

Before the Independent Commissioner
Appointed by the Selwyn District Council

Under the Resource Management Act 1991

In the matter of a hearing on submissions to the Partially Operative Selwyn
District Plan, Variation 2: Levi Road rezoning

Foodstuffs (South Island) Properties Limited

Summary Statement of Rob Lachlan Hay

24 March 2025

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Introduction

- 1 My name is Rob Lachlan Hay.
- 2 My qualifications and experience are set out in in my primary evidence.
- 3 I have prepared a statement of evidence dated 7 March 2025 in support of Foodstuffs (South Island) Properties Limited (**Foodstuffs**) request to rezone 157 Levi Road, Rolleston (the **Site**) from Medium Density Residential Zone (**MRZ**) to Large Format Retail Zone (**LFRZ**), and insert a new Outline Development Plan (**ODP**) replacing DEV-RO1 – Variation 2 to the Partially Operative Selwyn District Plan (**PDP-V2**).
- 4 I have also prepared a Joint Witness Statement (JWS) together with Dr Trevathan, Council's acoustic expert witness, dated 19 March 2025. The JWS covered a number of matters of agreement and did not identify any matters remaining on which we disagreed.
- 5 I provide a brief summary of my evidence below.
- 6 I confirm that I have read the Code of Conduct for expert witnesses contained in the Environment Court of New Zealand Practice Note 2023 and that I have complied with it when preparing my evidence.

The LFRZ / MDZ Interface

- 7 I have considered the acoustic implications of an interface between LFRZ and MDZ zones specific to the Site at 157 Levi Road.
- 8 I have considered a worst-case scenario in which three storey dwellings are constructed on the adjoining land to the east 1m from the Site boundary, and in which the heavy goods access and loading bay for a large format retailer such as a trade supply store is established adjacent to these dwellings. My approach has been conservative in that I have increased the number of expected deliveries, and I have also not accounted for any elevated ambient noise which may partially mask the loading bay and delivery noise.

Worst Case Delivery Scenario is Appropriately Conservative

- 9 I have been supplied with the results of a delivery movement schedule for a comparable Mitre10 store in Christchurch. This indicated that there was one truck and trailer delivery per week, along with a variable number of smaller delivery trucks ranging from 9 and 11m rigid trucks, smaller trucks, and courier vans.

- 10 For the purposes of my assessment, I have taken the busiest day for general deliveries (a Thursday with 23 deliveries), rounded this up to 24 deliveries, and added two truck and trailer deliveries.
- 11 I have assumed that all trade supply deliveries enter the Site off Lincoln Rolleston Road at the internal access that divides the supermarket and Mitre10 portions of the Site. Vehicles will proceed to the end of this internal access adjacent to the MDZ interface, before turning right onto the Mitre10 goods vehicle access. A limited number of deliveries may be made to the garden centre back of house, but most deliveries will occur at the loading bay area or in the open yard itself.
- 12 To clarify paragraph 29 of my primary evidence, PAK'nSAVE deliveries which are already consented enter the Site from Levi Road and, after exiting the loading area, depart via the internal access route onto Lincoln Rolleston Road.

Noise Mitigation will be Effective

- 13 Noise arising from deliveries and the loading bay would be mitigated by a combination of two noise control fences continuous with and matching those already consented for the adjoining PAK'nSAVE, separated by a landscaped buffer strip. In addition, I have proposed an additional noise barrier in the loading bay area. Depending upon the final site design this barrier may be required or not as changes to the site layout and design may make other solutions possible.
- 14 The proposal only permits restricted daytime deliveries. This ensures protection for both sleep and evening residential amenity. A specific rule is proposed to ensure that this is the case (LFRZ-R8.3.c). See also paragraph 12 of the JWS.
- 15 Based on the delivery scenario and proposed noise mitigation measures, I have predicted that the relevant NOISE-REQ1 daytime permitted activity standards.

Submitters Concerns are Unfounded

- 16 I have reviewed submissions that mention noise. A number of these are general in nature – concerns regarding additional traffic noise on the roads nearby – or relate to either concerns about increased noise levels at a specific address or a general increase in permitted noise level.
- 17 Based on the ITA I have calculated that the trade supply operation would increase traffic at properties close to the main access point by less than 1 dB – an imperceptible amount and with the same character as the existing noise environment.
- 18 The specific concerns raised are unfounded for reasons outlined in my primary evidence.

Matters of Agreement and Disagreement with the Officers Report

- 19 Having reviewed the Officers Report, I agree with Mr Friedel that:
- (a) The consented elements of the Site's northeast boundary are sufficient to ensure compliance with the PODP noise standards (para 7.80) – see also paras 10 and 11 of the JWS.
 - (b) That the PODP zone standards should avoid repetition of districtwide matters (paras 7.82 and 7.83).
 - (c) That the proposal will not increase permitted noise level above the status quo (para 7.86) – see also paras 7 – 9 of the JWS.
- 20 I disagree with the suggestion that a pedestrian/cycle link should be provided for through the eastern boundary noise control barriers and buffer strip. As suggested by Mr Friedel (para 7.85).
- 21 Clear openings in these barriers will increase noise at the residential sites the noise barriers are intended to protect. While it may be possible to achieve close to the intended protection using interleaving or overlapping barriers, in my experience such solutions are ruled out for CPTED related reasons. See also paras 15 and 16 of the JWS.
- 22 In the JWS (paras 13 and 14), Dr Trevathan and I agreed that there would be merit in the Planners considering whether provision for mechanical plant review should be a matter of restricted discretion. While both Dr Trevathan and I could see positives to this approach, we also considered that this was not a necessity, and that ultimately this was a matter for the Planning experts as it was not clear to us how exactly the District Plan would address the matter.

Conclusion

- 23 Consideration of the worst-case scenario demonstrates that it is feasible for LFRZ-enabled activity to comply with the NOISE-REQ1 permitted activity standards during the daytime with mitigation measures such as noise barriers and buffer areas applied. Only the daytime permitted activity standards have been considered because there are no night-time (2200 to 0700) or weekend deliveries expected for a trade supply activity such as the proposed Mitre 10. Specifics of mitigation measures are most appropriate for assessment at the resource consenting stage, however I have applied common mitigation measures utilised at residential interfaces to undertake my noise prediction assessment.
- 24 In particular, the provisions of the LFRZ and ODP are restrictive, effectively limiting the development to the consented and under construction PAK'nSAVE and a single trade supply store. Further the northeastern boundary treatment will be the same

as the already consented treatment applying to the PAK'nSAVE. The proposed rule LFRZ-R8.3.c limiting the hours of deliveries to the trade supplier significantly reduces the potential for noise affecting the sleep or evening amenity of future neighbours to the northeast across the buffer strip.

Rob Lachlan Hay