

Attachment A – Marshall Day RFI Response Memo

MEMO

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Attention:	Selwyn District Council	Cross Reference:	
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From:	Rob Hay	No. Pages:	3
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Subject:	PC240002: Private Plan Change Request to the Partially Operative Selwyn District Plan (V2) by Foodstuffs (South Island) Properties Limited at 157 Levi Road, Rolleston – Request for Further Information (RFI) – Acoustics Response		

This memorandum has been prepared in response to the RFI issued by Selwyn District Council on 21 June 2024 for the private plan change request (PPCR) to the Partially Operative Selwyn District Plan (V2) at 157 Levi Road, Rolleston. We respond to noise queries 1.1-1.6 arising from Dr Trevathan's peer review of our Noise Assessment.

Question 1.1

The MDA report is written under the assumption that a supermarket will be built on one end of the site, and a Mitre10 on the other. Subject to planning input/confirmation as to what range of outcomes could actually transpire with the package of rules/constraints requested, can MDA please provide a discussion of the possible noise-related outcomes permitted by the LFRZ zoning more generally – where the site is developed in some other way?

MDA Response

The Supermarket at the north end of the site is not only consented (RC235678), but also under construction. This constrains activity at one end of the site to what is enabled by the PPCR, -- a supermarket >6,000m² in accordance with the proposed Outline Development Plan (ODP). To this end, the PPCR simply reflects what is the existing consented environment on this part of the site. Noise-related mitigation imposed by RC234678 has been incorporated into the PPCR package of rules to ensure a noise outcome for the site and adjoining properties that is consistent with that which has already been deemed acceptable by the granting of that consent.

The PPCR package of rules constrains the development at the south end of the site to a trade-based retail activity >6000m² in accordance with the proposed ODP. Any activity will be subject to the District Plan noise standards, or a resource consent would be required.

The PPCR package of rules is more restrictive than the Large Format Retail Zone (LFRZ) generally, effectively limiting development on the site to one supermarket and one trade-based retail activity, which our Noise Assessment concluded can be appropriately managed from a noise perspective. Activities that would otherwise be permitted in the LFRZ, e.g. industrial activity, automotive activity or community corrections activity, are elevated to non-complying activity status in the PPCR rules.

We understand that developing the site in any other way would not be in accordance with the ODP and would be subject to a resource consent process. That is the appropriate process for assessing and determining any noise effects associated with a non-compliant development proposal.

Any variation would have to be submitted to Council and be subjected to both assessment and peer review.

Question 1.2

The MDA report suggests that even if the site was zoned LFRZ, a Mitre10 would require a resource consent (allowing noise effects to be considered in detail). Again, subject to planning input/confirmation, this may not be the case. Does that alter MDA's assessment? Should 'more detail' be provided now?

MDA Response

As the proposed amendments stand, a Mitre10, or indeed any trade-based retail activity, requires consent as a restricted discretionary activity (RDA) under Rule LFRZ-R1 (noise not being one of the RDA matters of discretion). Despite noise not being one of the matters for RDA discretion, the activity must still comply with the District Plan noise standards. Even if an entirely different activity was proposed that somehow still met the restrictions imposed by the proposed rules and ODP, compliance with the noise standards must still be achieved. And if not achieved, a noise assessment would be needed to support the requisite resource consent application. On this basis the permitted noise standards under the District Plan are appropriate for the management of noise for this site.

All that is required at the plan change stage is demonstrating that something consistent with the proposed zone can be made to work acoustically on the site - this has been demonstrated in the Noise Assessment.

Question 1.3

Section 4.1 of the MDA report states "we understand the operation of the deliveries and loading bay will only occur during the PODP daytime hours". What weight should be placed on this, in the context of general rezoning sought rather than a resource consent for any particular activity? Please provide comment on a scenario with nighttime hours delivery activity, if there is no rule which would prevent this."

MDA Response

Two approaches could be taken to this scenario. A rule could be included that restricts the hours of delivery to the loading bay, or reliance could be placed on the RDA consent process under Rule LFRZ-R1 to capture any requirement for restrictions based on the finalised design proposed at that time.

Should a rule be the preferred option wording to the following effect may be appropriate:

For any trade activity, the use of any access way or loading bay adjacent to the eastern site boundary is restricted to the following hours: 7:00 – 19:00.

I do not have a strong view as to the activity status in the event of alternative hours being sought, although RDA (noise as a matter for discretion) or Discretionary would seem appropriate depending on what best suits other similar rule frameworks in the Plan.

Question 1.4

Condition 18(ii) of RC216016 requires that a noise barrier be erected along the eastern boundary of the site, where the adjoining land is zoned residential, that is a minimum 2 m high acoustic fence erected on the boundary and a minimum 2.5 m high timber acoustic fence setback approximately 6m from the boundary. The MDA Noise Assessment proposes a similar noise mitigation treatment for the balance of the site, being a 2.5 m noise control fence set in a 10m landscape buffer along the eastern boundary of the site. It is unclear if the proposed fence is to be set 6 m off the eastern boundary, as per RC216016 or 10 m off the boundary, as shown on Appendix B to the MDA report. Regardless, these treatments have the effect of creating a 6-10 m wide strip of land along the full length of the eastern boundary, being some 540 m in length, that some, or all of, is effectively fenced off from and not integrated into the management of the site. Please provide details of how it is intended that this area is to be managed, and address any CPTED issues associated with this area.

MDA Response

This is not a noise issue and is best addressed by the planning and/or urban design technical specialists.

Question 1.5

The MDA assessment assumes "... that all deliveries enter the site off Lincoln Rolleston Road at the internal roadway that divides the ... site", however, considering the site plan approved as part of RC216016 (McCoy Wixon Architects, Project Number 5798, Sheets RC02, dated 17 August 2022), there does not appear to be any limitation that would prevent vehicles using the eastern most access on Levi Road (Access E on the site plan) and traversing the full length of the eastern boundary to deliver goods. Please provide comment on whether it is intended that Access E shall be for the exclusive use of the consented supermarket, or if other uses on the site will be able to utilise this access as well, and, if so, does this give rise to additional noise effects that MDA should consider. It is noted that the noise assessment indicates that it focuses on the proposed trade supply activity and does not discuss the consented activity as it forms part of the existing environment.

MDA Response

The use of the Levi Road access by future trade-based retail activity on the southern part of the site is not possible because of the restrictions already in place as part of the resource consent for the PAK'nSAVE supermarket. This limits the use of this access to deliveries and service vehicles related to the supermarket only.

If considered necessary, this could be reinforced by explicitly stating so in the ODP narrative.

Question 1.6

Please amend the ODP to show all appropriate noise mitigation measures considered appropriate by MDA

MDA Response

I have informed amendments to the ODP to include all noise mitigation measures that I consider appropriate for a rezoning, knowing that these will operate in conjunction with the noise standards in the District Plan to achieve an acceptable noise outcome for the site and its setting.