



Resource Consent Application

To construct and operate a Starbucks coffeehouse and Burger King restaurant with dual drive-through facilities at 69a Main Road, Tirau

Tahua Properties Limited

Prepared by:

SLR Consulting New Zealand

201 Victoria Street West Auckland 1010, New Zealand

SLR Project No.: 880.V16170.00001

13 March 2024

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Revision Record

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Basis of Report

This report has been prepared by SLR Consulting New Zealand (SLR) with all reasonable skill, care, and diligence, and taking account of the timescale and resources allocated to it by agreement with Tahua Properties Limited (the Client). Information reported herein is based on the interpretation of data collected, which has been accepted in good faith as being accurate and valid.

This report is for the exclusive use of the Client. No warranties or guarantees are expressed or should be inferred by any third parties. This report may not be relied upon by other parties without written consent from SLR.

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Application details

Consent authority:	South Waikato District Council
Applicant:	Tahua Properties Limited
Agent	SLR Consulting New Zealand Limited C/- Samantha Redward
Address for service:	SLR Consulting New Zealand Limited 201 Victoria Street West Auckland 1010 Attention: Samantha Redward
Address for fees:	Level 3, 1-7 The Strand, Takapuna, Auckland, 0622
Site:	69a Main Road, Tirau
Legal description:	LOT 1 DP 306234
Site area:	2734m ²
Plan(s):	South Waikato District Plan
Zone(s):	Residential Zone
Designation(s):	N/A
Overlay(s) or control(s):	Tirau Noise Control Boundary
Brief description of the proposed activity:	To establish and operate a Starbucks coffeehouse and Burger King restaurant with dual drive-through facilities
Resource consent(s) required:	Land use consent
Status of the proposed activity:	Discretionary





Figure 1 - Site Locality Plan (Source: South Waikato District Council [SWDC] IntraMaps).



1.0 Information Requirements

This resource consent application to the South Waikato District Council (referred to hereon as the 'Council') has been prepared in accordance with the requirements of Schedule 4 of the Resource Management Act 1991 (the Act or the RMA). This report provides an assessment of the actual and potential effects of the proposal on the environment and includes an assessment of the relevant planning documents. It accompanies, and forms part of, the resource consent application.

2.0 Site and Surrounding Environment

2.1 Site

The Site is located at 69a Main Road, Tirau and is legally described as Lot 1 DP 306234. The site is situated on the northern fringe of the Tirau Town Centre and has direct frontage to Main Road which is State Highway 1 (SH1). The site is accessed via a Right of Way over the adjacent property 69 Main Road, to the north.

The site is an irregular rectangular shape and has an area of approximately 2,734m². The western portion of the site slopes down from the road frontage and the remainder of the site is relatively flat in contour.

The site currently contains a single-levelled dwelling which is located in the centre of the site. A detached garage/workshop is sited within the north-western corner of the site, with a small retaining wall located around the perimeter of the building to accommodate for the cut platform. A detached garage/carport and shed are located in the central-northern portion of the site. A concreted internal access and manoeuvring area is provided in front of the dwelling and garages. The balance of the site is grassed with some landscaping typically at the edges of the site along the boundary.

The site has connections to the Council's reticulated water supply, stormwater, and wastewater networks.

The rear of the site is identified as a 'low risk' flooding area – shown in Figure 2 below.



Figure 2 – Tirau 100-Year Flood Extent 2022 (Source: SWDC IntraMaps).



The site is situated within the Residential Zone in the South Waikato Operative District Plan (ODP) as shown in Figure 3 below and is subject to the Tīrau Noise Control Boundary.

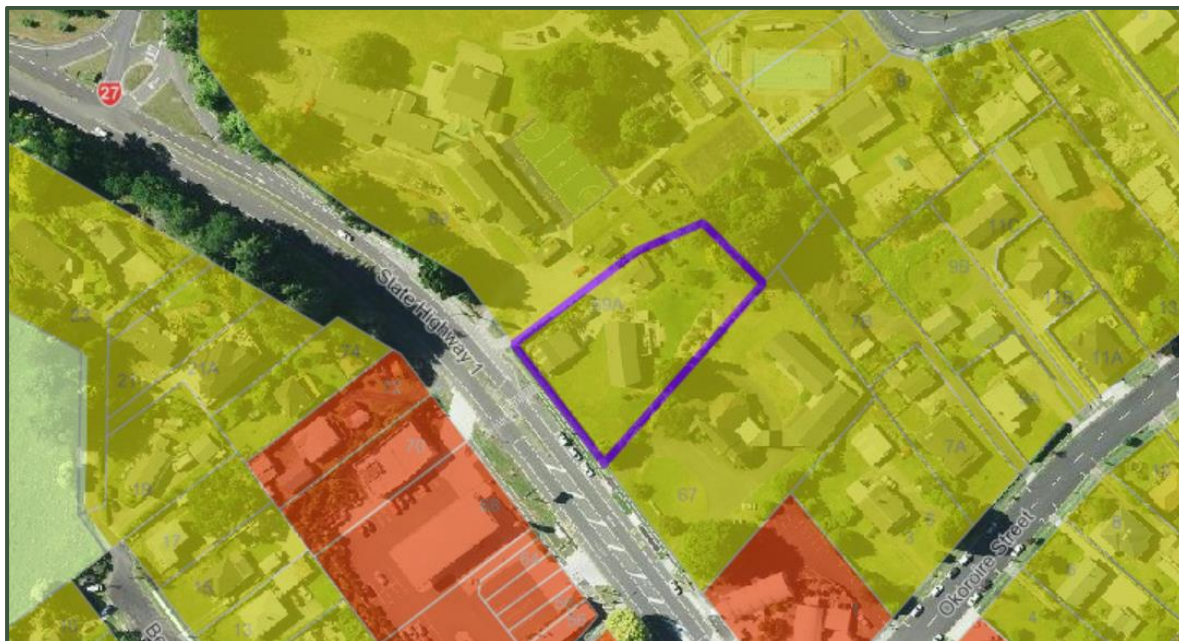


Figure 3 – Operative District Plan Zoning (Source: SWDC IntraMaps).

2.2 Transportation network

Main Road / State Highway 1 (SH1) adjoins the site and traverses through the Tīrau town centre in a west to east direction. SH1 within the site's vicinity comprises of a two-way, two-lane carriageway with a raised traffic island north of the site separating opposing traffic flows as shown in Figure 4 below. The posted speed limit within the site's vicinity is 50 km/hr.

Parallel parking for south-bound traffic is provided within the carriageway as well as concrete footpaths along either side of SH1. No dedicated cycling infrastructure is provided on SH1 in proximity to the site.



Figure 4 - Photograph of SH1 in proximity to site (Source: Appendix F).

The Integrated Transportation Assessment (ITA) prepared by CKL and attached as Appendix E to this application outlines that SH1 is classed as an Interregional Connector



under the One Network Framework, which primarily cater for the movement of people and goods with less emphasis on place setting.

The ITA notes that *“within Tirau however, Main Road has a higher place setting function with the inclusion of shops, parking and other activities that gain access directly to Main Road. This creates conflict within the typical movement function of the road however this is common in rural towns which have historically been established to provide amenity to the through traffic”*.

Tirau is located south of the SH1 / SH27 T-intersection and north of the SH5 / SH1 roundabout, placing Tirau at the convergence of regionally important state highways.

A pair of bus stops are located approximately 40m south of the site on Main Road. The bus stops are served by the 32 service which connects Hamilton to Tokoroa and operates twice a day, as well as the 31 service which connects Tirau to Tokoroa and also operates twice a day. The Intercity bus service and other private bus tour groups use these bus stops.

2.3 Surrounding environment

The site is located within Tirau, a rural service town situated approximately 60km south-east of Hamilton. The wider Tirau area had a population of 2,334 people with approximately 700 living in the town itself, as at the 2018 Census and serves as a service town for the surrounding area.

The Tirau town centre is established alongside SH1 and serves as a place for people to stop for food, supplies and other needs when travelling through the South Waikato. The town centre contains a mix of boutique cafés, restaurants, shops, a supermarket, service centres, community facilities, a primary school, and a museum.

The town centre is known for its distinctive character which includes the renown corrugated artwork and building design – most notably the corrugated iron ‘Big Sheep’ and ‘Big Dog’ which make up the service centre and I-Site buildings.

Whilst the site and surrounding land has a residential zoning, the site itself is bound by non-residential uses, namely the Tirau Primary School to the north and east and the Tirau Community Church to the south as shown in Figure 5 below. The school operates from 8:50am to 3pm and has a school roll of 120 – 130 students.

To the south of the church is the Tirau I-Site Visitor Information Centre which is a key stop off area for people travelling through the town. A BP service station (operating 24-7) is located to the west of the site, on the eastern side of SH1.





Figure 5 - Map of Surrounding Environment (Basemap Source: SWDC IntraMaps).

3.0 Proposal

3.1 Summary

The Applicant, Tahua Properties Limited, is a New Zealand retail and hospitality investment company that owns and operates multiple businesses through Aotearoa New Zealand, including Starbucks, Burger King and Popeyes.

The Applicant is seeking resource consent to construct and operate a Starbucks coffeehouse and Burger King restaurant, with dual drive-through facilities at 69a Main Road, Tirau. The proposal is summarised below:

- Demolish the existing dwelling and ancillary building, clear the site, and undertake small-scale earthworks to form building platforms and install servicing infrastructure.
- Construct a Starbucks coffeehouse comprising of a single-storey building with a gross floor area of 207m², and dual drive-through lanes, reducing to a single lane after the ordering point. The drive through has capacity for approximately 12 vehicles to accommodate drive-through coffeehouse activities.
- Construct a Burger King restaurant comprising of a single-storey building with a gross floor area of 200m², and dual drive-through lanes, reducing to a single lane after the ordering point. The drive-through has capacity for approximately 12 vehicles to accommodate drive-through restaurant facilities.



- The Starbucks coffeehouse and Burger King restaurant will operate from 5am – 2am, Monday to Sunday.
- Rubbish collection for Starbucks and Burger King will be via a private contractor via a small private rubbish truck. Rubbish collections will occur approximately four times a week (two trips for rubbish and two trips for recycling).
- Deliveries will occur outside of operating hours approximately twice a week. Burger King and Starbucks will be serviced by the same truck/delivery due to the goods/products being set from the same warehouse/depot.
- Install associated signage and exterior lighting.
- Construct a two-way vehicle crossing from Main Road / SH1, parking and manoeuvring areas within the site, comprising of 28 parking spaces including two accessible parking spaces. Each parking space will enable parking for up to 120 minutes per customer vehicle.
- Provide a pedestrian access to the site from Main Road / SH1 with on-site pedestrian footpaths and crossings.
- Install landscaping over an area of 162m² along boundaries and within the site.
- Erect a 1.8m closed-boarded wooden fence along the north, east and southern boundaries for acoustic mitigation.
- Undertake other associated works including infrastructure servicing.

A more detailed description of the proposal is provided in the following subsections. The architectural drawings are included as Appendix B.

3.2 Site works, buildings, and access

The existing buildings are to be removed and minor earthworks are proposed to prepare the site for development.

Earthworks activities will be undertaken in accordance with the *Waikato Regional Council document titled 'Erosion and Sediment Control – Guidelines for Soil Disturbing Activities (Technical Report No. 2009/02 – dated January 2009), known as TP 2009/02*. Appropriate sediment and erosion controls will be implemented to contain sediment within the site.

Two new single-storey commercial buildings will be constructed within the site to accommodate the drive-through restaurants under the Starbucks and Burger King brands, as detailed below:

- Starbucks drive-through coffeehouse: Gross floor area of 286m² including canopies, the building will have an approximate height of 6.77m from finished ground level.
The internal layout will comprise of a dining area with capacity for 42 customers, servery, staff room, workroom, toilet facilities and a rubbish storage area as shown on sheet RC300 of the architectural plans.
The building design reflects a bespoke architectural interpretation of a coffee bean. The exterior building materials will comprise a mix of corrugated iron in contrasting brown shades, perforated metal and glazing as depicted in Figure 7 and Figure 8 below.
- Burger King drive-through restaurant: Comprising of a gross floor area of 225m² including canopies, the building will have an approximate height of 5m from finished ground level.



The internal layout is to be confirmed at building consent stage, but will comprise of a dining area, servery, back of house, storage areas as well as toilet facilities.

The building design is reflective of the brand marketing which has been updated to reflect the unique use of corrugated iron in the town and will be finished in a mix of faux horizontal cedar, vertical corrugated iron, and glazing. The western façade of the building will feature an art piece from a local artist, to be commissioned by the applicant.

A vehicle crossing is proposed along the southern site frontage to provide vehicle access to the site from SH1. The crossing will have a width of 8m to enable two-way vehicle movements.

Two on-street parking spaces are to be removed to facilitate construction of the vehicle crossing.

A total of 28 carparking spaces are proposed within the site, comprising of 7 parking spaces along the internal access, 5 parking spaces in front of the Burger King and 16 parking spaces within the centre of the site. Two of the parking spaces will be accessible parks, and these spaces are located near to the Starbucks and Burger King building entrances. Two staff parking spaces will be provided within the site, specifically the two northernmost carparking spaces within the central parking area.

Pedestrian access to the Starbucks coffeehouse and Burger King restaurant will be via a footpath from Main Road / SH1 which will traverse through the site. Three pedestrian crossings are proposed within the site to facilitate pedestrian movement and safe circulation through the site.

Refer to the Architectural Plans included as Appendix B. Ecerpts are provided in the figures below.

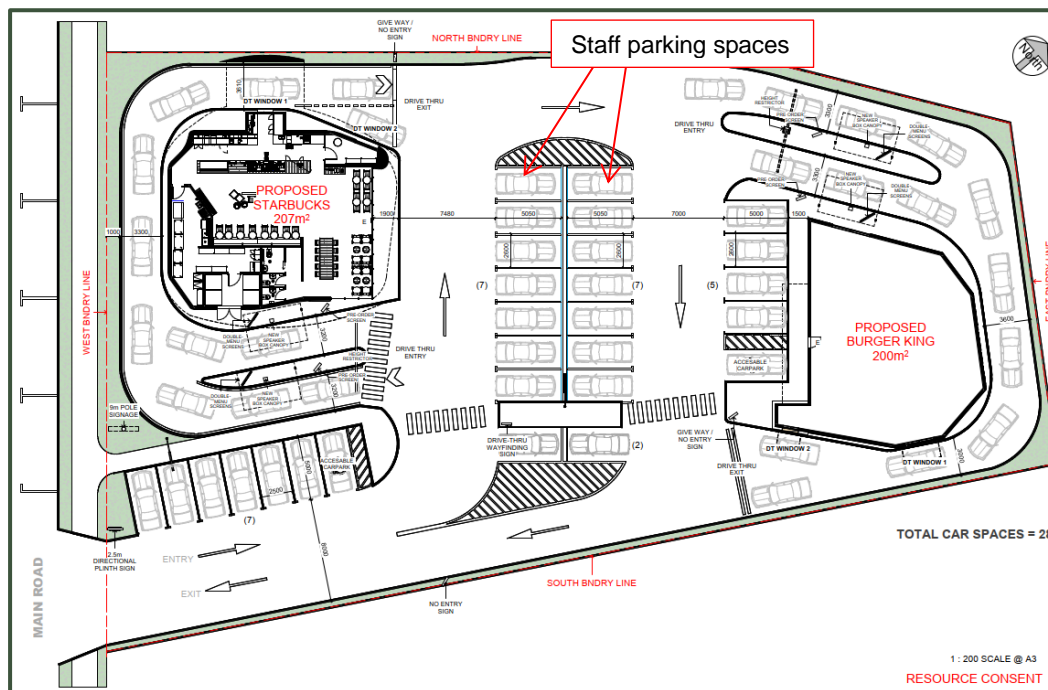


Figure 6 - Proposed Site Plan (Source: Appendix B).





Figure 7 - 3D Render of Development from Main Road frontage (Source: Appendix B).



Figure 8 – 3D Render of Development from Main Road frontage (Source: Appendix B).





Figure 9 - 3D Render of Burger King Restaurant from within Site (source: Appendix B)

3.3 Operations, deliveries, and restaurant servicing

Operating Hours

The Starbucks coffeehouse and Burger King restaurant will operate 5am – 2am, Monday through to Sunday.

Deliveries

No dedicated loading spaces are to be provided on the site. Deliveries will occur outside of operating hours and, thus can occur by unloading pallets from parked trucks into each respective building storage. Deliveries will occur approximately two times per week. Both the Burger King restaurant and Starbucks coffeehouse will be serviced by the same truck/delivery due to the goods being sent from the same warehouse/depot operated by the applicant.

Rubbish Collection

Rubbish (refuse and recycling) collection will occur by way of a small private rubbish operated by a private contractor. Rubbish collection will typically occur four times per week (two collections for refuse and two collections for recycling). The same private contractor will collect rubbish from the Starbuck coffeehouse and Burger King restaurant. Rubbish will be stored inside each of the buildings for storage prior to collection.

3.4 Landscaping and external lighting

Landscaping will comprise of a mixture of groundcover, hedging, shrubs, and individual trees as shown on the Landscape Plans provided in Appendix D. An excerpt is provided in Figure 10 below. The landscaping is proposed over an area of 162m² and will be focused along the site frontage and the side and rear boundaries.



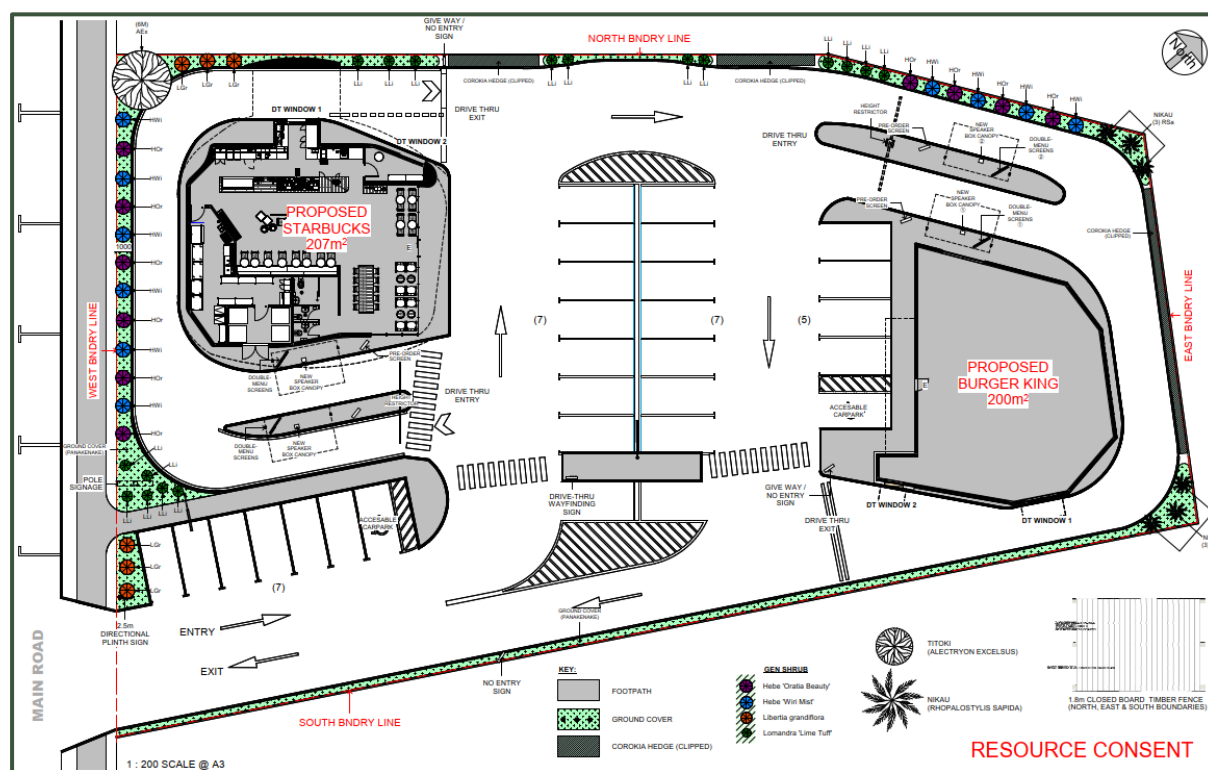


Figure 10 - Proposed Landscaping Arrangement (source: Appendix D)

3.5 Signage

Signage consistent with Starbucks and Burger King branding are proposed as illustrated on the Architectural Plans provided in Appendix B, as summarised below:

General:

- 1 x Main Identification Sign (free-standing): This Main Identification (MID) sign will be installed along the street frontage and will have an approximate height of 9m and width of 2.2m. At the top of the sign will be a Burger King logo (4.85m²) and Starbucks logo (4.84m²). A “Drive Thru” logo (0.99m²) will sit below the brand signage.
- 1 x Directional Signage Plinth (free standing): This signage plinth will be installed immediately north of the proposed vehicle crossing and will have an approximate height of 2.5m and width of 1.2m. The sign will contain a Burger King logo (0.81m²) and Starbucks logo (0.81m²).
- 1 x Drive-Through Wayfinding Sign (free standing): This sign will be installed east of the Starbucks drive-through entrance and will have an approximate height of 1.07m and width of 0.79m (0.85m²). The sign will contain directional arrows, the word “DRIVE THRU” and a small Starbucks logo.

Starbucks coffeehouse:

- 1 x Lettering Sign (wall-mounted): This sign will be installed above the main entry to the coffeehouse and will read “STARBUCKS”. The sign will be 0.45m in height and 4.4m in width (1.98m²).
- 1 x Logo Sign (wall-mounted): This sign will be installed along the western building façade and will have a height of 1.8m and width of 1.8m (3.24m²).



- 2 x Double Menu Screens (freestanding): These signs will be positioned directly adjacent to the drive through lanes and will be approximately 1.7m in height (see sheet RC306). This is where drive through customers will view menu options and place their orders.

Burger King restaurant:

- 2 x Lettering Signs (wall-mounted): The signage will be installed above the main entry to the restaurant and will read "BURGER KING". This sign will have a width of 0.65m and height of 0.78m (0.507m²). Below this sign (on the building canopy) a lettering sign will read "FLAME GRILLED SINCE 1954" and will have a width of width of 0.36m and height of 0.7m (0.252m²).
- 1 x Logo Sign (wall-mounted): This sign will be installed along the western building façade, adjacent to the building entrance, and will have a height of 2.2m and width of 2m (4.4m²).
- 3 x Advertising Posters (wall-mounted): These posters will be installed along the eastern building façade beside the drive-through. The posters will have a height of 2.2m and width of 1.5m (combined area of 9.9m²).
- 2 x Double Menu Screens (free-standing): These signs will be positioned directly adjacent to the speaker box on each lane of the drive-through and will be approximately 1.7m in height (see sheet RC306). This is where drive through customers will view menu options and place their orders.

Menu screens are internally lit and are designed to adjust automatically to suit sunlight levels in their environment.

3.6 Infrastructure servicing

The site is fully reticulated with access existing connections to water, wastewater, and stormwater lines. Stormwater detention in the form of an underground tank is proposed, the location and detailed design of which will be confirmed at building consent stage of the development.

4.0 Background

4.1 Consent history

A review of the Council-held property file identifies the following consents relating to the site:

- The property was formerly part of the primary school and the schoolhouse was located on the subject site, prior to this being subdivided.
- Consenting history related to additions and alternations to the dwelling including decks and steps and a new garage (towards the front boundary) are noted.

4.2 Record of title

The site is legally described as Lot 1 DP 306234 and is held in Record of Title identifier 24527. A copy of the site's record of title is provided as Appendix 1. To summarise, the following relevant interests are registered against the title:

- Right of Way (Easement Instrument 5691699.3), in favour of Lot 1 over Lot 2.
- Right to Drain Sewage (Easement Instrument 5691699.4) in favour of Lot 1 over Lot 2.



- Subject to Part 4 Conservation Act 1987.

The proposal is not in conflict with the above interests.

4.3 Consultation

4.3.1 South Waikato District Council

A pre-application meeting was held with Council on the 29th of November 2023, to introduce the proposal and seek feedback from Council representatives prior to lodging this resource consent application. The meeting comprised of discussion regarding planning and building consents, servicing, food safety, traffic and access, and general feedback from Council.

The following is a summary of the meeting outcomes and feedback received from Council representatives:

- Council was generally supportive of the proposal and advised no community board consultation was required prior to resource consent lodgement.
- Traffic and access concerns were raised regarding increased congestion through the town centre toward the intersection of SH1 and SH27. Council advised that they would be guided by Waka Kotahi NZ Transport Agency in regard to the proposal's interaction with SH1.
- The existing sewerage easement was noted by Council and the site's workability in regard to stormwater and public water supply was confirmed. Council highlighted the rear of the property being classified as a 'low risk' flooding area and that buildings within this area would require flood mitigation.
- Council promoted the consideration of the South Waikato Economic Development Plan and the Concept Plan for Tirau in any consent application.

Overall, it was a constructive pre-application meeting and the parties agreed that, given its surrounds, the site's location was not that of a typical residential site.

4.3.2 Waka Kotahi NZ Transport Agency

SLR (Applicant's Agent) emailed Waka Kotahi NZ Transport Agency (Waka Kotahi) on the 7th November 2023 to advise of the proposal and provide a copy of the plans of the proposal. SLR sought to engage with Waka Kotahi and sought a meeting with the agency representatives to discuss the proposal insofar as it interacts with the SH1 network.

SLR and the Applicant met with the Amina Bhikoo – Planner at Waka Kotahi via Microsoft Teams Meeting on the 5th December 2023. The Waka Kotahi safety and network engineers were not present due to an unwillingness to engage until such time as a full integrated transport assessment is provided. The following high-level comments were provided from the safety and network engineers following this meeting:

- An integrated transport assessment is required to make an assessment.
- The area has numerous entranceways with conflicting turning movements and congested parking, with heavy vehicles parking where they can "fit" and blocking entranceways on a regular basis.
- Concern with the school in close proximity to the development, there's a risk of school children using the pathways to get to and from school. Consultation with the school should be carried out. A left-in, left-out may be a good option.

Refer to Appendix H for copies of the consultation undertaken within Waka Kotahi.



A copy of the resource consent application, including the Integrated Transportation Assessment prepared by CKL (see Appendix E) will be circulated to Waka Kotahi following lodgement of the application to facilitate agency comment on the proposal.

4.3.3 Adjacent owners and occupiers

The Applicant will be undertaking consultation with the Tīrau Primary School in relation to this application. The Applicant has not consulted with the Tīrau Community Church prior to lodging the resource consent application.

4.3.4 Mana Whenua

The WRC Maps identify the site as being within the Raukawa Treaty Settlement Area as recognized through the Raukawa Claims Settlement Act 2014. Raukawa have a historical, cultural, and spiritual connection to the central North Island, with their rohe covering a large proportion of the South-Waikato District.

The site is near to, but not within, the Ngāti Hauā Deed of Settlement Area. The settlement area begins approximately 40m west of the site and encompasses land within the Hauraki, Matamata-Piako, Waikato, Hamilton City, South Waikato, and Waipa Districts.

The proposal involves minor site earthworks and will not result in the removal of native vegetation or works within proximity to any water sources. Accordingly, in this instance, it was not considered necessary to consult with mana whenua.

4.4 Permitted activities that form part of the proposal

A detailed rules assessment of the proposal against the South Waikato Operative District Plan (ODP) is provided in Appendix C. The permitted activities that form part of the proposal are summarised below:

Chapter 11 – Parking, Loading and Access

For restaurants, bars, and cafes within the Residential Zone, 1 space per 15m² of customer area is required. Based on 'customer area' calculations for both the Starbucks and Burger King demonstrated in the rules assessment (attached as Appendix C), this proposal requires a minimum of 27 car parks and shall provide for 28 car parking spaces. Car parking will be restricted to up to 2 hours per customer vehicle (120 minutes). This restriction is to mitigate any backlog whilst still providing ample time for a typical customer to visit the site at their leisure, without causing unnecessary backlog. The proposal complies with many of the performance standards as laid out in 11.3. Specifically:

- 11.3(b), which mandates all parking spaces are to be formed, sealed, and maintained to the satisfaction of Council;
- 11.3(d), as every parking space provided has adequate manoeuvring space and access to and from the road;
- The proposal will also comply with 11.3(e), (f), and (i). Standards 11.3(a), (g), and (h) are determined as being not applicable.

Loading, vehicle manoeuvring, general access, and vehicle crossings at the site each comply respectively with 11.3.2, 11.3.3, and 11.3.4.

The proposal ultimately does not comply with parking performance standards due solely to a technical infringement of 11.3(c). This is detailed in the rules assessment provided and addressed within the Integrated Transportation Assessment attached as Appendix F.



Lighting

The lighting proposed complies with the permitted thresholds specified in standards 15.7(a) – (i) of the ODP and is therefore a permitted activity.

Noise

Construction noise levels will be managed so as to comply with Residential Zone daytime limits as per 15.3.1 and are therefore permitted. Refer to the Acoustic Assessment attached as Appendix F for further detail.

4.5 National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health

The regulations of the National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health (NES-CS) apply to a “piece of land” that is described as one of the following:

- an activity or an industry described in the Hazardous Activities and Industries List (HAIL) is being undertaken on it;
- an activity or industry described in the HAIL has been undertaken on it; or
- it is more likely than not that an activity or industry described in the HAIL is being or has been undertaken on it. In this case, the property has a residential history and no indication that a HAIL activity has been undertaken were noted.

Overall, based on the information available on the property file, the site has not been used for HAIL activities, records show it has always been residential in nature, first as part of the school grounds and including the schoolhouse and then a freehold allotment including the former schoolhouse, and therefore it is not a “piece of land” under the NES-CS. The regulations of the NES-CS do not apply.

4.6 Other resource consent requirements

No other resource consents have been applied for in relation to this proposal, however, the application seeks all necessary resource consents from the Council.

4.7 Any other activities that are part of the proposal

Clause 2(1)(d) of Schedule 4 of the Act requires the applicant to identify other activities that are part of their proposal. This is intended to capture activities which need permission or licensing outside of the Act, for example, activities under the Building Act 2004 or the Hazardous Substances and New Organisms act 1996.

Building consent under the Building Act 2004 will be applied for, as well as Trade Waste Agreements with Council.

5.0 Reasons for the application

An assessment of the proposal against the relevant statutory documents has been undertaken and the following reasons for consent have been identified as follows:

5.1 South Waikato Operative District Plan

A detailed assessment of the proposal against the South Waikato Operative District Plan (ODP) is provided in Appendix C. To summarise, the proposal requires resource consent under the ODP for the following reasons:



Chapter 11: Parking, Loading and Access

- Performance Standard 11.3: This standard requires that 90th percentile parking spaces have a minimum width of 2.6m, kerb overhang of 0.61m, depth of 4.3m and manoeuvring space of 7.3m. The central parking spaces propose a shortfall of 0.3m. The parking spaces adjoining the proposed vehicle crossing will have a width of 2.5m which is not provided for; therefore, these parking spaces do not comply. Therefore, resource consent is required as a **restricted discretionary activity**.

Chapter 15: Noise and Lighting

- The nighttime noise limit of the Tirau Residential zone (for adjacent properties to the north and south) will be exceeded by 2dB by cars during peak nighttime hours. For this reason, and pursuant to Rule 15.3.1, resource consent is required as a **restricted discretionary activity**.

Chapter 25 Tirau Residential Zone

- The proposal seeks to establish and operate a Starbucks coffeehouse and Burger King restaurant which are defined as 'retail activities' in the ODP and incorporate 'drive through restaurant' components. Restaurant and café activities require a **discretionary activity** resource consent under Chapter 25.3.3(g) of the ODP.
- Activity Performance Standard 25.4.1: The proposal seeks to construct a new vehicle crossing from SH1, therefore standard (b) is infringed. Standard (c) limits activities accessing a state highway to a maximum of 100 vehicle movements in any peak hour. The proposal includes vehicle movements in the AM peak that will comprise 285 vehicle trips and 167 vehicle trips in the PM peak.
- Activity Performance Standard 25.4.4: The Starbucks canopy over drive-through window 1 will include a partially covered structure and therefore meets the definition of a building. The canopy will be setback less than 1.5m from the northern side boundary.
- Activity Performance Standard 25.4.10: Standard (a) requires that no sign shall exceed 0.75m² in area or exceed 3m in height, and only one sign per property is permitted. This standard is not met as 15 signs are proposed on the site as described in detail in section 3.5 of this report above. The signage will exceed the permitted maximum sign thresholds.

These infringement to standards are assessed as a **discretionary activity** given that the associated land use activity requires assessment as a discretionary activity.

5.2 Overall activity status

Overall, resource consent is required for a **discretionary activity**.

5.2.1 Sections 87A and 104B (Discretionary activities)

As a discretionary activity, there is no limitation in the matters that the consent authority can consider providing they are resource management related. The consent authority may grant resource consent with or without conditions, or, decline resource consent.



6.0 Assessment of effects on the environment

6.1 Introduction

Having reviewed the relevant plan provisions, visited the site and taking into account the matters that must be addressed by an assessment of effects on the environment as outlined in clause 7 of Schedule 4 of the Act, the effects that warrant consideration as part of this application are listed below.

As this application is for a **discretionary activity**, the relevant effects that the Council can consider are not restricted. Section 8.4 of the ODP sets out assessment criteria which the Council must have regard to when assessing discretionary activity applications. Those assessment criteria relevant to this application are listed below:

8.4.1 General

- a) *Subject to Part II of the Act, the matters specified in Section 104 of the Act*
- b) *Compliance or otherwise with standards applying to similar permitted or controlled activities*
- c) *The environmental results sought by this plan for the zones concerned as expressed in the zone statement*
- d) *Any potential detractor from the amenities of the area through odour, smoke, noise, or other noxiousness whether from the operation itself or any ancillary aspect*
- e) *Whether the proposed buildings would detract from the amenity and character of the area*
- f) *Parking needs will be assessed against staff numbers, likely numbers of patrons and their mode of travel. Regard will be had to how often it is used, the availability of on-street parking, and the impact of using on-street parking upon other users of the road*
- g) *Vehicle crossings shall be assessed in terms of the sight distance and driveway spacing guidelines contained in Chapter 11, and the seal widening and formation standards contained in the Regional Infrastructure Technical Specifications adopted by Council in July 2018.*
- h) *Whether there is sufficient and adequate provision for the collection or disposal of solid waste, including tailings.*
- j) *Compliance or otherwise with any relevant NZ Standards, regulations or Industry Guidelines*
- k) *Any danger to people and property from hazardous goods and natural hazards, including any risk assessments, contingency plans and proposals to mitigate such hazards*
- m) *Whether any exterior lighting is to be used or installed which would tend to create a nuisance for people nearby*
- q) *Any detrimental effect of the proposal upon the operation or future development of any other existing authorised use in the vicinity, including network utilities and infrastructure. This includes whether the proposal requires a level of amenity which is incompatible with the operation and management of any such authorised use*



s) *The extent to which traffic effects day and or night time associated with the operation of the development impact on the local (including any neighbouring settlement) district, and regional roads and the state highway network*

u) *The measures adopted to manage demand for and security of supply of potable water*

w) *The extent to which building mass (and bulk) impacts visually on the existing character and amenity of the local area, and the extent to which landscaping and or planting and other methods can screen site facilities from neighbouring land uses*

x) *Any potential effects on the effective operation, maintenance and protection of regionally and nationally significant infrastructure.*

y) *Impacts on the function, and safety and efficiency of the transport network*

z) *Any matters identified by the NZ Transport Agency*

za) *Infrastructure provision and upgrading, operation and maintenance, including works to maintain the function, safety and operation of the network utilities and infrastructure.*

zb) *The results of any Integrated Transportation Assessment, prepared in accordance with the Integrated Traffic Assessment Guidelines, November 2010, NZTA Research Report 422, and/or Traffic Impact Assessment*

zd) *Timing and staging of development*

ze) *Cumulative effects on infrastructure*

ADVISORY NOTE: Due to its legal functions, the NZTA's comments should be taken into account with respect to all consent applications that may affect the state highway network.

8.4.5 Commercial Activities in Residential Zones and the Arapuni Village Zone

Commercial activities in Residential zones, the Arapuni Village Zone, and the Rural Residential Zone (including vets/health care, offices, places of assembly, retail shops, cafes, bars and restaurants) should:

i) Have hours of operation that are compatible with maintaining a quiet residential environment after 2230 - Sunday to Thursday, after midnight on Fridays and Saturdays, and before 7am daily. (These hours of operation may be exceeded for any 24 hour period up to 5 days per calendar year).

ii) Not create incompatible levels of traffic in local residential streets and cul-de-sacs, (eg more than one heavy vehicle visit per day, or 10 vehicle movements per day in total)

iii) Have similar or smaller staffing levels than home occupations permitted in the zone (ie no more than four full-time equivalent staff)

iv) In respect of the Tirau Residential zone, the degree to which the development forms a natural extension of the Town Centre zone, complements the retailing and other activity in the main street, and provides necessary services for the town's people.

Advisory note: Due to its legal functions, the NZTA's comments should be taken into account with respect to all consent applications that may affect the state highway network.



The following effects are relevant to this application:

- Effects on Character and Amenity
- Effects on Transportation Network
- Construction Effects
- Operational Noise Effects
- Lighting Effects
- Odour Effects
- Retail Redistribution Effects
- Positive Effects

An assessment of these effects, that corresponds with the scale and significance of the effects that the proposed activity may have on the environment, is provided below. Clause 7(2) notes that the requirement to address matters in the assessment of effects on the environment is subject to the provisions of any policy statement or plan. The relevant documents are also assessed in this report.

6.1.1 Permitted baseline

The “permitted baseline” is relevant to the assessments under sections 95A to 95G and 104 of the Act. Under these sections, the consent authority may disregard an adverse effect on the environment if a national environmental standard or the plan permits an activity with that effect. This is the permitted baseline. It is only the adverse effects over and above those forming a part of the baseline that are relevant when considering an application.

The purpose of the permitted baseline test is to isolate, and make irrelevant, the effects of activities on the environment that are permitted by the plan. When applying the baseline, such effects cannot then be taken into account when assessing the effects of a particular resource consent application. The baseline has been defined by case law as comprising the “existing environment” and non-fanciful (i.e., credible) activities that would be permitted as of right by the plan and/or national environmental standard in question.

In this case, there is no permitted baseline relevant to the proposed activities as restaurants, bars and cafes cannot operate as a permitted activity in the Residential Zone.

6.1.2 Receiving environment

In assessing the potential effects on the environment, the “receiving environment” for effects must be considered.

The receiving environment is a mandatory consideration that is defined by case law, and it is the environment beyond the site upon which a proposed activity might have effects. This includes the future state of the environment upon which effects will occur, including:

- the environment as it might be modified by the utilisation of rights to carry out permitted activities; and
- the environment as it might be modified by implementing resource consents that have been granted at the time a particular application is considered, where it appears likely that those resource consents will be implemented.

In this case, the receiving environment is as described in Section 2.0 of this report, however, it is pertinent to highlight aspects of adjacent properties, to confirm the non-residential nature of the receiving environment:



- The Tirau Primary School, adjacent, has a vehicle entrance, car parking and large expanses of impervious area, particularly notable on the Main Road entrance and adjacent to the subject site which can be seen in Figure 1, above.
- The adjacent church site is large and includes two vehicle crossings, with a drive-way circulating the front of church, with other areas of car parking and impervious development. The built form of the church site is notable also, with the Church, the Church Hall and another building (screened by the church).
- In terms of signage, there are many examples in the local shopping area of signs on the street front, on the roofs of buildings, including the BP MID Sign which is at least 9.0m in height and located directly opposite the site.

Please see Section 2.0 above for a detailed description of the receiving environment.

6.1.3 Other considerations

Sections 95D(d) to 95D(e) and 104(3)(a) of the Act require that assessments must disregard:

- trade competition, or the effects of trade competition; and
- any effect on a person who has given written approval to this application.

Trade competition and written approval are not relevant to this application.

6.2 Effects on character and amenity

The site is situated within the Tirau Residential Zone which covers a majority of the Tirau township, excluding the town centre and industrial areas. The Tirau Residential Zone statement seeks that land use and development within the zone retains the 'country village' character and amenity of the Tirau, a green, well-treed appearance and open streetscape, building designs in keeping with the village's character, and a high level of aural and visual privacy consistent with small-town living, including a quiet neighbourhood at night. The zone typically enables up to two dwellings per lot, and small-scale home occupation/craft workshops/studios, recreation, and community facility activities. Commercial and retail activities are discretionary activities in this zone.

Whilst the site is situated within the Residential Zone, the site is isolated from other residential uses, given the adjoining non-residential land uses (primary school, church and BP service station). The site's location directly adjoining SH1 also makes the site less conducive to residential living due to potential effects associated with road noise and lighting. The site's proximity to the town centre of Tirau also adds to the isolated residential nature of the site. For these reasons, the site itself reads as forming part of the northern fringe of the town centre rather than a residential area as signalled through the ODP zoning pattern.

Built form

The site's current built form comprises of three single-storeyed buildings, namely a dwelling and two detached accessory buildings. Buildings within the site's vicinity tend to be single storeyed. Built development within the town centre have been predominantly designed to front SH1 and are of various architectural designs and finishes, including the use of horizontal and vertical weatherboards to emulate a corrugated building exterior.

In terms of the built form proposed, all buildings will be single storeyed which is in keeping with the existing built development within the site's vicinity.

The Starbucks building will have the following dimensions and setbacks:



- The Starbucks building will have a maximum height of 6.770m and setback approximately 3.2m from the front boundary.
- The side yard setback to the north is approximately 3.6m, noting that a 3.3m high canopy structure will be constructed over the pick-up windows and this will be an open structure and built within the boundary setback.

The Burger King building will have the following dimensions and setbacks:

- The building will be 5.0m in height with the cedar panelling tower being a maximum of 5.5m in height. The Burger King building is set back 3.8m from the eastern boundary and approximately 3.3m from the southern side boundary. The setback to the north is greater than 10m.

The proposed buildings are well separated within the site (by at least 30m) so as not to appear overly bulky when viewed from SH1 and the surrounding environment, and to provide for adequate provision for on-site parking and circulation.

To protect the adjacent and nearby amenity, a 1.8m high timber fence will be constructed along the side and rear boundaries, which will effectively screen the activity from these adjacent sites.

In terms of visual amenity, due to the large separation between the built form proposed on the site, the buildings will not be interpreted as one mass when approaching the site. Motorists travelling south along SH1 would view the gap between the two buildings. When travelling north, motorists would likely only see the Starbucks building, until such time as they were directly passing the site.

Due consideration has been given to designing the proposed buildings to be in keeping with the unique character of the Tirau town centre, particularly in regard to the Starbucks building given its visual catchment. The design of the buildings incorporate meticulous use of corrugated iron materials, and the proposed colour palette has been chosen to interweave the corporate brand design, to ensure that the built form is inoffensive and respectful of the local history and unique Tirau built form. Specifically, the Starbucks building has been designed to reflect a coffee bean and includes the use of a modern interpretation of corrugated iron, which promotes a high standard of urban design.

Furthermore, the Burger King building will feature an art piece from a local artist which will strengthen the visual connectivity of the built development to the existing environment.

The buildings will appear attractive when viewed from SH1 and surrounding environment and will ensure that it has visual interest and remains at a human scale. Landscaping is proposed along the site frontage and within the site which provides visual softening of the built development and hardstand areas.

The buildings will not impact on the amenity of pedestrians, given that the height of the buildings will not be at odds with other buildings in the site's vicinity. Adequate provision has been given to ensuring convenient and direct pedestrian access between the street and the proposed buildings for people of all ages and abilities.

Overall, whilst the proposal will certainly be a shift from the existing low density residential development existing on the site, the proposed built form will be in keeping with the existing development within the site's vicinity, given its proximity to the town centre and notably the BP service station across the road. The built form proposed will have no more than minor impacts on the amenity of adjacent properties and the wider town centre.



Signage

In terms of signage, the proposal incorporates minimal signage. Consideration has been given to the design and location of signage to ensure that signage appears unobtrusive when viewed from SH1 and surrounding properties.

Building signage will either be mounted to the building façades or generally contained within the building envelopes and will not extend above the buildings. The signage involves different elements including branding and advertising and will be located so that the signage will not all be visible from any one perspective. The signage will not be visually dominating and has been designed to not resemble traffic signals, noting that way-finding signage is used on-site to direct traffic.

While the MID sign will be 9 m in height, it is not unique to drive-through restaurants and is in keeping with other free-standing MID signs on other sites in the area, notably the BP MID sign directly opposite the site. Motorists will be able to easily and quickly recognise the signage logos, which is important for drive-through restaurants. The proposed signage will be internally lit, but will not be flashing or bright and therefore are not overly busy or distracting to passing motorists. The sign will also have good visibility to pedestrians which is important for potential customers.

Overall, it is considered that the proposal signage is appropriate in the context of the site's locality and will not appear visually dominating when viewed from the immediate and surrounding environment.

Intensity of use

The proposal will increase the intensity of use of the site in comparison to its current residential use. The proposal seeks to establish a commercial use of the site and will incorporate drive-through facilities which will increase the intensity of the activity and operate into nighttime hours.

When taking into account the non-residential adjoining land uses, the site's location on the fringe of the town centre, and the separation between the Starbucks and Burger King buildings within the site, it is considered that the increased intensity of use and scale of the activity is appropriate for the site given its location on the northern fringe of the town centre.

Operational noise

SLR have prepared an Acoustic Assessment (see Appendix F) which assesses the potential noise effects of the proposal.

The Acoustic Assessment predicts that the site's operational noise levels will comply with the permitted daytime noise levels provided that a 1.8m high acoustic fence is installed along the north, east and southern site boundaries, and an acoustic review of the HVAC plant section, location and design is undertaken at building consent stage, both of which will be secured via a consent condition.

The Acoustic Assessment determines that the site's operational noise levels will exceed the permitted night-time noise levels of 40 dBA by up to 2 dBA at the two immediately adjoining sites, the Tirau Primary School and Tirau Community Church. This infringement is owing to cars during peak nighttime hours.

SLR determine that the effect of these infringements would be negligible as a difference of 1 – 2 dBA in noise levels would be undetectable. Furthermore, it should be noted that the Tirau Primary School and Tirau Community Church are unoccupied during the night-time period (10:00pm to 7:00am) and the infringements would therefore have no practical implication on the operation of the primary school or church.



Accordingly, it is considered that any adverse effects in terms of operational noise will be less than minor, and that the proposal will not give rise to unreasonable noise levels, both in a daytime and night-time context.

Odour

Starbucks will not have a fully functioning kitchen, there will be no food preparation on-site associated with Starbucks, the food that is sold on-site is cabinet food only and is prepared off-site.

The Burger King restaurant operations include preparation of burgers, fries and other food products which have the potential to give rise to odour effects on the surrounding environment. The Burger King restaurant will have flame guard filters in fry hoods which cause multiple air direction flow changes and remove oils from the discharge. The fan is of a style that discharges air upwards above the roof and parapets, so it is dispersed at height. It is therefore expected that odour emissions will be neither obnoxious nor objectionable. Notwithstanding this, in the unlikely event that a genuine concern about odour is raised, there remains the ability under the RMA to address the matter. Accordingly, any adverse effects of odour will be less than minor.

Conclusion

Overall, whilst the proposal will be a shift from the existing low density residential development existing on the site. The intensity of use of the site will be commercial in nature and the drive-through component of the proposal will result in a shift to a more intensive use, with operation into the night-time hours. However, due to the location of the site, the isolated nature of the site, being removed from other exclusively residential sites, it is considered that the proposal will not be at odds local surroundings and the amenity of the adjacent properties and the wider Tirau town centre will not be impacted to a more than minor degree by the proposed built form. Mitigation measures inherent in the design of the proposal will ensure that any adverse effects on character and amenity will be no more than minor.

6.3 Effects on transportation network

The Integrated Transportation Assessment (ITA) prepared by CKL, attached as Appendix E, provides a detailed assessment of the proposal from a traffic engineering and transportation planning perspective.

The proposal seeks to redevelop the site in order to operate a Starbucks coffeehouse and Burger King restaurant with dual drive-through facilities, direct access from SH1 via a two-way vehicle crossing, and on-site parking for dine in customers. Queuing for the drive-through will be contained within the site. The Starbucks coffeehouse will be located closer to the site frontage and will primarily cater for morning traffic. The Burger King restaurant will be located at the rear of the site and will predominantly cater for afternoon and evening traffic.

A description of the transportation network within the site's vicinity is provided in Section 2.2 of this report above.

Traffic generation effects

In terms of traffic generation, the ITA notes that proposal is likely to generate 2,842 vehicle movements per day, with the AM and PM peaks comprising 285 and 167 vehicle movements respectively. The Starbucks coffeehouse is expected to generate more vehicle movements compared to the Burger King restaurant. The busiest time for the site is expected to occur around lunchtime, from 11:45am to 12:45pm, with up to 273 vehicles visiting the site during this time as both the Starbucks and Burger King operating during this time. CKL expect that



50% of the trips generated during this time will comprise of vehicles already on the road network, equating to 136 vehicle movements.

89 vehicle movements are expected during school drop-offs (8:30 to 9:30am) and 80 vehicle movements are expected during school pick-ups (2:30 to 3:30pm).

It is anticipated that one vehicle will use the vehicle crossing to the site (either ingress or egress) every 40 – 45 seconds.

The ITA notes that drive-through facilities often draw customers who are already driving past as part of their journey, referred to as secondary trips. This would relate to people picking up a coffee from Starbucks as they drive into work or picking up dinner from Burger King on their way home. CKL expect that a reasonable proportion of customers will be tourists who are on a bus trip through Tirau.

The ITA determines that SH1 has sufficient capacity to absorb the additional vehicle movements generated by the proposed development, noting that congestion does occur with Tirau during peak holiday periods and at weekends due to the heavy reliance on on-site parking within the town centre. It is noted that the proposal would provide off-street parking options for those visiting the Tirau Town Centre.

Effects of proposed vehicle crossing

A two-way vehicle crossing is proposed from SH1 to serve the proposal. The crossing is located along the southern site frontage to maximise separation from the primary school and raised planted median to the north of the site. Unrestricted ingress and egress will be provided for light vehicles and small rubbish trucks, meaning that vehicles can choose to enter or exit the site via a left or right turn. Delivery trucks will be limited to right in and out of the site to minimise the overall vehicle crossing width requirement. A consent condition is proposed to this effect.

The ITA outlines that the vehicle crossing has been designed to comply with the separation distance, crossing width, visibility, and gradient requirements of the ODP and Waka Kotahi Planning Policy Manual (PPM) where specified.

An assessment of the potential for conflicts between right turning vehicles into the site and right turn vehicles into the BP service station. CKL determine that the probability of this occurring is very low and unlikely to be a common event. The ITA notes that if a vehicle is waiting to turn right into the site, there is sufficient space behind it in the median for a vehicle to turn into the BP service station. Similarly, if a vehicle is waiting to turn into the BP service station, there is sufficient median space to allow a vehicle to turn right into the site. In the rare occasion where there be multiple vehicles waiting to turn right, the ITA determines that vehicles would have sufficient visibility to enable drivers to make an appropriate decision not to turn right.

The ITA determines that vehicles can safely manoeuvre into and out of the site during normal operations. The ability for vehicles to turn right in or out may be constrained during peak holiday season. In this instance, it is anticipated that people will turn left out and U-turn at the SH5 roundabout or forgo a visit as the right turn in becomes too difficult.

The ITA determines that there is sufficient space within the two proposed drive-through accesses to avoid vehicles from queuing within the internal access.

Overall, CKL consider that the vehicle crossing proposed is fit for its intended purpose and will facilitate safe and efficient vehicle access to and from the site without impacting on the immediate road network.



Pedestrian safety effects

Consideration has been given to maintaining pedestrian safety on-site and along SH1. Footpaths are proposed throughout the site, providing a pedestrian linkage from SH1 to the Starbucks coffeehouse and Burger King restaurant. Three zebra style crossings are proposed within the site to prioritise pedestrian access through the site and pedestrian footpaths will be finished in a different pavement style to the internal access to differentiate between pedestrian and vehicle-oriented spaces.

A pedestrian footpath is located within the SH1 road reserve adjoining the site. Potential effects on the safety of pedestrians utilising this public footpath will be mitigated through implementing traffic management conditions, namely:

- Restricting delivery trucks servicing the Burger King restaurant and Starbucks coffeehouse to outside of operating hours.
- Restricting delivery trucks to right turns into and out of the site.
- Affording pedestrians right of way at the vehicle crossing.
- Providing a speed bump across the access 2m inside the site boundary.

Furthermore, the ITA recommends that on-site landscaping adjacent to the vehicle crossing will be kept to a low level to ensure good visibility between drives and pedestrians, particularly small children. This will be secured by way of a consent condition.

The ITA considers that potential for cars entering/exiting the site to conflict with school children during peak drop off (8:30 to 9:30am) and pick up (2:30 to 3:30pm) times, where between 80 – 89 vehicle movements per hour are projected but where only 4% of the school children walk to school and not all of these would be along the SH1 route. CKL also note that the primary school offers education to children years 1 to 6 (5 – 11 year-olds), who tend to be accompanied when they walk to school, acknowledging that children seek more independence as they get older. CKL determine that there is a negligible likelihood of a child wishing to cross the vehicle crossing at the same time as a car. Further to this, efforts to reduce the width of the vehicle crossing have been prioritised, over a wider crossing facilitating easier site servicing.

Overall, the ITA determines that the proposed site layout is appropriate to maintain pedestrian safety. CKL do recommend that a speed bump is provided inside the site boundary to ensure that vehicles exit the site at a low speed. The applicant is agreeable to this recommendation and a consent condition is proposed to this effect.

Effects of parking dimension infringement

The proposal is to establish 28 on-site parking spaces which complies with the parking standards of the ODP.

The on-site parking spaces within the central portion of the site comply with the minimum width and depth requirements in the ODP but fall short of the minimum manoeuvring space requirement of 7.3m by 0.3m. The on-site parking spaces adjacent to the vehicle entrance have a technical infringement to the ODP provisions as the parking spaces will have a width of 2.5m which is not provided for. In regard to these infringements, the ITA determines that vehicles can safely enter and exit the site in an efficient and safe management whilst maintaining a minimum 0.3m gap to any vehicle. Furthermore, CKL determine that there is sufficient manoeuvring space within these parking spaces to enable vehicles to exit the site in a forward gear. CKL determine that these infringements will have negligible effects on traffic safety and efficiency.



Loading and servicing

The development does not propose a formal on-site loading space.

Delivery vehicles will temporarily stop within the central parking area to deliver goods and products to the Starbucks coffeehouse and Burger King restaurant. Deliveries will occur outside of operating hours where the carparking area is empty so as to not interfere with customer experience and to ensure the delivery truck has unrestricted space to manoeuvre within the Site. Deliveries will occur twice a week by trucks with tail lift. Pallets will then be moved from the parked trucks into Starbucks and Burger King respectively using a pallet jack.

As detailed above, delivery vehicles will be limited to right turns into and out of the site to reduce the overall required width of the vehicle crossing. The ITA determines that a 19.45m semi-trailed can safely and efficiently manoeuvre through the site whilst maintaining a gap of at least 0.5m from any buildings. Accordingly, it is considered that deliveries will occur in a safe and efficient manner.

Rubbish collection for both Starbucks coffeehouse and Burger King restaurant will be via a small private truck. CKL determine that the internal site access has sufficient manoeuvring space to avoid conflicts between the small rubbish truck and the buildings and parked cars. Accordingly, it is considered that rubbish collection will occur in a safe and efficient manner.

Conclusion

The ITA concludes that the proposed development is suitable from a traffic engineering perspective and that the proposal will result in less than minor effects on the function, capacity, and safety of the surrounding transportation network subject to the implementation of the abovementioned consent conditions.

6.4 Construction effects

An assessment of the actual and potential construction effects of the proposal is provided below.

The period for which the construction activities will occur is relatively brief and any resulting short-term effects on the immediate environment will be less than minor and within tolerable levels associated with a conventional site redevelopment.

Minor earthworks are proposed to prepare the site for development, to ensure appropriate site contours for the proposed buildings, drive-through activities, and associated access, parking, and manoeuvring areas. The limited extent of earthworks will be such that there will be no impact beyond what could ordinarily be expected for a site development given that the works are largely limited to site preparation and will result in an indiscernible change to the existing land contours.

The earthworks will be undertaken in a single stage, which is appropriate given the nature and size of the development. Earth will not be exposed for a lengthy period of time, therefore the works will not give rise to potential for dust or sediment tracking. Appropriate site rehabilitation is proposed, being development or sealing a majority of the site, supplemented with landscaping as shown on the Landscape Plans (refer to Appendix D).

There are no potential affected waterbodies. Works will occur during the earthworks season and good weather conditions to mitigate effects of undertaking earthworks within the low flood hazard risk area.

Erosion and sediment controls will be constructed and maintained throughout the duration of earthworks to retain sediment within the earthworks area and prevent sediment discharges



onto neighbouring sites, roads or stormwater pipes/drains/channels. The sediment and erosion controls will be designed and managed in accordance with TP 2009/02.

There are no known archaeological sites are present on the site and no sensitive materials are expected to be uncovered during the construction works given that the site has been previously developed. Notwithstanding this, accidental discovery protocols will be adopted in the circumstances where sensitive material is uncovered.

In terms of construction noise, the Acoustic Assessment prepared by SLR Consulting (see Appendix F) determines that construction noise will comply with *NZS6803; 1999 Acoustics – Construction Noise* provided that a temporary acoustic screen is erected along the eastern and southern site boundaries during excavation, compaction and piling works where noise levels are elevated, the requirement of which will be secured by way of a consent condition.

In terms of construction vibration effects, the Acoustic Assessment confirms that vibration from construction activities will comply with the allowable thresholds.

Further to the above, there is potential for temporary effects related to construction traffic. A Construction Traffic Management Plan will be prepared by a suitably qualified traffic engineer and will set out procedures to be followed to adequately manage construction traffic effects on the safety and efficiency of the SH1 network, pedestrians and the adjoining Tirau Primary School. A consent condition is proposed requiring that a Construction Traffic Management Plan prepared by a suitably qualified traffic engineer be submitted to Council and Waka Kotahi for certification prior to construction commencing.

Accordingly, while there will be potential for construction activities to create nuisance effects on the surrounding environment, these effects will be appropriately managed such that any effects will be less than minor.

6.5 Lighting effects

The site is situated on the fringe of the Tirau Town Centre and adjacent to SH1. Ambient or background lighting is bridge and well-light all throughout night-time hours. This includes lighting from streetlights along both sides of SH1 and the BP service station immediately west of the site which contains an illuminated pylon sign, illuminated wall-mounted signage and lighting within the forecourt and building entrance.

Lighting from the proposal relates to the building interiors (internal lighting), illuminated signage and light posts to illuminate carparking areas as shown on Sheet RC105 of the Architectural Plans provided in Appendix B.

Signage will be internally lit using LED lighting, the brightness of which can be adjusted to ensure compliance with the ODP provisions. No flashing or moving lights is proposed through the application.

Wall and ceiling mounted lighting proposed around the building exterior and at drive-through ordering stations will be installed to be downward facing to limit the illumination radius and will be designed to comply with the ODP provisions.

Three light poles are proposed to illuminate the proposed carparking areas. Lighting poles have been placed to minimise light spill onto neighbouring properties and will avoid glare onto nearby sensitive receivers.

The site adjoins residential zoned land to the north, east and south, noting that these adjoining properties contain the Tirau Primary School (to the north and east) and the Tirau Community Church (to the south). Lighting effects on the primary school and community church operations will be negligible, given that these activities operate during daylight hours.



The nearest residential receivers are the residence to the rear of the community church (setback 15m from site boundary) and the dwelling at 7B Okoroire Street (setback at least 10m from site boundary). The placement and design of lighting will ensure that the dwellings experience a reasonable level darkness during the Burger King restaurant nighttime operations.

Regarding effects the SH1 roading network, lighting will be angled to avoid glare into road traffic and designed to not compete with the brightness of light from the road environment.

Accordingly, any adverse effects associated with lighting from the proposed development will be less than minor.

6.6 Retail distribution effects

Property Economics have prepared a Tirau Retail Impact Economic Memorandum (see Appendix G) which assesses the retail distribution effects of the proposal. The memo outlines that retail distribution effects occur *“where a new business (or cluster of businesses) affects an existing centre to such a degree that it would erode a centre’s viability, causing a decline in its function and amenity, and disabling the people and communities who rely upon those existing (declining) centres for their social and economic wellbeing”*.

Property Economics note that the proposal will represent an expansion of the existing town centre, and although the proposed Starbucks coffeehouse and Burger King restaurant will compete with existing hospitality businesses, the proposal will facilitate an offer not currently available in Tirau, namely fast-food and quick stop/drive through outlets. For this reason, Property Economics consider that the development will grow the total food and beverage capture in the Tirau Town Centre as opposed to redistributing its existing food and beverage expenditure base. Accordingly, any adverse retail distribution effects on existing town centre food and beverage businesses will be less than minor.

6.7 Positive effects

The proposal will generate positive effects on the environment, being:

- The creation of new jobs across all levels, from entry level to managerial with on-job training and the ability for career progression, to support the economic well-being of the local community. This is considered particularly important to the younger population of Tirau as entry level positions with career prospects are proposed.
- The creation of a new ‘third place’ for people – particularly young people – to meet friends and socialise, supporting the social well-being of the local community.
- The proposal will revitalise and refresh the entry to the town centre, provide opportunities for a local artist to design and paint a mural on the front façade of the Burger King building.
- The proposal includes the required number of on-site car parking spaces, meaning that it is likely that pressure on car parking spaces in the town centre could ease.
- The proposal includes front yard landscaping that is attractive and modern.
- The proposed buildings, and especially the bespoke design of the Starbucks Coffee Bean building is unique and interesting and tie in the unique use of the corrugated iron look, which is synonymous with Tirau, but in a modern and fresh way.

6.8 Conclusion

Overall, based on the preceding assessment, the adverse effects of the proposed activity on the environment are no more than minor.



7.0 Statutory assessment

Section 104(1) of the Act requires that, when considering a resource consent application, the consent authority must have regard to the matters set out in subsections (1)(a), (ab), (b) and (c). These matters are addressed below, and all are subject to Part 2.

7.1 Section 104(1)(a) (Actual and potential effects)

Section 104(1)(a) requires the consent authority to have regard to “any actual and potential effects on the environment of allowing the activity”.

As assessed in Section 6.0 of this report above, the proposed activity will have actual and potential effects on the environment that are minor or less.

7.2 Section 104(1)(ab) (Offsetting or compensation)

Section 104(1)(ab) requires that the consent authority to consider “any measure proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity”.

In this case, the proposed activity is not of a scale or nature that would require specific offsetting or environmental compensation measures to ensure positive effects on the environment.

7.3 Section 104(1)(b) (Statutory documents)

Section 104(1)(b) requires the consent authority to have regard to any relevant provisions of the following:

- a national environmental standard;
- other regulations;
- a national policy statement;
- a New Zealand coastal policy statement;
- a regional policy statement or proposed regional policy statement; and
- a plan or proposed plan.

An assessment of the relevant statutory documents that corresponds with the scale and significance of the effects that the proposed activity may have on the environment is provided below.

7.3.1 Waikato Regional Policy Statement - Te Tauaki Kaupapahere Te-Rohe O Waikato

An assessment of the proposal against the relevant objectives and policies of the Waikato Regional Policy Statement (RPS) is provided below. Some objectives and policies of the RPS are subject to Plan Change 1 – National Policy Statement on Urban Development 2020 and Future Proof Strategy (PC1). Where PC1 seeks to make amendments to objectives and policies of the RPS relevant to the proposal, the changes sought will be shown as tracked changes with additions underlined and deletions in ~~strikethrough~~.



7.3.1.1 Chapter IM – Integrated Management

An assessment of the proposal against the relevant objectives and policies in Chapter IM of the RPS is provided below:

Objective IM-O1 – Integrated management

Natural and physical resources are managed in a way that recognises:

- 1. the inter-relationships within and values of water body catchments, riparian areas and wetlands, the coastal environment, the Hauraki Gulf and the Waikato River;*
- 2. natural processes that inherently occur without human management or interference;*
- 3. the complex interactions between air, water, land and all living things;*
- 4. the needs of current and future generations;*
- 5. the relationships between environmental, social, economic and cultural wellbeing;*
- 6. the need to work with agencies, landowners, resource users and communities; and*
- 7. the interrelationship of natural resources with the built environment.*

Comment: The proposal seeks to redevelop a serviced site and whilst the proposal seeks to establish a commercial activity on a residential site, the site itself is currently developed, has no riparian or wetland areas and will not give rise to the interference of natural processes. The proposal will provide for the needs of the current and future generations of Tirau and the wider community by providing much needed employment opportunities, which will lead to stronger social, economic and cultural well-being. The applicant has chosen to publicly notify the application in order to understand the views of the community. The site was specifically chosen as it is not sensitive in terms of natural resources and the proposed built form is considered to be sympathetic to the existing environment. In this way, the natural and physical resources are managed in a balanced manner.

Objective IM-O8 – Sustainable and efficient use of resources

Use and development of natural and physical resources, excluding minerals, occurs in a way and at a rate that is sustainable, and where the use and development of all natural and physical resources is efficient and minimises the generation of waste.

Comment: The physical resource used is land, the current zoning is residential, and this is in keeping with the historic use of the site, first as the Schoolhouse and thereafter as a freehold allotment created around the former schoolhouse.

The proposal is to redevelop the site to operate a Starbucks coffeehouse and Burger King restaurant with dual drive-through facilities is not necessarily in keeping with the zoning as no residential component is proposed. However, it is considered that the proposal is a balance and sustainable use of the land resource for the following reasons:

- The site is surrounded by non-residential activity on all sides, with the school being to the north and east, the church being to the south and bp Connect Tirau being directly across the road to the west.
- The site is on SH1 which is at peak times busy and creates road noise and therefore not necessarily the ideal location for residential development.



On balance, it is considered sustainable to utilise this site for a commercial use which will form a logical extension to the existing town centre.

Objective IM-O9 – Amenity

1. The qualities and characteristics of areas and features, valued for their contribution to amenity, are maintained or enhanced; and

2. Where intensification occurs in urban environments, built development results in attractive, healthy, safe and high-quality urban form which responds positively to local context whilst recognising that amenity values change over time in response to the changing needs of people, communities and future generations, and such changes are not, of themselves, an adverse effect.

Comment: The built development proposed has been carefully designed to be in keeping and to not detract from the unique characteristics and features of Tirau. The proposal will create a human scale, attractive and high-quality commercial development which is easily accessible for all ages and abilities.

Objective 2 above is not applicable to the proposal as Tirau is a rural service town and is not considered to be an urban environment.

7.3.1.2 Conclusion

The above assessment determines that the proposal is consistent with the relevant objectives and policies of the RPS, including the amendments to the RPS as sought through PC1.

7.3.2 Operative South Waikato District Plan

7.3.2.1 Chapter 4 Objectives and Policies for the District's Towns

An assessment of the proposal against the relevant objectives and policies in Chapter 4 of the ODP is provided below:

Objective 4.2.1: To have attractive, functional, safe and thriving townships built on the unique qualities of their people, industries, history and natural strengths.

Comment: The proposal will create an attractive, functional and safe development which will lead to job creation and therefore will assist Tirau to thrive. The proposal is designed to fit within and reflect the uniqueness of Tirau and will enhance the local offerings in the township and refresh the local area.

Objective 4.2.4: To enable the town centres in Putāruru, Tokoroa and Tirau to provide distinctive, attractive, safe, and easily accessible environments with a concentration of commercial businesses and cultural activities providing a wide range of services and facilities for residents and passing travellers, and with minimum adverse effects on the safe and sustainable functioning of SH1.

Comment: The proposal includes references to the corrugated iron features in the town centre and these will result in modern and attractive buildings, refreshing the Tirau main street. The proposal will also add to and enhance the local offerings for residents and passing travellers, with minimal disruption to the safety and efficiency of SH1, as concluded by CKL in the ITA (see Appendix E).

Objective 4.2.5: To allow adequate opportunities for businesses and industries to provide a range of employment opportunities for the District residents, in a manner consistent with the towns' existing amenity values without any unnecessary barriers to economic advancement.



Comment: The proposal will create many jobs at all levels (entry to managerial) and will provide on the job training. With the development of two restaurants, the job prospects for Tirau, and particularly the younger people of Tirau will be transformative.

Objective 4.2.7: To provide for outward expansion of existing townships where the new areas can be efficiently serviced with network utilities and infrastructure.

Comment: The site is just on the fringe of the Town Centre Zone and therefore, the proposal is seen as a slight expansion beyond the Town Centre Zone, but not an expansion of the township of Tirau per se. The site is adequately serviced.

Policy 4.3.1: Enable home occupations and a range of non-residential activities in residential areas where the effects of these businesses are consistent with maintaining the character and amenity of the residential neighbourhoods and do not adversely affect the vitality of the town centres.

Comment: Due to the receiving environment being non-residential the site lends itself to the non-residential activities without impacting character and amenity of residential sites. The proposal will not lead to economic impacts on existing food and beverage outlets or out of centre effects in terms of the existing town centre, as concluded in the Economic Impact Memorandum prepared by Property Economics (see Appendix H).

Policy 4.3.10: Retain the distinctive low-density nature and village character of the built form of Arapuni and Tirau.

Comment: The building form of the proposal is considered low density, albeit more commercial in nature than the residential zone, each building is approximately 200m² and are set well apart on the site, with at least 30m separating them. Further to this each of the proposed buildings will be single storey and between 5m – 6.7m in height overall. The proposal will not detract from the village feel of Tirau.

Policy 4.3.11: Promote affordable, safe, integrated, sustainable and responsive transport networks within and through the towns, with safe pedestrian and cycleway connections linking residential neighbourhoods with public reserves, schools and the town centres.

Comment: The proposal will gain direct access to and from SH1. The ITA provided by CKL (see Appendix F) demonstrates that the operation of the Starbucks coffeehouse and Burger King restaurant with dual drive-through facilities can be undertaken in a manner that will not lead to impacts on the safety and efficiency of the transport network. Adequate car parking is provided on-site with provision of 28 car parks, where 27 is required under the ODP. The drive-through facilities each have capacity for 12 cars at any one time and are positioned on-site in a way that is unlikely to impact on the safety and efficiency of SH1 or impact on pedestrian safety. Sight lines and visibility at the proposed vehicle crossings are excellent and peak times for each proposed restaurant will not conflict with school drop off and pick up times.

Policy 4.3.13: Promote a high standard of urban design for new development, including reflecting the town's past and the locality's Raukawa heritage, and consideration of community safety and Crime Prevention Through Environmental Design (CPTED) principles.

Comment: The proposal, which includes a completely bespoke Starbucks building to reflect a coffee bean and which includes the use of a modern interpretation of corrugated iron, is considered to promote a high standard of urban design. The use of corrugated iron inspired materials is used across both proposed buildings. In addition to this, the site will be well lit though the nighttime hours, pedestrian access are provided for within the site to cater for all ages and abilities, and the site is open and will be safe and efficient in terms of CPTED.



7.3.2.2 Chapter 7: Objectives and Policies for the District's Infrastructure and Development

An assessment of the proposal against the relevant objectives and policies in Chapter 4 of the ODP is provided below:

Objective 7.2.1: To ensure that an integrated, efficient, safe and sustainable transportation network is maintained and enhanced to support the social and economic wellbeing of people and communities in the District including provision for active transport and physical activity options.

Comment: The proposal adjoins SH1 and direct vehicle access is proposed from SH1. The ITA provided by CKL (see Appendix F), demonstrates that the operation of the Starbucks coffeehouse and Burger King restaurant with dual drive-through facilities can be undertaken in a manner that will not lead to impacts on the safety and efficiency of the transport network. Adequate car parking is provided on-site with provision of 28 car parks, where 27 is required under the ODP. The drive-through facilities each have capacity for 12 cars at any one time and are positioned on-site in a way that is unlikely to impact on the safety and efficiency of SH1 or impact on pedestrian safety. Sight lines and visibility at the proposed vehicle crossings are excellent and peak times for each proposed restaurant will not conflict with school drop off and pick up times.

Objective 7.2.2: To ensure safe and efficient land use, subdivision and development, well-integrated with the functions of different roads, and which is designed to provide for appropriate alternative transport modes (particularly walking and cycling).

Comment: The proposal provides for pedestrians, drive-through customers and on-site parking for dine-in customers. Car parking onsite exceeds the requisite in the ODP and both drive-throughs have sufficient capacity to allow at least a 12 car stack. Each restaurant has a pull forward window in the drive-through to cater for any order that might take longer than expected, this will ensure that there is no delay within the drive-through.

Objective 7.2.4: To ensure that new development in the District has regard to improving energy efficiency and to enable production of energy from renewable sources, provided their development promotes the sustainable management of the district's natural and physical resources.

Comment: Both Starbucks and Burger King have sustainable business models and include the use of biodegradable packaging and promote re-usable products, where possible. All lighting will be LED and therefore energy efficient. Where possible, the development will be energy efficient. The proposal represents an efficient use of the land given its location at the edge of the town centre, on a State Highway between the Tirau Primary School and the Tirau Community Church.

Objective 7.2.6: To put in place adaptation and response mechanisms to manage the challenges of, and respond to the opportunities afforded by, future climate change.

Comment: The site is located within a low-risk flooding area, but as the proposed use is not considered vulnerable as it is not residential, review and mitigation will be provided at building consent stage. To mitigate the creation of additional impermeable surfaces, the proposal includes stormwater mitigation and floor levels to ensure that in the event of a flood the proposed buildings are not impacted, nor will water be displaced into the downstream environment. The proposed engineering calculations have been adjusted to account for the climate change scenario.

Policy 7.3.11: Development should be located, designed and managed to minimise the need to travel, minimise conflict to and across arterial routes, and provide appropriate access.



Comment: The site is located within 30m of the Town Centre Zone and is within walking distance of nearby businesses via on-site and public footpaths. Car parking is provided on site. A majority of both Starbucks and Burger King traffic will be associated with the drive-through component which will cater to passersby traffic already on the network. In this way, locating the proposed activities adjacent to SH1 and on the fringe of the town centre is suitable as customers can easily access the site on foot or in their vehicle.

Policy 7.3.13: Ensure vehicle access onto the transportation network does not adversely affect to a more than minor extent the safety, efficiency operation and maintenance of these roads and other road users.

Comment: The ITA provided by CKL concludes that the transportation network is not adversely affected by the proposal, including the safety, efficiency of operation and maintenance of SH1. The proposal includes adequate provision for car parking and site servicing can be achieved on-site.

7.3.2.3 Conclusion

Based on the above assessment, the proposal is consistent with the objectives and policies of the ODP given the sites location, between the Tīrau Primary School and the Tīrau Community Church and opposite the BP service station. The unique receiving environment, coupled with the mitigation proposed, will ensure that the development, whilst representing a significant shift from the existing residential use and development of the site, will be appropriate and will not result in an outcome at odds with the direction of the ODP.

7.3.3 Statutory Assessment Conclusion

The above assessments demonstrates that the proposal is consistent with the relevant provisions of the relevant statutory documents, subject to fair and reasonable conditions being imposed as recommended in Section 8.0 of this report, including construction traffic management, acoustic mitigation to adhere to construction noise thresholds, acoustic fencing, site servicing restrictions including right in right out for delivery vehicles where they are truck and trailer units (smaller single axle trucks can be accommodated) and landscaping and maintenance requirements.

7.4 Section 104(1)(c) (Other matters)

In addition to the matters of regard covered under subsections (1)(a), (ab) and (b), subsection (1)(c) states that consideration must be given to "any other matters that the consent authority considers relevant and reasonably necessary to determine the application."

7.4.1 Precedent

The application will not give rise to precedent effects. Whilst the application includes the non-residential use of the subject site which is a residential property precedent effects will not arise as the site itself is isolated in terms of residential use and not in an area that is separate from the town centre, it is near the existing Tīrau Town Centre and on a site that reads as town centre, bordered by the school to the north. Further to this, the site itself is unique as it has non-residential uses on all sides and is not overly highly rated in terms of residential amenity due to the state highway location (noise and amenity). Further to this, the applicant has carefully selected the site and taken care over the design so that the overall outcome is not only reflective of the towns history and unique identity but also reflective of the community need (jobs and places to gather, particularly for young people). Care has also been taken to protect nearby residential amenity and as it is understood that such an



application would garner interest, Public Notification was invited by the applicant, notwithstanding that no precedent effects are expected to arise.

7.4.2 Non-statutory documents

The following non-statutory documents are relevant to this application:

- Draft South Waikato Growth Plan 2024 - 2054
- Tīrau Concept Plan 2021 – 2031
- Economic Development Plan 2023
- Raukawa Environmental Management Plan 2015

An assessment against these documents that corresponds with the scale of the proposal is provided below.

7.4.2.1 Draft South Waikato Growth Plan 2024 - 2054

The Council released their Draft South Waikato Growth Plan (Draft Growth Plan) on 22 November 2023 for public review and submissions. The Draft Growth Plan is a non-statutory document guided by the 2023 Housing and Business Assessment (2023 HBA) and considers the housing and business needs for the district over the next 30 years. The Draft Growth Plan is focused on growth and development within/around Tokoroa, Putāruru and Tīrau, as growth will be primarily focused within these towns. There is a focus on providing for housing and business growth in the short term (3 years), medium terms (3 – 10 years) and long term (10 – 30 years).

In terms of business growth, the Draft Growth Plan outlines that the district economy is projected to grow over the next 30 years. The key growth sectors include social services such as health and education, professional and personal services, and manufacturing, which will require additional land area to support employment growth and to meet community needs. It is expected that an additional 9 hectares of commercial land for activities such as offices, retail shops, research facilities and education will be required over the long term. It is anticipated that for commercial and retail growth can be provided within existing townships via new multi-storey developments.

Section 3.5 of the Draft Growth Plan sets out the growth strategy for Tīrau. To summarise, the population has been steadily growing in recent years, due to local investment in business, its central location, and tightknit community. Population growth is expected to continue, with approximately 2,850 to 3,450 people likely to reside in Tīrau by 2052. Future growth is expected through the revitalisation of the Tīrau town centre, enhancement of town centre and investment in high-quality recreation and community facilities, and short commuting distance to cities such as Tauranga, Hamilton and Taupō.

In terms of business growth, Tīrau is identified as a desirable location for business development. In the short-term, Tīrau has sufficient business land, however, in the medium-to-long term (7+ years) there is a business shortfall of 1 hectare. Three business and industrial growth areas have been identified within the Draft Growth Plan, comprising an area of 24.8 ha.

The growth plan for Tīrau includes provision for mixed-use development within the town centre, which could comprise of medium density development with ground-floor retail / commercial with above-ground residential living. The town centre comprises of 224 allotments over an area of 8.4 ha.



The preferred growth plan for Tirau identified the site and Tirau Community Church as being outside of the Tirau Town Centre Zone and within area for infill and intensification as shown in the below figure. The site location is identified by a star in the below figure.



Figure 11 - Snippet of Preferred Growth Strategy for Tirau (source: Draft Growth Plan)

The Applicant made a submission to the Draft Growth Plan seeking that the Mixed-Use Zone and 'town centre' extent incorporates the site and Tirau Community Church due to the site's isolated residential use in the context of its non-residential neighbours (community church, local primary school and BP service station), opportunities for the site to enhance potential retail offerings within the town centre, and the site's proximity to SH1 which makes the land better suited for business activities rather than residential.

7.4.2.2 Tirau Concept Plan 2021 - 2031

The Tirau Concept Plan is a living document that is updated as needed, to enable public engagement with council and community representatives over local issues and projects. The concept plan captures the shared vision of local communities to enable integrated planning for the district as a whole. The concept plan focuses on developing and achieving long term objectives for improving the social, economic and cultural wellbeing of a community.

Tirau is a proud village that is safe and vibrant, offering a wide range of café style eateries, boutique art and craft stores and shops. The concept plan confirms that the population of Tirau is growing and that development should align with the vision of Tirau and be designed to enhance the quality of life for the entire local community, this includes attracting new residents and businesses.

The concept plan has four pillars of wellbeing – economic, environmental, social and cultural.

Economic – to create a thriving and diverse economy: local job creation in the key to this pillar for Tirau and the proposal will support this by providing growth in the business sector and jobs across two busy restaurants/drive-throughs.

Environmental – promote a sustainable and nurtured environment: Business practices for both Starbucks and Burger King are becoming increasingly sustainable, with the promotion



of reusable cups and sustainable packaging. The restaurants will both have their own facilities management plan which will include ensuring the outdoor area of each restaurant is clean and clear of any rubbish and pride will be taken in the landscaping and overall maintenance of the site.

Social – support connected and safe community: The provision of two new business to town which will likely have busy peaks at different times of the day (Starbucks in the morning peak and Burger king in the evening peak) will mean that there will be a different offering in the town to what is available now, with local café's closing in the mid-afternoon, Starbucks will be open longer and will provide a place for young people to meet and spend time together. A drop-in centre/area where youth can gather is noted in the concept plan for Tīrau as something that is required within the next 10 years and something that is currently lacking. both Starbucks and Burger King would offer a more social setting to the town that are safe and which do expect people to meet and stay over coffee or socialise over burgers, particularly younger people. This may not be the overall wider community solution, but it does provide an alternative and one that would likely be popular with the younger population. Starbucks is considered as the 'third place' after home and school/work and would be considered welcoming to young people.

Cultural – enable our strong cultural identity: As noted above, the opportunity for a local artist to provide an artwork or mural for the front façade of Burger King could incorporate a cultural narrative, tell a story of the local area or incorporate both the Māori and European histories of the local area. Further to this, the design of the Starbucks and the materiality of the Burger King buildings are specifically chosen to reflect the corrugated iron on the Tīrau village and this is considered to enhance the village feel, whilst creating a modern and vibrant place, enhancing the cultural fabric of Tīrau.

The Tīrau Concept Plan 2021 – 2031 identifies six principals or priority for Tīrau, these are:

- Our People
- Future utilisation of spaces for community use
- Infrastructure planning for safe roads, footpaths, parking
- Safe community
- Promotion of Take a Break – Take in Tīrau
- Being relevant in regional economic development plans and initiatives.

The proposal aligns with these priorities, and most notably will support the promotion of the Take a Break – Take in Tīrau initiative where ample on-site parking is provided to allow customers to stop and park on-site without congesting the on-street car parking, or use either drive-through if they preferred – whilst this may not lead to people exploring the wider area or town centre, both the economic assessment and the traffic report noted that the offering of a drive-through would likely attract people that would otherwise not stop at all. The proposal will also support further economic development for the area with the provision of jobs across the Starbucks coffeehouse and Burger King restaurant, these jobs will be from entry level to manager level and on the job training will be provided. The sites are likely to operate later into the evening and in the early hours of the morning and will help to make the area safer in terms of passive surveillance and general activity in the area in the hours of darkness.

Overall, the proposal is considered to align with the Tīrau Concept Plan 2021 – 2031.



7.4.2.3 Economic Development Plan 2023

The Council released their Economic Development Plan (EDP) in Appendix H. The EDP sets out a vision for how the Council will collaborate with businesses, communities and individuals to facilitate economic growth and development over the next 30 years. The Council's vision for the district's economic development is "*South Waikato: The space to grow sustainably*". This vision identifies the importance of maintaining attractive town centres and recognises the district's strategic location encompassing SH1. The EDP highlights the importance of having vibrant town centres as an attractive place to stop and replenish, and healthy, affordable housing for new residents to live, work, play and grow.

The Tirau Retail Economic Impact Memorandum prepared by Property Economics (Appendix H) determines that the proposal will provide a fast-food / quick stop drive-through outlet which is not currently available in Tirau which has a high likelihood of generating additional demand in Tirau, as opposed to redistributing the existing food and beverage expenditure base, through attracting passing travellers who might not have otherwise chosen to stop. This would in turn raise the profile of Tirau as a 'pit stop' destination, particularly given the international profile of the Burger King and Starbucks brands. The provision of on-site parking has the potential to encourage more people to stop in the Tirau Town Centre and visit other businesses along the town centre strip. Furthermore, the restaurant and coffeehouse will generate local employment opportunities for residents. On this basis, it is considered that the proposal will be in keeping with the economic development vision for the district as the proposal will enhance the retail amenity and profile of the Tirau Town Centre as a place to live, work and visit.

7.4.2.4 Te Rautaki Taio a Raukawa / Raukawa Environmental Management Plan 2015

Te Rautaki Taio o Raukawa / Raukawa Environmental Management Plan 2015 (EMP) was prepared by the Raukawa Charitable Trust and sets out Raukawa's issues, aspirations and priorities in relation to the environment. Underpinning the EMP is the acknowledgement that the social, cultural, environmental and economic wellbeing of people is linked to the wellbeing of the natural environment, and that natural environment should be protected. The objectives of the EMP are to:

- Provide a clear statement about the relationship Raukawa has with our environment.
- Restore and share Raukawa mātauranga pertaining to our environment.
- Improve the understanding of external users of Raukawa values, tikanga, and kawa in relation to our environment.
- Develop the understanding and increase engagement of Raukawa hapū, marae, and whānau in key environmental issues and resource management processes.
- Articulate clear and measurable policies, objectives, and methods for the management of the Raukawa environment.
- Identify priority areas and actions for the restoration and management of our environment.

Section 2 of the EMP sets out the environmental objectives as well as proposed actions and outcomes of priority to Raukawa. The topics in this section relevant to the application are sections 2.1 (water – wai), 2.2 (land – whenua) and 2.3 (sky and air – ranginui). An assessment of the proposal against these topics follows.



Wai - Water

Section 2.1 of the EMP acknowledges the connection that Raukawa have to the Waikato, Te Waihou and Upper Waipa rivers and seeks that the health and wellbeing of these rivers and their catchments are restored and protected to safeguard their mauri for current and future generations.

The site is approximately 8.5km east of the Waikato River and is located outside of the Waikato River catchment. The site is within the Waihou and Piako river catchment areas¹. The proposal is to redevelop a site which has connections to the Council's reticulated stormwater and wastewater discharge networks. Accordingly, it is considered that the disposal of stormwater and wastewater from the development will be undertaken in a manner which avoids downstream effects on water sources. Earthworks to redevelop the site will be small-scale in nature and will not occur within proximity to nearby watercourses, thereby avoiding sedimentation effects on water sources.

Land – Whenua

Section 2.2 of the EMP acknowledges the connection that Raukawa have to their whenua and the responsibility that Raukawa have to protecting and enhancing the land resources. The EMP seeks that health and resilience of the land resource is protected, including the land use capability and health of soils over the long-term.

The site is located within an urban area and is currently used for residential purposes which does not rely on the soil resource. The proposed redevelopment of the site for commercial purposes will be an efficient use of the land resource, given that the proposal will establish a Burger King restaurant and Starbucks coffeehouse within proximity to the town centre with safe and efficient access from SH1. The land is better suited for commercial / retail use as the site is surrounded by non-residential uses (primary school, church and service station over road).

Sky and Air – Ranginui

Section 2.3 of the EMP acknowledges the cultural connection that Raukawa have to Ranginui and seeks that air quality is improved and protected, including the protection of community health and wellbeing to enable communities to enjoy clean and clear air.

As assessed in Section 6.2 of this report, the proposal will not give rise to odour effects on the environment. Furthermore, the proposal does not involve discharges to air.

Based on the above assessment, it is considered that the proposal will not be in conflict with the relevant provisions of the EMP.

8.0 Other relevant sections of the Act

An assessment against other relevant section of the Act follows.

8.1 Section 108 (Proposed conditions of consent)

As identified in the preceding assessments, several conditions of consent are proposed to avoid, remedy or mitigate the potential adverse effects of the proposed activity on the environment. It is anticipated that the consent authority will impose conditions relating to the following matters:

¹ Based on a review of the Waikato Regional Council Catchment Management Zone Maps:
<https://waikatomaps.waikatoregion.govt.nz/Viewer/?map=51b37bb6894b4a6fa3286da931823f59>



- The temporary installation of a 1.8m high acoustic fence along the east and southern site boundaries during excavation, compaction and piling works.
- That an acoustic review of the HVAC plant selection, location and design be provided to Council at building consent stage of the development.
- The certification of a Construction Traffic Management Plan prior to construction works commencing.
- Restricting delivery vehicles to right turns only into and out of the site if deliveries are by a truck and trailer unit.
- Restricting deliveries to outside of operating hours.
- Affording pedestrians right of way at the vehicle crossing.
- Providing a speed bump across the access 2m inside the site boundary.
- The implementation and maintenance of landscaping.
- Restricting operation hours to those specified in the application.

It is requested that draft conditions of consent are shared to SLR in advance of a decision being made on the application.

8.2 Section 35 (Monitoring charges)

Under section 35, the consent authority is required to monitor the exercise of resource consents. Given the limited scale of the proposed activity, and because all mitigation measures are inherent within the application, it is considered that only a limited need for monitoring exists. The Applicant accepts a reasonable monitoring fee in accordance with the consent authority's monitoring fee system and that the consent authority may carry out its monitoring functions by way of inspections of the site during development of the proposal.

9.0 Notification assessment

9.1 Public notification assessment

Section 95A of the Act requires the consent authority to follow specific steps to determine whether to publicly notify an application. An assessment of the application against these steps is provided below.

9.1.1 Step 1: Mandatory public notification in certain circumstances

An application must be publicly notified if it meets any of the criteria under section 95A(3):

- (3) (a) the applicant has requested that the application be publicly notified;
- (b) public notification is required under section 95C;
- (c) the application is made jointly with an application to exchange recreation reserve land under section 15AA of the Reserves Act 1977.

The application must be publicly notified as it is requested by the Applicant.

Therefore, the remaining steps of section 95A are not applicable.



9.2 Limited notification assessment

As above, the Applicant has requested that the application be publicly notified, therefore an assessment of the proposal against the steps of section 95B of the Act is not required. For completeness, an assessment of the actual and potential adverse effects of the application on adjacent properties is provided below. No written approvals have been provided to support this application.

9.2.1 Assessment of Effects on Adjacent Properties

The land parcels adjacent to the site are identified in the figure below.



Figure 12 - Map identifying adjacent land (source: Grip Maps)

An assessment of the actual and potential effects of the proposal on the adjacent land is provided below.

Tirau Primary School – 69 Main Road

Adjacent to the north and east, the Tirau Primary School will experience a notable change as the site transitions from a low density residential site to a commercial site, with a much greater intensity of use. To mitigate the change and screen the proposal, which includes a high level of impermeable surfaces, 1.8m high screen fencing is proposed along the two side and rear boundaries, as the proposed buildings themselves are single storey, the fencing itself will act to screen the majority of the use, noting that the Starbucks drive-through has a canopy that will be built adjacent to the shared boundary (approximate setback of 200mm-300mm), this structure is considered a building. The existing vehicle crossing will not be utilised, the proposed vehicle access is being relocated to the south.

In terms of noise, the school site will experience a slightly higher (42dB when 40dB is permitted) than permitted noise from the proposed use, noting that the school is not likely to be occupied during the night time hours and if an event was occurring at the school, it is unlikely to be of a sensitive nature where quiet would be expected or required. Therefore,



the proposed noise generated by the dual drive-through is not considered to affect the school to a more than minor extent.

Despite the screening proposed, it is considered that the noise, lighting, signage and intensity of use would have at least a minor impact on the school.

Tirau Community Church – 67 Main Road

The Tirau Community Church is adjacent to the south, this is a large site, that is also zoned residential, although all buildings are non-residential in nature. The Church is made up of the Church building, the church hall and offices and the youth hall. The buildings are well setback from the front boundary and the side boundary shared with the subject site.

In terms of noise, the church site will experience a slightly higher (42dB when 40dB is permitted) than permitted noise from the proposed use during nighttime peak hours – noting that site is not occupied by a residential use and is therefore not sensitive to night time noise as a dwelling would be.

Similar to the School, the Tirau Community Church will experience a notable change as the site transitions from a low density residential site to a commercial site, with a much greater intensity of use. To mitigate the change and screen the proposal, which includes a high level of impermeable surfaces, 1.8m high screen fencing is proposed along the shared boundary, as the proposed buildings themselves are single storey, the fencing itself will act to screen the majority of the use. Despite the screening proposed, it is considered that the noise, lighting, signage and intensity of use would have at least a minor impact on the Church.

9.2.2 Statutory acknowledgements

The site is situated within a statutory acknowledgement area to Raukawa. It is considered that the proposal will not give rise to cultural effects on Raukawa given that the proposal is to redevelop an existing site within the Tirau township, which will be serviced via the Council reticulation, and is not situated near to any watercourses, wetlands or cultural heritage areas. It is understood that a copy of the application will be served to Raukawa.

9.3 Notification assessment conclusion

Pursuant to sections 95A to 95G of the Act, the Council is required to publicly notify the application for the following reasons:

- Step 1 of section 95A: Public notification is mandatory as the Applicant has requested public notification.

10.0 Part 2 of the Act

We consider that those aspects of the plan relevant to this application have been “competently prepared under the Act”, in the sense referred to by the Court of Appeal.² The consent authority is therefore not obliged to conduct an evaluation under Part 2 of the Act, and Part 2 considerations should not be used to override the plan provisions.

However, for the sake of completeness, and to remove any doubt, the following assessment against Part 2 has also been undertaken.

² *R J Davidson Family Trust v Marlborough District Council* [2018] NZCA 316.



10.1 Section 5 (Purpose of the Act)

Section 5 identifies the purpose of the Act as being the sustainable management of natural and physical resources. This means managing the use of natural and physical resources in a way that enables people and communities to provide for their social, cultural and economic well-being while sustaining those resources for future generations, protecting the life supporting capacity of ecosystems, and avoiding, remedying or mitigating adverse effects on the environment.

It is considered that the proposal accords with the purpose of the Act and will not have an adverse effect on the sustainable management of natural and physical resources. The effects of the proposal in terms of adverse effects on the environment are discussed in detail in Section 6.0 of this report.

10.2 Section 6 (Matters of national importance)

Section 6 of the Act sets out several matters of national importance:

- (a) the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development:*
- (b) the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:*
- (c) the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:*
- (d) the maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers:*
- (e) the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga:*
- (f) the protection of historic heritage from inappropriate subdivision, use, and development:*
- (g) the protection of protected customary rights:*
- (h) the management of significant risks from natural hazards.*

In terms of section 6 matters, the site is not coastal, nor does it contain any biodiversity of significance, historic heritage or waahi tapu or other taonga. It is noted that in terms of natural hazard, Council have assessed the site as having a low risk of flooding, this is not considered a significant risk.

10.3 Section 7 (Other matters)

Section 7 identifies several "other matters" to be given particular regard to in the consideration of any assessment for resource consent:

- (a) kaitiakitanga:*
- (aa) the ethic of stewardship:*
- (b) the efficient use and development of natural and physical resources:*
- (ba) the efficiency of the end use of energy:*
- (c) the maintenance and enhancement of amenity values:*
- (d) intrinsic values of ecosystems:*



- (f) maintenance and enhancement of the quality of the environment:*
- (g) any finite characteristics of natural and physical resources:*
- (h) the protection of the habitat of trout and salmon:*
- (i) the effects of climate change:*
- (j) the benefits to be derived from the use and development of renewable energy.*

Relevant Section 7 matters include the maintenance and enhancement of amenity values and the maintenance and enhancement of the quality of the environment. The proposal is for the commercial development of a residential zoned site, noting that the surrounding properties are not residential and therefore the amenity values of adjacent properties will be maintained, and this is balanced with the enhancement and revitalisation of the town, with a modern and fresh site layout including a bespoke design for each building, incorporating the corrugated iron theme of Tirau. Landscaping and stormwater control of impervious surfaces will all enhance the quality of the physical environment.

10.4 Section 8 (Treaty of Waitangi)

Section 8 requires the principles of the Treaty of Waitangi to be taken into account. It is considered that the proposal raises no Treaty issues.

11.0 Conclusion

To conclude, the Applicant seeks resource consent to construct and operate a Starbucks coffeehouse and Burger King restaurant with dual drive-through facilities on the site. The applicant is seeking public notification of the application to gain an understanding of the community's views on the proposal.

In terms of section 104(1)(a) of the Act, the actual and potential effects of the proposed activity on the environment will be minor, acknowledging the proposals commercial nature on a residential zoned site and one which will include a shift for the local area in terms of use. Notwithstanding the change, the intensity of the proposed use and servicing requirements, the proposal will be acceptable as assessed discussed in sections 6.0 and 7.0 of this report. In particular:

- The proposal, whilst a shift from the existing residential development on the site, will be of a design and form which will not detract from the unique character of the Tirau Town Centre and will maintain the amenity values of the adjoining non-residential properties. Landscaping will be implemented along the site frontage and within the site to visual soften the built development and hardstand areas.
- Traffic movements can be accommodated within the site and drive-throughs and the State Highway network will continue to function safely and efficiently. Adequate on-site parking has been achieved. Rubbish collection will occur via a small rubbish truck operated by the private contractor. A rubbish truck can be accommodated within the site without compromising the safety of customers, buildings and private vehicles. Delivery vehicles can be accommodated within the site and potential conflicts with customers will be managed by limiting deliveries to outside of operating hours as well as restricting ingress and egress to right turns only.
- Construction works will be adequately managed to minimise potential effects on adjoining sites and the roading network, through the construction and maintenance of sediment and erosion controls and installation of a temporary acoustic fence to reduce construction noise.



- Operational noise will be appropriately managed to ensure avoid unreasonable noise on adjoining properties, including the provision of acoustic fencing along the side and rear boundaries to reduce noise levels.
- Lighting will be appropriately designed and managed to avoid glare into adjacent sites or the roading network.
- The proposal will facilitate an offer not currently available within Tīrau, namely fast-food and quick stop/drive through facilities which will attract customers to the Tīrau Town Centre as opposed to giving rise to retail distribution effects on existing town centre food and beverage businesses.

The proposed activity will also generate positive effects, being the creation of new job opportunities across all levels with the ability for on-job training and career progression to support the economic well-being of the local community, the creation of a new 'third place' for young people to meet and socialise with friends to support the social well-being of the local community, and revitalising and refreshing the entry to the Tīrau Town Centre which recognises and ties in with the unique character of Tīrau.

In terms of section 104(1)(b) of the Act, it is considered that the proposal is consistent with the relevant objectives and policies of the Waikato Regional Policy Statement and South Waikato Operative District Plan.

Furthermore, the proposal is in keeping with the growth directives detailed in the Draft South Waikato Growth Plan 2024 – 2054, Tīrau Concept Plan 2021 – 2031 and Economic Development Plan 2023 as the proposal seeks to establish new commercial activities on the northern fringe of the Tīrau Town Centre which will increase the profile of Tīrau as a great place to stop, live, work and play.

The proposal will not conflict with the outcomes sought in the Raukawa Environmental Management Plan 2015 as the proposal will be an efficient use of land through the redevelopment of an isolated residential site on the northern fringe of the Tīrau Town Centre and the proposal will not give rise to effects on water sources or discharges to air.

On the basis of the above, it is considered that the proposal is consistent with Part 2 of the Act.

Hence, in accordance with section 104B in relation to discretionary activities, it is considered appropriate for consent to be granted after public notification, subject to fair and reasonable conditions.





Appendix A Record of Title

Resource Consent Application

To construct and operate a Starbucks coffeehouse and Burger King restaurant with dual drive-through facilities at 69a Main Road, Tirau

Tahua Properties Limited

13 March 2024



Appendix B Architectural Plans

Resource Consent Application

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13 March 2024



Appendix C Rules Assessment

Resource Consent Application

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Appendix D Landscape Plans

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Appendix E Integrated Transportation Assessment

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Appendix F Acoustic Assessment

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Appendix G Tirau Retail Impact Economic Memorandum

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Appendix H Consultation with Waka Kotahi NZ Transport Agency

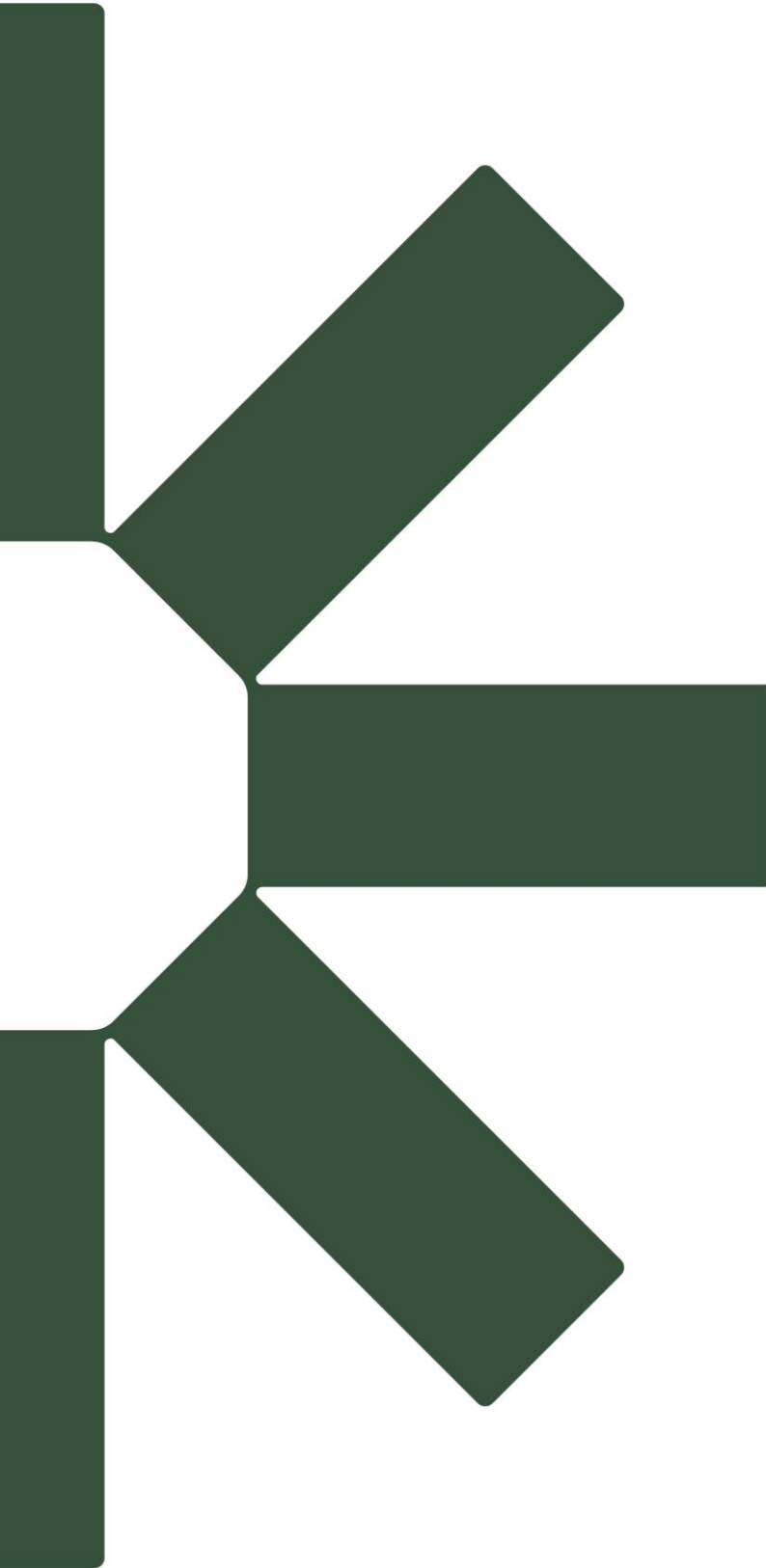
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