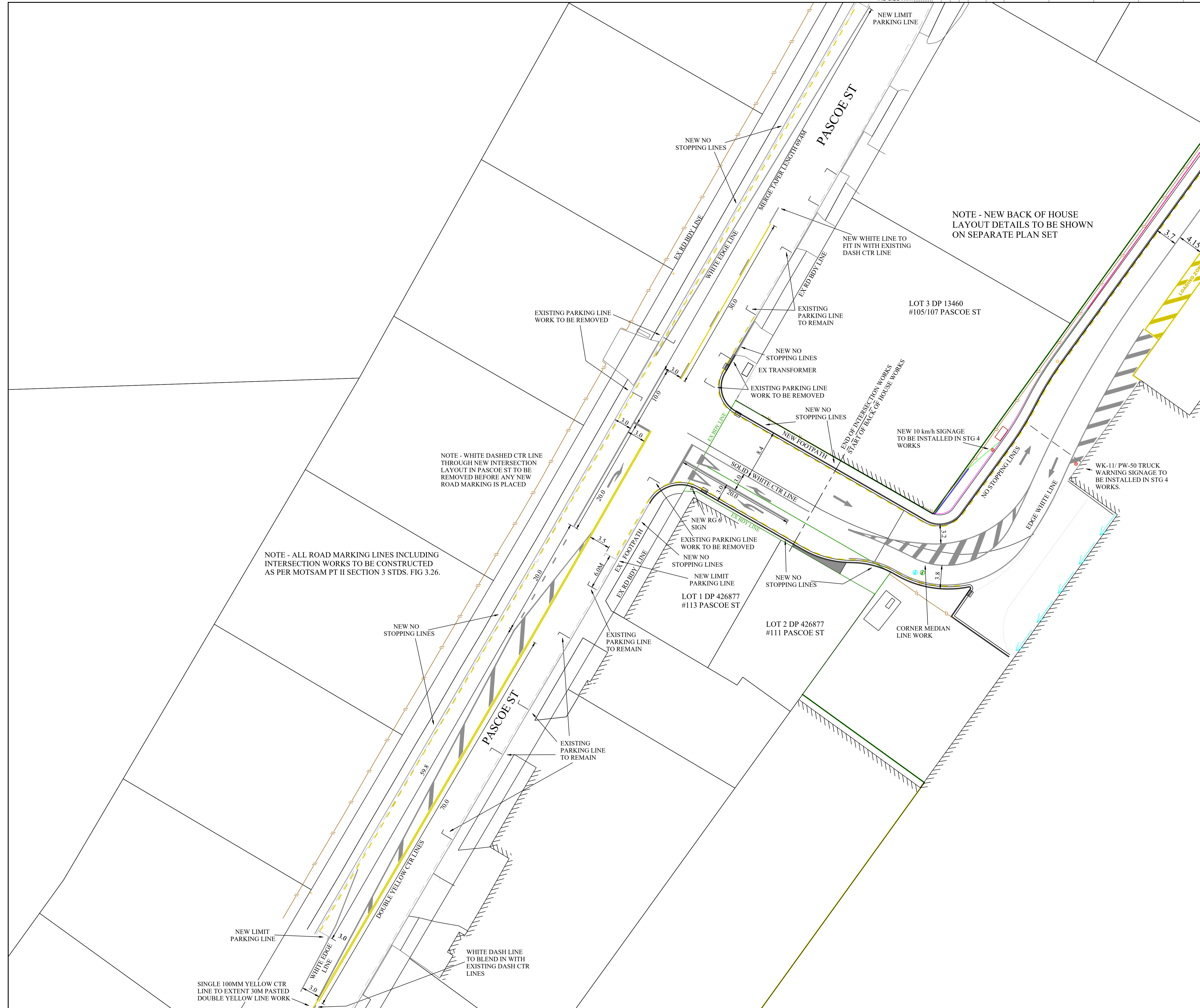
28. Prior to the issuing of Building Consent Code Of Compliance, the Consent Holder shall:

- a) Submit "As-built" engineering plans for the approval of the Group Manager Infrastructure. The "As-built" engineering drawings shall meet the requirements of the Nelson Tasman Land Development Manual 2020, and be to the satisfaction of the Nelson City Council's Group Manager Infrastructure.
- b) Engage a suitably qualified chartered professional engineer or registered professional surveyor to provide the Nelson City Council's Manager Resource Consents with written certification that all works have been completed in accordance with the requirements of the conditions of this consent and the details provided in Building Consents BC220477 and BC200646.

ADVICE NOTES

1. At building consent stage the applicant will be required to demonstrate compliance to other relevant plan rules as per Schedule N.3 5) of the Industrial Zone, Nelson Resource Management Plan.
2. All works within road reserve require road opening notices, traffic management plans and vehicle crossing permits as relevant. Contact Nelson City Council's Technical Services Department for advice and application.
3. Water connection and disconnection permits are required separately for works involving connection and disconnection to the water supply network. Contact Nelson City Council's Technical Services Department for advice and application.
4. Development Contributions as per the LTCCP will apply at Building Consent Stage.
5. At building consent stage the development should be provided with a piped reticulation connecting to the existing Nelson City Council reticulated sewer serving this site.
6. Also at this stage all existing sewer laterals not required for this development should be disconnected and removed at the main at the cost of the consent holder.
7. At building consent stage the consent holder should install, at his/her cost, water reticulation to serve the site connecting Nelson City Council water mains for fire fighting and water supply.
8. Also at this stage all existing water connections not required for this development should be disconnected and removed at the main at the cost of the consent holder.
9. This decision relates to the use of Stage 1 and 2 buildings as Large Format Retail buildings. Additional resource consent(s) will be required for any other land uses in accordance with Rule INr.75A.2 of the NRMP.
10. The Consent Holder is advised to consider the swept paths of larger vehicles which may visit the site and should be aware that more space may be required for these vehicles. This should be considered prior to the detailed design stage.
11. It is recommended that appropriate separation, intervisibility, delineation and markings be used to address conflict between the public access route (both vehicle and pedestrian) and heavy vehicles manoeuvring and loading/unloading associated with the Mitre 10 'back of house' area. This could include kerbs, road markings and signage in accordance with the Manual of Traffic Signs And Markings (MOTSAM) and the Traffic Control Devices Manual, or planting/landscaping.
12. Conditions of this consent have been imposed pursuant to Sections 108 and 127 of the Act.
13. This is not a building consent, and the Consent Holder shall meet the requirements of the Nelson City Council for all Bylaws, Regulations and Acts.

14. In the event of Maori archaeological sites (e.g. shell midden, hangi or ovens, garden soils, pit depressions, occupation evidence, burials, taonga) or koiwi (human remains) being uncovered, activities in the vicinity of the discovery shall cease. The Consent Holder is advised that they are required to notify the appropriate iwi groups and Heritage New Zealand Pouhere Taonga Central Regional Office (phone 04 494 8320), and shall not recommence works in the area of the discovery until the relevant approvals to damage, destroy or modify such sites have been obtained.
15. This resource consent authorises only the activity described above. Any matters or activities not consented to by this consent or covered by the conditions above must either:
 - comply with all the criteria of a relevant permitted activity in the Nelson Resource Management Plan (NRMP); or
 - be allowed by the Resource Management Act 1991; or
 - be authorised by a separate resource consent.
16. This consent is granted to the Consent Holder, but Section 134 of the Act states that such land use consent "attach to the land", and accordingly, may be enjoyed by any subsequent owners and occupiers of the land. Therefore, any reference to "Consent Holder" in any conditions shall mean the current owners and occupiers of the subject land. Any new owners or occupiers should therefore familiarise themselves with the conditions of this consent, as there may be conditions that are required to be complied with on an ongoing basis.
17. The Consent Holder should note that this resource consent does not override any registered interest on the property title.
18. Section 357A of the Act provides you with the right to lodge an objection with the Nelson City Council in respect of this decision and/or any associated conditions. Section 357B provides a right of objection to any additional charges. Any objection must be made in writing setting out the reasons for the objection and be lodged with the Nelson City Council within 15 working days of receiving this letter. The administration cost for an objection under section 357A is a fixed fee of \$320.00 (GST inclusive).
19. In addition to objection rights, section 120 of the Act provides you with the right to lodge an appeal with the Environment Court in respect of this decision and/or any associated conditions. Section 121 of the Act requires that any such appeal must be made in the prescribed form, must state the reasons for the appeal, the relief sought, state any matters required by regulations and must be lodged with both the Environment Court and the Nelson City Council within 15 working days of receiving this letter.
20. Monitoring: A monitoring charge of \$162 has been included in your invoice, as conditions of consent requiring monitoring have been imposed. This charge covers the costs involved in the first hour of monitoring compliance with the consent conditions. Where additional monitoring costs are required to determine that conditions have been met, these will be charged as per the Council's Fees and Charges policy in force at the time. Please email the Council's Monitoring Officer, regulatory@ncc.govt.nz, when work commences on this consent, so that monitoring can be carried out. Please quote the consent number, RM085213V5.



Notes:

NOTE - NEW BACK OF HOUSE LAYOUT DETAILS TO BE SHOWN ON SEPARATE PLAN SET

NOTE - WHITE DASHED CTR LINE THROUGH NEW INTERSECTION LAYOUT IN PASCOE ST TO BE REMOVED BEFORE ANY NEW ROAD MARKING IS PLACED

NOTE - ALL ROAD MARKING LINES INCLUDING INTERSECTION WORKS TO BE CONSTRUCTED AS PER MOTSAM PT II SECTION 3 STDS. FIG 3.26.

Rev.	Description	Drawn	Date
1	Update plan from Safety Audit Report	RJG	21-09-23
2	From council review (Removed signs, Omit RRP's)	RJG	06-10-23

Name	Date	Surveyed:	Survey Date:
Designed: RJG	21/09/23	-	Month Year
Drawn: RJG	21/09/23	Coord System:	-
Drng. Chk: JT	SEPT 23	-	-
Proj. Mgr: -	-	Calibration:	-
Design Review:	Date	Origin of Levels:	MA IV DP 388661
JT	SEPT 23	-	-
Approved:	Date	R.L.	2.97
		Datum:	NZVD 16

Client	GIBBONS DEVELOPMENTS LTD		
Project Title	NELSON JUNCTION LTD 33 CADILLAC WAY, NELSON		
Drawing Title	PASCOE ST INTERSECTION DESIGN NEW ROAD MARKING LAYOUT PLAN		
Scales	1:300 [A1]		
Project No.	11243	Set No.	1
		Sht No.	2
		Rev.	R3

