

2024-08-19

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Via email: Jocelyn.Lewes@selwyn.govt.nz

Dear Jocelyn

PC240002: Private Plan Change Request to the Partially Operative Selwyn District Plan from Foodstuffs (South Island) Properties Limited at 157 Levi Road, Rolleston – Response to Request for Further Information

Thank you for your Request for Further Information (RFI) dated 21 June 2024 in respect of the above Private Plan Change Request (PPCR).

This RFI Response adopts the same structure as the RFI. Stand-alone technical memoranda have been prepared by the relevant specialists in response to queries raised by their peer reviewer counterparts. These memoranda are attached and form part of this RFI Response. Also attached as Attachment G is a revised set of “Proposed Amendments to PODP Provisions” (to supersede Appendix G of the PPCR) that is to be read in conjunction with this response.

1. Noise Assessment

Please refer to the Marshall Day memo (**Attachment A**) for responses to RFI Points 1.1 – 1.6 concerning noise matters.

RFI Point 1.4 relates to landscaping / CPTED matters as opposed to noise matters, so has instead been responded to by the DCM Urban memo (**Attachment E**).

Based on the recommendations in the Marshall Day memo, the Proposed Amendments to PODP Provisions have been updated to include a restriction on use of the service access / loading bay associated with any trade-based retail activity, and the Proposed ODP has been amended to show all noise mitigation measures along the eastern site boundary (**Attachment G**).

2. Economic Assessment

Please refer to the Insight Economics memo (**Attachment B**) for responses to RFI Points 2.1 – 2.3 concerning retail distribution and Township Network matters.

3. Transport

Please refer to the Stantec memo (**Attachment C**) for responses to RFI Points 3.1 – 3.11 concerning transport matters.

Based on the recommendations in the Stantec memo, the Proposed ODP has been amended to include a split arrow at the main access on Lincoln Rolleston Road to indicate internal vehicle linkage between the supermarket and trade-based retail activities on the site.

4. Urban Design

Please refer to the Rough Milne Mitchell memo and DCM Urban memo (**Attachments D and E**, respectively) for responses to RFI Points 4.1 – 4.9 concerning urban design and landscape matters.

Based on the recommendations in the RMM memo, the Proposed Amendments to PODP Provisions have been updated (refer response to RFI Point 7.12 below).

5. Servicing

Please refer to the Powell Fenwick Servicing Design Advice memo (**Attachment F**) which outlines existing utility networks and how future LFRZ-enabled development of the Site can be serviced.

6. Planning

6.1 DEV-RO12 shows connections into the site, which the form of the rezoning request would appear to preclude. While sections 11.1.3 and 11.3 of the ITA indicate that no direct connection is proposed for active mode users between the site and future residential development land to the east, due to the need for acoustic fencing, please comment on suitability of a pedestrian connection at some point along the boundary with DEV-RO12, so as to address the concept of walkable blocks expressed in SUB-REQ7. Can this be provided without giving rise to noise effects?

As expressed in the RMM memo in response to RFI Points 4.2 and 4.3, pedestrian and cycle provision to and through the Site from the frontage roads will ensure development is well integrated with the surrounding pedestrian networks. Further, as noted in the Stantec memo, the provision of urbanisation of road frontages, footpaths and crossing points are all matters addressed in detail during resource consent processes for developments of the scale enabled by the PPCR. Collectively, this will support the concept of walkable blocks.

6.2 In considering the request against Objective 6 of the National Policy Statement on Urban Development, please qualify and/or quantify how the proposed rezoning will “supply significant development capacity”?

As outlined in the Economic Assessment accompanying the PPCR, there is a deficit in trade retail and trade supply stores within the Selwyn District despite it being New Zealand’s fastest growing district. The proposed rezoning directly responds to this shortage and will result in the generation of economic activity during construction, employment from the trade retail and trade supply business, and a redirection of customers from the district back to Rolleston that would otherwise travel to Christchurch city to obtain their trade retail supplies. In this regard, enabling the establishment of one additional trade-based retail activity can be considered significant in terms of development capacity.

It is relevant to note that the PODP provides only one area of LFRZ in the entire District, this being approximately 18ha on the north side of SH1 at Rolleston. The PPCR will deliver an additional 7ha of LFRZ, which represents a 38% increase in LRFZ supply. Again, in the context of existing supply in the District, this can be considered significant in terms of development capacity.

Objective 6 of the NPS-UD needs to be considered in the context of the responsive planning intent of Policy 8. This emphasises that the Council needs to be responsive to plan changes that would add significantly to development capacity and contribute to well-functioning urban environments. The first element (i.e., adding significantly to development capacity) is addressed above. In terms of the second element (i.e., contributing to a well-functioning urban environment), this is defined as having or enabling (amongst other matters) a variety of sites that are suitable for different business sectors in terms of location and site size (Policy 1(b), NPS-UD). The PPCR is responsive to both adding significantly to development capacity and contributing to well-functioning urban environments.

Proposed amendments to the PODP Provisions

7.1 As set out in Appendix 1, it is considered that modification is required to reflect the drafting protocol. The amendments requested have been shown in purple in Appendix 1, whereas those

amendments preferred by Council, so as to align with the drafting protocol for the PODP, are shown in red. Where it is considered appropriate that the requested amendments be shown differently, the text has been shown as strikethrough and underline, as appropriate. Please consider and comment on the proposed redrafting of the requested amendments.

The proposed redrafting of the requested amendments (Appendix 1, RFI) is considered appropriate in the interest of consistency with the drafting protocol.

Attachment G contains the Revised Set of Proposed Amendments to PODP Provisions, which include the proposed redrafting set out in the RFI as well as other amendments in response to other matters raised in the RFI.

7.2 *Rather than an ODP included in the Development Areas section of the PODP, it is requested that the ODP, amended to reflect the various matters raised in this request, be identified as a schedule in the LFRZ chapter of the plan, similar to that in the GIZ, TCZ and LCZ chapters, for example.*

The Revised Set of Proposed Amendments to PODP Provisions (**Attachment G**) adopts this request.

7.3 *In relation to CMUZ-MAT3, the amendment currently proposed provides no direction if development does not comply with the proposed ODP. Further, the ODP as proposed primarily identifies landscaping and access considerations. As such, its contribution to urban design considerations is limited. Is the additional clause proposed required? If so, please provide alternative wording that can inform consideration of appropriate matters if the ODP is not complied with, along with the scope of conditions that could be imposed on future resource consent applications.*

As noted in the response to RFI Point 7.10, the inclusion of new LFRZ-REQ7 requires that any development in PREC13 (i.e. the Site) be in accordance with the ODP. It is proposed that non-compliance with this requirement have Discretionary Activity status (DIS), meaning the Council will be unlimited in the matters it is able to consider should a development proposal depart from the fundamental elements of the ODP. This is considered appropriate in the context of the receiving environment, which is different from that of the LFRZ on the north side of SH1.

The resource consent process triggered by non-compliance with LFRZ-REQ7 would allow the imposition of any conditions as necessary to avoid or mitigate actual or potential adverse effects associated with a specific development proposal. In this way, LFRZ-REQ7 reinforces the intentionally restrictive nature of development and use within PREC13, ensuring development outcomes are appropriate in terms of urban form, scale, layout and amenity and compatible with the receiving environment.

7.4 *Please comment on whether it is necessary to amend the LFRZ overview to reflect the location of the proposed LFRZ, and provide additional text for consideration as appropriate.*

Yes, amendments to the LFRZ Overview are necessary to reflect the distinction between what will be two separate areas of LFRZ. The Revised Set of Proposed Amendments to PODP Provisions (**Attachment G**) includes additional text for this purpose.

7.5 *Please confirm that it is intended, as proposed in LFRZ-R1, that the establishment of any building or structure, including any addition or modification to an existing building or structure, would have an RDIS activity status within LFRZ precinct proposed (PREC13).*

Yes, that is the intention to ensure that buildings and structures are considerate of adjoining residential-zoned sites and adjacent roads / public places.

7.6 In relation to LFRZ-R6, please clarify the intent of the proposed amendment. The wording currently proposed would still allow for any retail activity that was not a department store, or had a GFA of less than 450m², as well as a supermarket. If it is intended that the only retail activity within PREC13 is to be a supermarket, please consider if the amendment shown in red achieves the intent of the amendment.

The purpose of the proposed amendment to LFRZ-R6 was to restrict the establishment of retail activity on the Site to a supermarket, effectively acknowledging the consented (and under construction) supermarket in the northern part of the Site. The proposed amendment is not intended to allow for any other retail activity.

The suggested redrafting of LFRZ-R6 (Appendix 1, RFI) also achieves the intent of the proposed amendment and is considered appropriate in the interest of consistency with the drafting protocol. The Revised Set of Proposed Amendments to PODP Provisions (**Attachment G**) adopts this suggestion.

7.7 In relation to LFRZ-R7, LFRZ-R11, LFRZ-R16 and LFRZ-R21, while an alternative has been provided that is consistent with the drafting protocol, please provide justification for the proposed NC activity status, given the PER or DIS status of these activities in the LFRZ as notified.

The alternative redrafting of these provisions (Appendix 1, RFI) is considered appropriate in the interest of consistency with the drafting protocol.

The proposed non-complying activity status for these activities is considered appropriate in the context of the Site's primarily residential setting, which is notably different to the industrial setting of the LFRZ on the northern side of SH1. It reinforces the intentionally restrictive nature of intended land use within PREC13. Non-complying activity status signals that the establishment of automotive activities (LFRZ-R7), community corrections activities (LFRZ-R11), primary production activities (LFRZ-R16) or industrial activities (LFRZ-21) on the Site would be incompatible with adjoining residential zones.

7.8 In relation to LFRZ-R8, please comment on the necessity of a. "No more than one trade retail and trade supplier is located in PRECz". As presented, this appear to be worded to prevent potential trade competition.

The intention of the proposed amendment is not to prevent trade competition, but rather to define the nature and scale of development anticipated on the Site. It recognises the functional and operational requirements of a trade-based retail activity, particularly in terms of the size / shape of its footprint, efficient loading operations, and car parking demand. It also provides a pragmatic site-specific response, noting the southern part of the Site is of a shape and dimension that could not readily accommodate more than one trade-based retail activity without potentially compromising residential character and amenity values and the safe and efficient operation of the road network.

7.9 In relation to LFRZ-REQ6, please confirm if it is intended that all of the notified elements of this provision would be applicable to PREC13, or if landscaping is only required to comply with that shown on the ODP? If it is only intended that LFRZ-REQ6.8 (as proposed) is applicable in PREC13, please consider and comment on the alternative wording proposed.

It is intended that landscaping in PREC13 is only required to comply with that shown on the ODP. The suggested redrafting of LFRZ-REQ6 (Appendix 1, RFI) more clearly articulates this intent and is considered appropriate in the interest of consistency with the drafting protocol. The Revised Set of Proposed Amendments to PODP Provisions (**Attachment G**) adopts this suggestion.

7.10 *Currently the ODP is only referenced in LFRZ-REQ6 Landscaping, however the ODP addresses more than landscaping; it addresses matters such as vehicle access locations, pedestrian connectivity and noise attenuation (as requested above). As such it is not appropriate that it only be linked to this provision, and for CMUZ-MATd to be the only matter for consideration in relation to any non-compliance with LFRZ-REQ6. Please consider and comment on the proposed LFRZ-REQ7 Outline Development Plan.*

The suggested LFRZ-REQ7 Outline Development Plan (Appendix 1, RFI) is considered appropriate for the reasons outlined in RFI Point 7.10. The suggestion to cross-reference LFRZ-REQ7 in LFRZ-R1 (Buildings and Structures), LFRZ-R4 (Food and Beverage Activities), LFRZ-R6 (Retail Activities) and LFRZ-R8 (Trade Retail and Trade Supply Activities) is also considered appropriate. The Revised Set of Proposed Amendments to PODP Provisions (**Attachment G**) adopts these suggestions.

Providing for development that is not in accordance with the ODP as a Discretionary Activity is considered appropriate, giving the Council discretion to consider the full suite of effects that may be associated with a departure from the fundamental elements of the ODP, recognising the Site's location at the residential interface, adjoining two arterial roads and in relation to the TCZ (refer response to RFI Point 7.3 also).

7.11 *Please consider if there are any other provisions within the PODP where it may be appropriate to reference the ODP, such as relevant TRAN or NOISE provisions, depending on how it is proposed to response to the requests above. In this regard, Council would be happy to discuss how this could be done in a manner that is consistent with the drafting protocol.*

Based on the responses contained in the attached memos, it is not considered necessary to refer to the ODP in other parts of the PODP, with the exception of TRAN-REQ28 (refer response to RFI Point 7.13 below).

The provisions in Part 2 – District Wide Matters of the PODP will apply to any development proposal (as relevant), in conjunction with the site-specific requirement to accord with the ODP (as per LFRZ-REQ7). It is noted that the ODP has been amended to identify the acoustic treatment required for RC216016, extending this for the entire length of the eastern boundary (**Attachment G**).

We are agreeable to consider any additional amendments that may be required to address matters raised subsequently through the submission / Officer reporting / hearing process.

7.12 *Please provide comment on whether it is appropriate to provide for additional provisions within the PODP to reflect the conditions of RC216016, for example in relation to signage, or if it is intended that the provisions relevant to the LFRZ are to be relied upon in the future? Would it be appropriate, given the location of the proposed LFRZ adjacent to, and surrounded by residential development, that any relevant district wide provisions pertaining to the LFRZ be modified to reflect the locality?*

Based on the responses in the Marshall Day and RMM memos, the following additional provisions have been incorporated into the Revised Set of Proposed Amendments to PODP Provisions (**Attachment G**):

- (i) a new requirement under LFRZ-R8 Trade Retail and Trade Supply Activities (PREC13) restricting the use of any service access or loading bay adjacent to the eastern boundary to 7AM to 7PM inclusive (refer response to RFI Point 1.3, Marshall Day memo, **Attachment A**); and
- (ii) an amendment to SIGN-REQ1 Free Standing Signs to introduce the following PREC13-specific requirements for consistency with the free standing signs authorised by RC216016 (refer response to RFI Point 4.5, RMM memo, **Attachment D**):

PREC13	<p><u>XXA. There shall be a maximum of two free standing signs along Lincoln Rolleston Road and one free standing sign along Levi Road.</u></p> <p><u>XXB. The maximum area of a sign shall be 12m².</u></p> <p><u>XXC. The maximum height above ground level at the top of the sign shall be 6m.</u></p> <p><u>Advisory Note:</u></p> <p>1. <u>XXA shall not apply where the sole function of a sign is to direct traffic.</u></p>	<p><u>Activity status when compliance not achieved:</u></p> <p><u>XXD. When compliance with any of SIGN-REQ1.XXA, SIGN-REQ1.XXB or SIGN-REQ1.XXC is not achieved: RDIS</u></p> <p><u>Matters for discretion:</u></p> <p><u>XXE. The exercise of discretion in relation to SIGN-REQ1.XXD is restricted to the following matters:</u></p> <p>a. <u>SIGN-MAT1</u></p>
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7.13 Please comment on any potential conflict between TRAN-REQ28 Landscaping Strip for Parking Areas and LFRZ-REQ6 Landscaping, as proposed to be amended by the plan change request.

The intention is that the landscaping requirements of LFRZ-REQ6 (PREC13) supersede those of TRAN-REQ28. To address any potential conflict, the Revised Proposed Amendments to PODP Provisions (**Attachment G**) includes an amendment to TRAN-REQ28 to introduce a PREC13-specific exemption and cross-reference to LFRZ-REQ6.

Minor Updates

An updated indicative Mitre 10 concept site plan has been included which reflects minor refinements to the Mitre 10 building since the lodgement of the PPCR (**Attachment H**). These are also reflected in the visuals forming part of the DCM Urban memo (**Attachment E**).

Yours sincerely



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Enc:

- Attachment A: Marshall Day RFI Response Memo
- Attachment B: Insight Economics RFI Response Memo
- Attachment C: Stantec RFI Response Memo
- Attachment D: Rough Milne Mitchell RFI Response Memo
- Attachment E: DCM Urban RFI Response Memo
- Attachment F: Powell Fenwick Servicing Design Advice Memo
- Attachment G: Revised Proposed Amendments to PODP Provisions
- Attachment H: Updated Indicative Mitre 10 Concept Site Plan