

# **ASSESSMENT OF EFFECTS ON THE ENVIRONMENT**

## **PROPOSED NEIGHBOURHOOD CENTRE DEVELOPMENT, 581 BIRCHS ROAD LINCOLN**

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# 1. Introduction

## 1.1 Background and Reasons for this AEE

Lincoln Developments Limited (“LDL”) wish to establish a neighbourhood centre comprising a supermarket, child care centre, and a café/bar along the Birchs Road frontage of the site and develop the balance of the site for 17 residential sections and a balance super lot for future medium density residential development, to be the subject of a separate application.

The site is located within Outline Development Plan Area 3 in the Selwyn District Plan.

The overall site area is 4.8380 hectares and legally described as Lot 4000 DP 518987 comprised in Certificate of Title CB22F/1359. LDL is the owner of the site. A new Countdown supermarket is proposed as part of the development. The Countdown brand is a corporate operation of Woolworths New Zealand Limited (“WNZL”), one of New Zealand’s major supermarket operators.

In order to accommodate the proposed development resource consent is required under the Operative Selwyn District Plan (“District Plan”). The specific reasons why a resource consent is required are detailed in section 3 of this Assessment of Effects (“AEE”). It should be noted that separate consents for the overall subdivision and bulk earthworks of the block were approved by Council via RC145600 in 2015.

The purpose of this AEE is to provide a comprehensive assessment of the actual and potential effects of the proposed development and to assess the development against the statutory purposes and principles of the Resource Management Act 1991 (“RMA”) and the relevant provisions of the statutory planning instruments. This assessment has been undertaken to comply with the statutory requirements of the RMA.

Within the AEE a comprehensive description of the proposed development is provided and full regard has also been given to the ODP’s relevant assessment criteria.

## 1.2 Site Location & Characteristics

The site, as shown in Figure 1 in Appendix 1 (and in photo 1 below), is currently zoned Living Z in the District Plan.

The bulk of the site is currently in pasture and generally flat with a gentle slope to the north eastern corner. There are no significant vegetation or stream features on the site.

Adjoining the site to the south is LDL’s completed Stages 1A and 1B residential section development. Most of the created sections have now been built on. Adjoining on the north eastern side of the site is a rural block of land. Directly opposite the site, across Birchs Road, is the developing Barton Fields residential development located within Lincoln Outline Development Plan Area 4.

**Figure 1: Site Location**



Overall the area can be characterised as a large developing residential area. The commercial area part of the site is 1.5kms from the existing Lincoln town centre Key Activity Area ("KAC").

### **1.3 Land Use History & Growth Potential**

Historically the site and the area surrounding it was farmland. In the last five years a series of residentially based resource consents have been granted by the Council as follows:

- RC135182: Barton Field Lifestyle Villas Ltd, 564 Birchs Road – consent to operate a 66 unit lifestyle village was approved 7 August 2013;
- RC135674: Lincoln Developments Ltd, 581 Birchs Road – consent to create 152 residential lots was approved 28 February 2014;
- RC 145600: Lincoln Developments Ltd, 581 Birchs Road – Consent to create a further 372 residential lots and 8 future medium density residential balance lots over 12 stages (stages 3-14) was granted in 2015;
- RC 165419 & 165420: Lincoln Developments Ltd, 581 Birchs Road – consent to create 41 small lot medium density lots (and access lots/balance lots) to replace part of Stage 14 (RC 145600) was granted in 2016.

The Council has recently had its population projections updated and by 2019 the Lincoln township population is expected to be 6944 (2573 households) with the current population (August 2017) being at around 6500 people. By 2028 the population is estimated to be 11,474 (4331 households), a growth rate of 60% or 6.71% per annum over nine years.

Current market indications are that such a growth rate appears to be sustainable. Such growth will therefore underpin the need for additional retail and commercial development within the townships urban limits.

Technical Report No.5 Retail Impact Assessment has concluded that the Council's population growth assumptions are robust (see also section 4.5 of this AEE.) The supermarket proposal was originally envisaged as a 1535m<sup>2</sup> Freshchoice but a careful review of the existing and future growth rates being experienced in Lincoln township have convinced WNZL that a larger supermarket is sustainable now, rather than at a later stage, and this consent application is for a 3063m<sup>2</sup> supermarket.

### **1.3 Structure of this AEE**

This AEE is divided into seven sections plus appendices as follows:

Section 1: provides an introduction to the proposal with a general description of the site and development intentions. The purpose of this AEE is also outlined.

Section 2: outlines the Applicant's philosophy for the development of the site and contains a detailed description of the proposal. The specialist reports with respect to retail impact, landscape and planting, acoustic design, infrastructure, traffic and transportation are summarised where appropriate.

Section 3: summarises the statutory framework within which this application is required to be considered. The wider statutory framework of the RMA, together with the strategic direction and the more specific zoning information, is detailed from which a description is given of the resource consent sought for this development. This section also identifies the objectives and policies of the regional and district plans of the most relevance and considers the proposal against the relevant District Plan development standards and assessment criteria.

Section 4: provides an assessment of actual and potential effects of the proposed commercial development and considers mitigation measures where potential adverse effects are anticipated.

Section 5: provides an assessment of the effects of the proposed subdivision.

Section 6: summarises consultation undertaken in the process of the development of this proposal and considers matters relating to notification.

Section 7: records those matters of importance and relevance in consideration of this proposal. The conclusion supports the grant of the resource consents based on the full and robust assessment of environmental effects of the proposed activity.

Appendices: contain the plans of the proposed development, Stantec's specialist technical report on transportation matters, Marshall Day's Acoustics assessment of noise, Kamo Marsh's landscape design statement and assessment, Urban Economics retail assessment, a copy of the Certificate of Title, and the Supermarket Lighting Report.



## 2. Development Proposal

### 2.1 Nature of the Proposed Development

The key features of the proposed land use development, as shown on the plans in Appendix 1, are set out in the following sections.

#### Supermarket Development

The proposed supermarket comprises a total gross floor area of 3063m<sup>2</sup> inclusive of a 100m<sup>2</sup> office. The adjoining café comprises a total gross floor area of 80m<sup>2</sup>. The development is shown on the site plan (Figure 2 in Appendix 1). Figures 3 and 4 show the proposed elevations and the nature of the proposed building signage Figure 5 is the cross sections. The proposed pylon sign is shown on Figure 2. Figure 7 shows the nature of the overall landscaping proposed. Figure 13 shows perspective views of the supermarket. The supermarket is to be developed on a site area of 1.1240 hectares.

The key features of the proposed development are:

- Establishment and operation of a Countdown supermarket with a gross floor area of 3063m<sup>2</sup> inclusive of a 100m<sup>2</sup>;
- A 80m<sup>2</sup> café with outdoor seating for 20 people;
- Overall provision of 176 supermarket customer car parking spaces inclusive of four mobility spaces, four dedicated 'pick-up' spaces, three parent only spaces and three electric vehicle charging spaces;
- Provision of a two-space 'drop off zone';
- All points customer vehicle access from Makybe Terrace;
- All points access from Birchs Road and extension of the painted median;
- A dedicated gated unloading area and manoeuvring area behind the supermarket;
- Supermarket service vehicles entering from Birchs Road exiting onto an extension of Makybe Terrace allowing all movement in a forward direction;
- Provision of ten bicycle parks close to the customer entrance area;
- A Countdown internally lit pylon sign 9m high by 3.3m wide, with a sign face of 29.7m<sup>2</sup>, beside the Birchs Road / Makybe Terrace intersection;
- Two wall signs, 2.5m long x 0.8m high for the café tenancy as shown on Figure 3;
- Five ground painted dedicated 'pick-up' signs in the dedicated parking spaces;
- A 2m high close boarded acoustic fence around the supermarket loading dock area and along the eastern boundary;
- Pedestrian paths through the carpark proper and along the front of the retail/office tenancies;
- Landscaping and tree planting across the site; and
- Provision of a 2.35m wide shared pedestrian / cycle path along Birchs Road frontage to recognise the existing unformed rail trail cycleway along this frontage.

The supermarket will be branded as a Countdown. It will be open for business between the hours of 7am and 10pm seven days a week. Goods servicing hours will be between 7am and 7pm daily. The cafe will be open from 9am to 10pm daily, although these hours may reduce in the winter months.

## Childcare Centre

It will comprise a 537m<sup>2</sup> childcare centre with an associated 438m<sup>2</sup> playground, split into two areas, on a 2563m<sup>2</sup> site fronting Birchs Road but with vehicular access from the Makybe Terrace extension only. The key characteristics are:

- A childcare centre of 537m<sup>2</sup> gross floor area catering for 100 pre-school children;
- The childcare centre will have 9 full time staff equivalents (FTE's);
- Provision of a carpark with 27 customer carparks including two mobility spaces;
- Provision for unloading goods at the front of the premises rather than a separate loading dock area;
- Within the carpark five spaces closest to the childcare reception area will be marked as short stay parks (drop off / pick up);
- One back lit pylon sign 2.4m high by 0.7m wide is proposed in the position shown on Figure SK-02;
- The childcare centre playgrounds with an overall area of 438m<sup>2</sup> will be acoustically treated with a 1.8m high close boarded wooden fences;
- Extensive landscaping and planting across the site including a 3m wide landscape buffer area; and
- Vehicular access off Makybe Terrace extension only is proposed.

The hours of operation of the childcare centre will be 7am to 6pm Monday to Friday. The centre will be closed on weekends and all public holidays.

## Nature of the Proposed Subdivision Variation Application (i.e. variation of approved Flemington Subdivision Stages 1d and 12a)

The nature of the proposed subdivision (Figure 7) includes:

- Creation of 17 residential lots varying in area from 471m<sup>2</sup> to 670m<sup>2</sup> where the average lot size is closer to 600m<sup>2</sup>;
- A balance lot of 1.2032ha for medium density residential development to be the subject of a separate future resource consent application;
- Creation of the supermarket lot 5000 of 1.1240 ha;
- Creation of the childcare centre lot 5001 of 2563m<sup>2</sup>;
- Formation and vesting as street lot 1011;
- Caulfield Crescent to become a cul-de-sac; and
- Formation and vesting of 902m<sup>2</sup> recreation reserve.

The overall rationale for this subdivision approach is to mirror the successful approach adopted for the earlier stages of the Flemington development while creating two commercial lots of sufficient size to cater for the sustainable needs of the land uses proposed for these lots and to allow for commercial developments on these lots to be staged in response to market demand. The form of the subdivision is fully compliant with the provisions of Outline Development Plan Area 3 except with respect to the part of the application site proposed for commercial development.

All residential lots (except Lot 5002 which is a future residential subdivision area which will be the subject of a separate subdivision consent) will be treated as low density residential lots and will be subject to the following consent notice:-

*That, unless a resource consent has been granted otherwise or the District Plan rules have been amended: All development and other activities on low density lots shall proceed in accordance with the rules for permitted activities in the Living Z zone, Low Density Area. Any activity which does not comply with the rules for permitted activities will require resource consent, with the application assessed against the provisions of the Living Z zone, Low Density Area.*

*Ongoing compliance with this condition shall be ensured by way of a consent notice registered against the computer freehold register to issue for each of Lots 712 - 723, 460 – 463 and 485.*

## 2.2 Design Approach

LDL acknowledges its responsibilities as developer of this part of North Lincoln. The design of the proposed commercial buildings recognises and has taken account of the following key parameters:

- The need to adopt a design style that is sympathetic to the residential character of the general area;
- The need to ensure ingress and egress positions will not compromise the efficient functioning of the adjacent road network;
- Appreciation of the key site factors such as orientation, topography (slope) and integration;
- The operational requirements of supermarkets, café and childcare centre activities where convenient and straightforward customer access to and from the buildings from the customer car parks is a key prerequisite;
- A safe and efficient servicing regime for the supermarket and the attached café activity;
- The need to provide for attractive street frontages;
- The need to take into account the urban design principles contained in the New Zealand Urban Design Protocol; and
- The need to take account of CPTED considerations.

Perspective views of the supermarket development are shown on Figure 13.

## 2.3 Landscape Approach

The coordinated landscape planting approach forms an integral part of the integrated design. The extent of the landscape planting proposed for both the residential and commercial sites is shown on the planting plans contained in **Appendix 1** (Figures 7 to 11). The objectives of this planting approach are to create a suitable interface with the surrounding residential area, enhance the appearance of the supermarket carpark from Birchs Road and the public areas, and create a suitable interface with adjacent residential sites to the west and residential areas across Birchs Road.

## 2.4 Form of Building Treatment

### 2.4.1 Architectural Considerations

The proposed commercial development comprises design elements as follows:

1. A supermarket building which acknowledges its relationship with the environment in which it is located;
2. Street linkages and pedestrian circulation priority;
3. Servicing and location area to support supermarket operations located at the rear of the building;
4. A Ministry of Education compliant childcare facility.

The local physical context has been acknowledged in the design of the supermarket. This has resulted in a design that is rich in texture while at the same time maintains consistency and integrity as a supermarket building. The design style of the childcare building has been developed to complement and mirror the architectural style of a dwelling. The overall commercial development has been carefully designed and sited to reduce the impression of bulk and to introduce details that are common in commercial buildings.

The supermarket façades are composed primarily of natural grey colours with green branding colours associated with the supermarket being proposed. This serves to assist with the transition of scale as well as to clearly identify the supermarket brand.

The childcare centre is to be developed at a residential scale.

All signage has been designed as an integral part of the building envelopes. The supermarket signage is depicted on the elevations, refer to Figures 3 and 4.

#### **2.4.2 Bulk and Location**

The proposed supermarket building will be located 74m from the legal boundary of Birchs Road and a minimum of 5m from the northern side boundary.

The highest point of the proposed supermarket building will be 7.5m at the front entrance while the roof top plant will be 8.2m high. However the rooftop plant has an area of 64m<sup>2</sup>, which is approximately 3.1% of the total roof area. The bulk of the supermarket building does not penetrate the allowable 8m height limit.

The café is of a small size and scale and positioned so as to be conveniently located immediately adjacent to the supermarket building.

The childcare building is located 9m from the side boundary of an adjoining residential section and has a 2m grassed area separating its carpark from the proposed residential lots. It will have a front yard to Birchs Road of 6.2m in width. This yard will be used as outdoor play areas and will be acoustically fenced. Part of this yard has a 3m wide landscaped buffer strip.

#### **2.4.3 Site lighting**

Exterior lighting on the site will be provided to ensure an average of 35 lux in accordance with the provisions of NZ standards AS/NZS Road lighting part 3.1: Pedestrian Area (Category C) is achieved. The lighting will be designed to ensure that light spill onto adjoining residential properties does not exceed 3 lux.

#### **2.4.4 Acoustic Design**

The Acoustic Assessment (Technical Report No. 3 in Appendix 4) details the acoustic investigations which have been carried out and identifies any mitigation required for the



proposal to comply with the District Plan noise standards. This report concludes that apart from acoustic treatment of the rooftop plant the only other acoustic treatment measures required in order to comply with the relevant noise levels is a 1.8m high acoustic fence around the childcare centre playground and a 2m high acoustic fence around the supermarket loading dock area and along the eastern boundary of the truck dock driveway. The extent of these acoustic fences is shown on the plan contained in Appendix F of Technical Report No.3.

The Applicant has decided that most plant will be placed on the roof and some in the Plant Container at ground level in the loading dock area behind the acoustic screen. As noted by MDA in section 6.1.3 of their report it is expected that the noise from mechanical plant will be designed to comply with the daytime and night time noise limits. A condition of consent to this effect is appropriate.

## 2.5 Signage

The signage to be provided is detailed in Table 2-1 below. The design and location of the signage on the supermarket building is shown on the elevations in Appendix 1. The design and location of the freestanding supermarket pylon signage is shown on the site plan (Figure 2 in Appendix 1). The signage for the childcare centre is detailed on Figure 319.

**Table 2-1: Signage type & area**

Location	Type	No.	Area	Total Area
West Elevation	Countdown sign & Wapple	1	25.15m <sup>2</sup>	92.79m <sup>2</sup>
	Open hours sign	1	9.1m <sup>2</sup>	
	Pick-up signage panel	1	58.54m <sup>2</sup>	
Supermarket Car Park	Countdown Pylon sign –Birchs Road	1	29.7m <sup>2</sup> (each side)	59.4m <sup>2</sup>
South Elevation	Countdown sign & Wapple	1	25.15m <sup>2</sup>	34.25m <sup>2</sup>
	Open hours sign	1	9.1m <sup>2</sup>	
Café	Wall sign	2	2m <sup>2</sup>	4m <sup>2</sup>
Childcare centre	Pylon sign	1	0.98m <sup>2</sup> each side	1.96m <sup>2</sup>
<b>Total Signage Area</b>				<b>192.4m<sup>2</sup></b>

The Countdown & Wapple signs and pylon signs will be internally lit LEDs. The open hours sign has gooseneck lighting. The only other signage associated with the supermarket is anticipated to be small entry and exit signs and internal carpark signage to identify circulation direction, pick-up directional signage and dedicated 'pick-up' spaces and '3xparents' spaces.

While the overall signage area may seem quite large this situation is magnified by the size of the 'pick-up' panel. This panel actually has 13.44m<sup>2</sup> of actual signage on it.

## 2.6 Traffic and Transportation Elements

### 2.6.1 Parking, Access and Servicing

#### Site Access

The supermarket carpark will have one all movement customer vehicular access driveway off the Makybe Terrace extension.

The supermarket loading dock area will be accessed completely separately to the customer parking area. All service vehicles will enter in a forward direction and exit onto Makybe Terrace.

The childcare centre building will only be accessed from the Makybe Terrace extension.

### **Pedestrian Movements**

Clearly defined pedestrian paths through the supermarket carpark and along the front of the supermarket have been provided.

Defined pedestrian paths are also necessary for the childcare centre building adjacent to its carpark.

### **Cycle Movements**

Currently an existing rail trail cycle path runs along the Birchs Road frontage of the site. This gravel path is relatively informal. While there have been ongoing discussions regarding the possible re-routing of this path down the O'Reillys Road extension and then linking to Edward Street, uncertainty as to when this would occur remains.

In the meantime as a basis for discussion the Applicant proposes that it pay for the cost of a 2.35m wide concrete shared pedestrian / cycle path along the Birchs Road frontage of its site.

### **Vehicle Parking**

It is proposed to provide a total of 203 car parking spaces to service the supermarket, café, and the childcare centre in the positions shown on Figures 2 and 319 in Appendix 1. A total of four mobility spaces will be provided closest to the entry to the supermarket. The 'drop-off' zone proposed counts as the fifth mobility space. Four ground painted 'pick-up' spaces and three electric vehicle charging spaces will also be provided. Five spaces in the twenty seven space childcare carpark will be marked as short stay spaces and two spaces will be mobility spaces.

On-site parking spaces are 2.6m wide and associated manoeuvring aisles 7.5m in width. All dimensions will allow for a 99<sup>th</sup> percentile car to circulate in the parking areas and access all parks.

### **Servicing and Loading**

A supermarket loading and servicing area will be provided on the south eastern side of the supermarket building. It will be screened by a 2m high acoustic fence. The truck unloading dock area will have its own ingress point from Birchs Road and trucks will exit in a forward direction onto Makybe Terrace and then out onto Birchs Road. Truck penetration into the surrounding residential area will be kept to a minimum. Access to and egress from the truck dock area will be security gated.

The bulk of the goods to be delivered to the supermarket will occur by way of four articulated truck and B-train arrivals per day. Some other smaller goods vehicles (utility trucks and vans) will also visit the site to deliver items such as fresh bread and milk to the supermarket. The cafe will be serviced by smaller trucks and vans and will be front loading into the tenancy.

The supermarket pallet and rubbish storage area will be located behind the supermarket building within the security fenced truck dock area. The cafe secure storage and rubbish enclosure will be located in the same service area.

The childcare centre does not require a loading dock and can have a P5 loading zone car parking space marked out if considered necessary.

### **Public Transport**

There is a regular bus service in operation along Birchs Road and the closest northbound bus stop is located along the site frontage on Birchs Road south of Oaks Drive. This route links Lincoln to Parklands through Prebbleton and the Christchurch Central Exchange. The site is therefore well located to make use of sustainable transport modes.

### **Modifications to the Surrounding Road Network**

Some physical modifications to Birchs Road are required to enable the construction of a new all movements T-intersection at Birchs Road / Makybe Terrace. A painted median is proposed at the all points crossing at the northern end of the supermarket site.

Other works are all internal including new road construction requiring extensions to the existing roads constructed as part of the earlier stages of development.

## **2.7 Stormwater**

Stormwater runoff from all sealed surfaces on the supermarket / neighbourhood centre site will be pre-treated with stormfilters prior to discharge to the proposed stormwater drain system.

## **2.8 Wastewater**

The commercial and residential development proposed can be more than adequately catered for by the proposed additional services to be connected to the existing wastewater network.

## **2.9 Water Supply**

Council has indicated that the existing water infrastructure will be capable of delivering the necessary fire-fighting flows.

On site water usage for the supermarket (apart from for fire-fighting purposes) is anticipated to be in the order of 4400L/d. The existing public water supply has the capacity to deliver such volumes.

## **2.10 Utility Services**

The communication and power needs of the supermarket, cafe and the childcare facility will be able to be supplied to the site from the existing utility networks.

## **2.11 Contamination**

Via previously granted consents it has been established that the site is not contaminated and no ground contamination resource consents are required.

## **2.12 Geotechnical Ground Conditions**

There are no noticeable signs that surface expression of liquefaction has occurred on the site. The site is near level and previous filling has taken place. Further investigations will be required at the detailed design stage prior to building consent being sought to establish building foundation requirements. Initial investigations as part of previously granted resource consents have established that the ground conditions are suitable for urban development.

### 3. Statutory Framework

#### 3.1 Resource Management Act 1991 (RMA)

##### 3.1.1 Section 104

Section 104 of the RMA sets out the matters consent authorities are to have regard to when considering an application for resource consent. Section 104(1) states:

*“When considering an application for a resource consent and any submissions received, the consent authority must, subject to Part 2, have regard to –*

- (a) any actual or potential effects on the environment of allowing the activity; and*
- (b) any relevant provisions of –*
  - (i) a national environmental standard*
  - (ii) other regulations*
  - (iii) a national policy statement*
  - (iv) a New Zealand Coastal policy statement;*
  - (v) a regional policy statement or proposed regional policy statement;*
  - (vi) a plan or proposed plan; and*
- (c) any other matter the consent authority considers relevant and reasonably necessary to determine the application.”*

In deliberating the effects on the ‘environment’ it is important to consider that environment as it is provided for under the District Plan and Regional Plans; the steps necessary to attain those outcomes; and the resultant development and activities.

The urbanisation of a greenfield area carries with it considerable earthworks, construction and ultimately built form, activity and transport generation. Those matters, as subject to specific provisions relating to managing the effects of such as outlined further in this assessment, are provided for an expected part of the environment to be accepted under s104(1)(a).

The assessment undertaken in section 4 of this AEE addresses actual or potential effects of the proposal having regard to matters in Part 2 of the RMA that are considered to have specific relevance to this proposal.

Section 104(2) codifies the “permitted baseline” concept for the purpose of assessing effects:

- “(2) When forming an opinion for the purposes of subsection (1)(a), a consent authority may disregard any adverse effect of the activity on the environment if a national environmental standard or the plan permits an activity with that effect.”*

This is relevant when considering the degree of compliance with the District Plan development controls achieved by this development, as outlined in section 3 of this AEE.

From a bulk and location perspective the form, size and scale of the proposed development complies with the majority of the relevant provisions of the District Plan.

The overall development is, under the ODP, a discretionary activity where Caselaw has established that:

*“A non-restricted discretionary activity is wholly discretionary and in exercising the discretion to grant or refuse consent and to impose conditions a consent authority is*

*to have regard to all the matters listed in s104(1) that are relevant in the circumstances.” (ELRNZ 85 (Env C))*

For reasons set out in the balance of this AEE any effects of the proposed development are considered to be less than minor having regard to matters in Part 2 of the RMA that are considered to have specific relevance to this suite of applications.

It is also worth noting that section 104(3) states:

*“(3) A consent authority must not when considering an application –*

*(a) have regard to trade competition or the effects of trade competition.”*

This is relevant in terms of consideration of the effects of the activity on other existing supermarkets. It is only effects that go beyond trade competition, for example loss in amenity values, which can be considered in the context of the RMA.

### **3.1.2 Part 2**

The assessment under section 104 is “subject to Part 2” of the RMA. The principles and general structure of the North Lincoln Outline Development Plan have been carefully adhered to in the application. All of the elements that the District Plan seeks to enable for the North Lincoln Development area as related to 581 Birchs Road, are to be realised through the proposal in an efficient and effective manner.

Accordingly, it is considered that there is no invalidity, incomplete coverage or uncertainty of meaning within the planning instruments in this case that might necessitate a separate consideration of Part 2 when considering this proposal. Notwithstanding the above, for completeness there are no specific relevant matters of national importance or known cultural values that would otherwise need to be “recognised and provided for” in respect of this development.

## **3.2 Regional Planning Documents Assessment**

### **3.2.1 Introduction**

The Canterbury Regional Policy Statement (CRPS) is relevant to this application.

### **3.2.2 Canterbury Regional Policy Statement (CRPS)**

The CRPS provides an overview of the resource management issues in the Canterbury region, and the objectives, policies and methods to achieve integrated management of natural and physical resources. The methods include directions for provisions in district and regional plans.

The key chapters of the CRPS relevant to this application are Chapter 5 Land Use and Infrastructure and Chapter 6 Recovery and Rebuilding of Greater Christchurch. The key relevant objectives and policies are:

#### *Objective 5.2.1 Location, design and form of development (Entire Region)*

*Development is located and designed so that it functions in a way that:*

- (1) achieves consolidated growth in and around existing urban areas as the primary focus for accommodating the region’s growth; and*

- (2) *enables people and communities, including future generations, to provide for their social, economic and cultural well-being and health and safety; and which*
- (b) *provides sufficient housing choice to meet the region's housing needs;*
  - (c) *encourages sustainable economic development by enabling business activities in appropriate locations;*
  - (g) *avoids adverse effects on significant natural and physical resources including*
  - (i) *avoids conflicts between incompatible activities.*

The proposal is in accordance with Objective 5.2.1 in that it provides for consolidated growth in an existing urban areas (Lincoln Outline Development Plan Area 3), and enables people and communities to provide for their social and economic and cultural well-being in a manner which enables commercial development in an appropriate location without adversely affecting the KACs (as established by the Retail Assessment attached as Appendix 5). The proposal further avoids conflicts between incompatible activities through sensitively designed development that takes into consideration CPTED principles and safe connectivity and appropriate setbacks and other design measures (as outlined in the AEE) at the interface between the proposed commercial activities and preschool, and adjoining residential areas.

#### Objective 6.2.1

*Rebuilding and development are enabled within Greater Christchurch through a land use and infrastructure framework that:*

- (3) *avoids urban development outside of existing urban areas or greenfield priority areas for development, unless expressly provided for in the CRPS;*

#### Policy 6.3.1 Development with the Greater Christchurch Area

*In relation to recovery and rebuilding for Greater Christchurch:*

- (4) *ensure new urban activities only occur within existing urban areas or identified greenfield priority areas as shown on Map A, unless they are otherwise expressly provided for in the CRPS.*

#### Objective 6.2.5 Key activity and other centres

*Support and maintain the existing network of centres below as the focal points for commercial, community and service activities during the recovery period:*

1. *The Central City*
2. *Key Activity Centres*
3. *Neighbourhood centres.*

#### Objective 6.2.6 Business land development

*Identify and provide for Greater Christchurch's land requirements for the recovery and growth of business activities in a manner that supports the settlement pattern brought about by Objective 6.2.2, recognising that:*

3. *New commercial activities are primarily directed to the Central City, Key Activity Centres, and neighbourhood centres;*
4. *A range of other business activities are provided for in appropriate locations; and*
5. *Business development adopts appropriate urban design qualities in order to retain business, attract investment and provide for healthy working environments.*

*Policy 6.3.1 Development within the Greater Christchurch area*

*In relation to recovery and rebuilding for Greater Christchurch:*

1. *give effect to the urban form identified in Map A, which identifies the location and extent of urban development that will support recovery, rebuilding and planning for future growth and infrastructure delivery;*
2. *give effect to the urban form identified in Map A (page 6-27) by identifying the location and extent of the indicated Key Activity Centres;*
3. *enable development of existing urban areas and greenfield priority areas, including intensification in appropriate locations, where it supports the recovery of Greater Christchurch;*
4. *ensure new urban activities only occur within existing urban areas or identified greenfield priority areas as shown on Map A, unless they are otherwise expressly provided for in the CRPS;*
6. *avoid development that adversely affects the function and viability of, or public investment in, the Central City and Key Activity Centres.*

*Policy 6.3.2 Development form and urban design*

*Business development, residential development (including rural residential development) and the establishment of public space is to give effect to the principles of good urban design below, and those of the NZ Urban Design Protocol 2005, to the extent appropriate to the context:*

3. *Connectivity – the provision of efficient and safe high quality, barrier free, multimodal connections within a development, to surrounding areas, and to local facilities and services, with emphasis at a local level placed on walking, cycling and public transport as more sustainable forms of transport.*
4. *Safety – recognition and incorporation of Crime Prevention Through Environmental Design (CPTED) principles in the layout and design of developments, networks and spaces to ensure safe, comfortable and attractive places.*
5. *Choice and diversity – ensuring developments provide choice and diversity in their layout, built form, land use housing type and density, to adapt to the changing needs and circumstances of the population.*

*Policy 6.3.6 Business land*

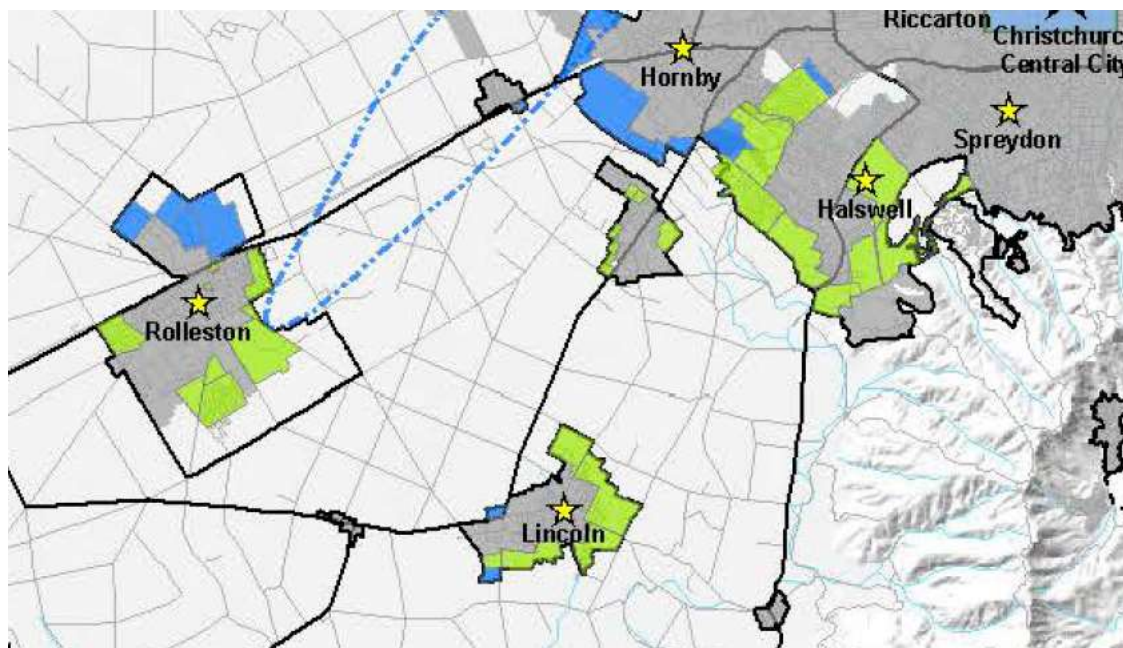
*To ensure that provision, recovery and rebuilding of business land in Greater Christchurch maximises business retention, attracts investment, and provides for healthy working environments, business activities are to be provided for in a manner which:*

1. *Promotes the utilisation and redevelopment of existing business land, and provides sufficient additional greenfield priority area land for business land through to 2028 as provided for in Map A;*
4. *Recognises that new commercial activities are primarily to be directed to the Central City, Key Activity Centres and neighbourhood centres where these activities reflect and support the function and role of those centres; or in circumstances where locating out of centre, will not give rise to significant adverse distributional or urban form effects;*



8. *Ensures reverse sensitivity effects and conflicts between incompatible activities are identified and avoided or mitigated against;*
10. *Encourages self-sufficiency of employment and business activities within communities across Greater Christchurch;*
12. *Incorporates good urban design principles appropriate to the context of the development*

Key Activity Centres are defined as “existing or proposed commercial centres identified as focal points for employment, community activities and the transport network, and which are suitable for more intensive mixed use development.” Lincoln town centre is identified on RPS Map A with a yellow star as a KAC as follows:-



Neighbourhood centres are not defined in the RPS, but are defined in the Selwyn District Plan (discussed below).

Technical Report No. 4 prepared by Urban Economics has assessed the economic impacts of the supermarket, cafe and preschool on the Lincoln KAC (Appendix 5). There will be sufficient demand to support a further supermarket of the size proposed by 2024. The supermarket and other proposed commercial and community services will meet local convenience needs for the surrounding north east Lincoln catchment. The range of services proposed is minimal. The Report concludes that the proposal will have significant economic benefits and no economic costs including any adverse economic effects on the Lincoln KAC.

The proposed supermarket site is the only location in Lincoln which satisfies criteria relating to commercial feasibility, size and market access. There are no suitable sites for a second supermarket with the Lincoln KAC.

In accordance with the above, the proposal is consistent with the RPS objectives and policies in relation to KACs, which seek to:-

- support and maintain the existing KACs and Neighbourhood Centres as the focal points for commercial, community and service activities, including by directing new commercial activities primarily to these centres; and
- avoid development that adversely affects the function, viability of, or investment in the KACs.

The subdivision and roading design and layout ensure good connectivity by a variety of transport modes, including a continuation of the Rail Trail route along Birchs Road.

### **3.2.3 Summary**

Overall, it is considered that all relevant regional objectives and policies are satisfied.

## **3.3 Operative District Plan**

### **3.3.1 Introduction**

The relevant chapters of the SDP covering applicable rules are:

- C2 – LZ Earthworks
- C4 – LZ Building
- C5 – LZ Roding
- C7 – LZ Signs
- C8 – LZ Hazardous Substances
- C9 – LZ Waste
- C10 – Activities
- C12 – Subdivision
- B16 – BZ Building
- B17 – BZ Roding
- B19 – BZ Signs
- B21 – BZ Waster
- B22 – BZ Activities

The relevant objectives and policies are discussed below.

### **3.3.2 Assessment Against Relevant SDC Objectives and Policies**

#### **B1 – Natural Resources**

##### **Objective B1.1.1**

*Adverse effects on people, and their activities, ecosystems and land and soil resources from contaminated soil or unstable land, are minimised.*

##### **Policy B1.1.1**

*Ensure activities do not contaminate soil.*

Objective B1.1.1 seeks to minimise the effects of contaminated soil or unstable land on people and their activities. The PSI submitted in support of Application RC145600 concluded that there is no evidence of potential HAIL activities or significant ground contamination on site. Accordingly, it is considered highly unlikely that there will be a risk to human health if the proposed subdivision and change of land use is approved.

Policy B1.1.1 seeks to avoid creating contaminated sites. The proposed landuses associated with the proposal will be effectively managed through relevant legislative requirements to ensure there will be no discharge of contaminants on to land or into water.

**Objective B1.1.2**

*New residential or business activities do not create shortages of land or soil resources for other activities in the future*

Objective B1.1.2 addresses the issue of irreversible uses of land and soil resources. The objective is to ensure that any use of land or soil achieves section 5(2)(a) of the Act – “sustains the potential of natural and physical resources to meet the reasonably foreseeable needs of future generations”.

The proposed Site is wholly located within land zoned for Living purposes, as contained within Lincoln ODP Area 3. Urban land uses which do not rely on the soil resource (as opposed to rural farming activity) are anticipated here under the SDP.

**Chapter B2 – Physical Resources**

**Transport Networks**

**Objective B2.1.1**

*An integrated approach to land use and transport planning to ensure the safe and efficient operation of the District’s roads, pathways, railway lines and airfields is not compromised by adverse effects from activities on surrounding land or by residential growth.*

**Policy B2.1.2**

*Manage effects of activities on the safe and efficient operation of the District’s existing and planned road network, considering the classification and function of each road in the hierarchy*

**Policy B2.1.4(a)**

*Ensure all sites, allotments or properties have legal access to a legal road which is formed to the standard necessary to meet the needs of the activity considering: – the number and type of vehicle movements generated by the activity; – the road classification and function; and – any pedestrian, cycle, public transport or other access required by the activity.*

**Policy B2.1.6(a)**

*Require activities to have adequate on-site carparking and loading facilities to minimise potential adverse effects from roadside parking and to require adequate on-site manoeuvring area to avoid the need for reversing onto or off roads particularly State Highways and Arterial Roads, except where reductions and/or controls are necessary in order to facilitate the urban form of the Rolleston High Street as envisaged by the Rolleston Town Centre Masterplan.*

**Policy B2.1.7**

*Provide for pedestrian safety, security, circulation and access within parking areas by considering the interaction of vehicle access and manoeuvring, circulation, loading and parking, with likely pedestrian routes onto the site, including for users of public transport, and between car and cycle parks, and building entrances.*

**Policy B2.1.10**

*Ensure vehicle crossings, intersections, pathways, roadside signs and noticeboards are designed and positioned to ensure good visibility for all road users, and to allow safe passage, access and egress.*

**Policy B2.1.12**

*Address the impact of new residential or business activities on both the local roads around the site and the District's road network, particularly Arterial Road links with Christchurch City.*

**Policy B2.1.15**

*Require pedestrian and cycle links in new and redeveloped residential or business areas, where such links are likely to provide a safe, attractive and accessible alternative route for pedestrians and cyclists, to surrounding residential areas, business or community facilities. Transport networks are vital to provide and improve accessibility (ensuring all users, particularly active modes, have access to services) to social, cultural, environmental and economic activities in the District.*

The ODP Area 3 principal road layout has not changed. However, the commercial development and preschool will generate different traffic flows to residential development anticipated under the LZ zoning. These traffic effects are addressed in the TIA which concludes that the road layout is in accordance with the underlying ODP for this area and the proposed road network has been appropriately designed for the full development scenario as well as allowing for additional growth on Birchs Road.

The TIA further concludes that the commercial activities proposed have been appropriately sited and the access points located and designed to provide safe and efficient access to the sites. The location of these activities adjacent to a collector road and the rail trail provides a high level of access from the wider transport network by these modes. The commercial development has sufficient provision for on-site parking, cycle parking and loading spaces to meet the anticipated demands and is expected to be self-sufficient in these respects.

For the reasons set out in this AEE, the transport effects of the proposed development are less than minor.

**Chapter B3 People's Health Safety and values*****Hazardous Substances*****Objective B3.2.1**

*To ensure that adequate measures are taken to avoid, remedy or mitigate any adverse effects to human health, to the amenity of townships, the rural environment and to the natural environment arising from the manufacture, storage, transport on water bodies and disposal of hazardous substances.*

**Policy B3.2.1**

*Ensure any potential risk of adverse effects on the environment from spills, leaks or other mismanagement of hazardous substances is avoided or mitigated.*

The proposal does not include any activities using hazardous substances. The supermarket will stock some items identified as hazardous, but only in domestic quantities and does not require consent.

### **Quality of the Environment**

#### Objective B3.4.1

*The District's townships are pleasant places to live and work in.*

#### Objective B3.4.2

*A variety of activities are provided for in townships, while maintaining the character and amenities of each zone.*

#### Policy B3.4.2

*To provide for any activity to locate in a zone provided it has effects which are compatible with the character, quality of the environment and amenity values of that zone.*

In accordance with the above, the SDP anticipates and provides for non-residential activities in residential zones, provided they are consistent with the quality of environment and amenities of the residential zone. In this case, a supermarket, a café, and childcare facility are proposed alongside the principal road network for the growing north east Lincoln greenfield residential area. The commercial and community facilities will be developed alongside and at the same time as the residential development, in an integrated manner, and with new residents aware of the proposed commercial facilities at the time of purchase of their properties.

The AEE considers the environmental effects of the proposed commercial and community facilities, including in terms of noise, glare, traffic, construction, earthworks, lighting, hours of operation, visual (including buildings and signage) and concludes that the adverse effects generated from the proposal as a whole will be less than minor. Clearly, the commercial and community facilities will be compatible with and will not detract from the amenity of the surrounding Living Z zone. Conversely, they will provide added amenity, providing for some of the convenience grocery needs of the surrounding growing residential community and providing valued local neighbourhood services (café and childcare) which will in turn create a local community focal point and help foster a sense of local community.

#### Objective B3.4.3

*"Reverse sensitivity" effects between activities are avoided.*

The AEE notes that the potential for reverse sensitivity effects is very limited given the nature of the proposal and the extent of compliance with the noise and amenity standards of the SDP.

#### Policy B3.4.3

*To provide Living zones which:*

- *are pleasant places to live in and provide for the health and safety of people and their communities;*
- *are less busy and more spacious than residential areas in metropolitan centres;*
- *have safe and easy access for residents to associated services and facilities;*
- *provide for a variety of living environments and housing choices for residents, including medium density areas identified in Outline Development Plans.*

The landscape concept for the proposed development will provide an attractive street frontage to Birchs Road, create and enhance public amenity, soften the building facades and maintain a suitable interface with the surrounding residential land uses. There are no significant existing landscape features within the Site.

As detailed in Section 4.3.3, in urban design terms the effects of the proposed development are considered to be minimal because the commercial and residential proposals will make a positive contribution to the area, and the development will strengthen the streetscape and create pedestrian amenity. All building masses and forms are broken up and modulated with well-articulated facades. The legibility of the commercial and residential buildings is clear and their various elements are well integrated.

The proposed commercial and community facilities will provide for ready access to some of the convenience shopping needs of the surrounding growing residential community, and will thus support a variety of living environments. This includes potentially some medium density housing in the future on the balance lot.

### **Noise**

#### Policy B3.4.10

*Ensure noise in all zones does not adversely affect the health or well-being of people.*

#### Policy B3.4.11

*Maintain background sound levels which are appropriate to the quality of the environment and amenity values of each zone.*

In accordance with the Acoustic report prepared by Marshall Day (Appendix 4) the application will comply with the SDP permitted activity noise standards at all existing residential zoned dwellings for both day and night-time activity, subject the mitigation measures listed in Section 7.0 of the report are enacted.

The Acoustic report concludes that SDP permitted activity noise standards will be complied with at proposed residential zoned dwellings apart from infrequent cumulative noise events, in which case exceedances will amount to a 2 dB exceedance of noise limits. Marshall Day regard this as an appropriate level of amenity, particularly given the anticipated short duration and limited number of cumulative events.

### **Glare**

#### Policy B3.4.12

*Avoid night lighting and, where practical, glare from reflections shining directly into adjoining sites, in all zones.*

As described in the AEE, the outdoor lighting provided as part of the proposed commercial development will be designed and located in a manner that ensures glare is not directed to the adjoining properties. All lighting will comply with the relevant District Plan standards which include a requirement that the use of artificial lighting on site will produce an illuminance up to but not exceeding 3 lux at any residential boundary.

As is common practice for all outdoor lights not required for security purposes lighting will be turned off when the supermarket and café are not open. As such, the use of artificial lighting

on the site will not cause discomfort and loss of amenity to the adjacent residential properties or detract from the dark night-time environment.

### **Dust**

#### Policy B3.4.14

*Avoid nuisance effects caused by dust from stockpiled material or construction work in Living or Business zones.*

As detailed in Section 4.12, any building construction effects including relating to dust, are temporary and able to be appropriately minimised via the preparation and implementation of a Construction Management Plan (CMP) or the imposition of relevant conditions of approval on any consent granted.

### **Scale and Nature of Activities**

#### Policy B3.4.16

*Ensure the operating hours for non-residential activities in Living zones do not disturb surrounding residential activities, particularly at night.*

The supermarket will operate from 7am to 10pm daily ie outside the more sensitive night-time hours. These opening hours are not expected to give rise to any additional potential for adverse effects on the amenity associated with the surrounding environment. The supermarket main entrance faces its carpark rather than an arterial road. Goods ingress access via Birchs Road will occur within normal working hours.

The main purpose of the noise controls for the Living Z zone is to protect residential activities from the potential adverse effects of intrusive noise. The operation of the new supermarket, cafe and childcare activity will comply in all respects with the required noise limits. These standards will assist in preventing background noise levels rising, and will maintain a reasonable acoustic environment at the boundary with the adjoining proposed and future residential properties.

The childcare centre will operate Monday to Friday and will be closed all weekends and public holidays.

### **Traffic**

#### Policy B3.4.18

*Ensure non-residential activities in Living zones generate vehicle and pedestrian movements on a scale compatible with the quality of the environment in Living zones and the local receiving environment.*

**Policy B3.4.19 (a)**

*Ensure all activities have appropriate car-parking facilities to avoid, remedy or mitigate any adverse effects of car-parking on:*

- *The amenity values of streets;*
- *The privacy of residents; and*
- *Safe and convenient access to sites.*

**Policy B3.4.19 (b)**

*Ensure that a high level of amenity, safety and accessibility is achieved for pedestrians, users of public transport and cyclists when car parking is provided.*

**Policy B3.4.19 (c)**

*Ensure that access by sustainable transport modes, such as public transport, cycling and walking, is considered when assessing parking needs for new activities.*

As detailed in the Traffic Assessment, the proposed supermarket, café and childcare combined will generate estimated total peak hour traffic of 441 trips, of which only 36% (160) will be new trips. Actual trip generation is anticipated to be lower as these estimates do not take into account multi-purpose trips i.e. people who use two or more facilities as part of the same trip. Clearly the expected traffic generation exceeds the permitted levels in the Living Z zone. However, these facilities are oriented towards and located with frontage onto a collector road (Birchs Road) with access to a local road extension in the case of the supermarket and shops. Future residents will be made fully aware of these neighbouring facilities, which offer positive amenity aspects too i.e. ready access to convenience shopping needs.

The commercial activities proposed have been appropriately sited and the access points located and designed to provide safe and efficient access to the sites. The location of these activities adjacent to a collector road and the rail trail provides a high level of access from the wider transport network by these modes.

The commercial development will have sufficient provision for on-site parking, cycle parking and loading spaces to meet the anticipated demands and is expected to be self-sufficient in these respects.

**Outdoor Storage****Policy B3.4.20**

*Avoid adverse effects on the amenity or aesthetic values of Living and Business 1 Zones from the outdoor storage of goods on sites.*

A dedicated gated unloading area will be provided for behind the supermarket. Landscaping and a 2m high solid acoustic fence along the respective boundaries of the immediately adjacent residential lots will minimise visual impacts on the adjoining residential properties, as will the extensive landscaping proposed within the site.



## **Outdoor Signs and Noticeboards**

### Policy B3.4.21

*Ensure signs in all zones are designed and positioned to avoid:*

- *Adverse effects on the visibility or safety of pedestrians, cyclists or motorists;*
- *Impeding access to or past sites;*
- *Nuisance effects from sound or motion features on signs or from glare or reflectivity;*
- *Adverse effects on the amenity values of the zone; or*
- *Dominance of the 'skyline' or view, caused by large signs protruding above the roofs of buildings.*

### Policy B3.4.22

*Ensure signs in Living zones are of a size, design and number which maintain the quality of the environment and amenity values of the zone, but recognise the need for retail activities located in Living zones to have extra signs on the site.*

The proposed signage is specified in Table 2.1. The supermarket will have a pylon sign and in addition there will be various canopy, wall/building elevation and under verandah signs, sufficient to meet the signage needs of the various proposed activities.

The size and number of signs associated with the commercial facilities substantially exceeds the permitted SDP standards for the LZ zone (which only allow as a permitted activity, signs up to 1m<sup>2</sup> in area, and a maximum of 2 per site). However, all signage proposed only relates to the naming of the commercial and community activities and is of a scale and nature consistent with other comparable activities throughout the country. As detailed in section 4 of this report, signage is considered to be of an appropriate scale for the activity and the general location.

## **Building Design**

### Policy B3.4.23

*Allow people freedom in their choice of the design of buildings or structures except where building design needs to be managed to:*

- *Avoid, remedy or mitigate adverse effects on adjoining sites; or*
- *Maintain the character of areas with outstanding natural features or landscapes values or special heritage or amenity values; or*
- *Maintain and establish pleasant and attractive streets and public areas in the Business 1 zone.*

### Policy B3.4.25

*In all zones in townships, ensure buildings:*

- *Do not shade adjoining properties; and*
- *Maintain a predominantly low rise skyline.*

**Policy B3.4.26**

*Ensure buildings are setback an appropriate distance from road boundaries to maintain privacy and outlook for residents and to maintain the character of the area in which they are located.*

**Policy B3.4.27**

*Ensure buildings and structures in Living zones which are used for non-residential activities, are of a size and bulk and in a setting compatible with the quality of the environment and amenity values of a residential area.*

As detailed in Section 4 of this report, in urban design terms the proposal will strengthen the streetscape and create pedestrian amenity. All building masses and forms are broken up and modulated with well-articulated facades. The legibility of the commercial buildings is clear and their various elements are well integrated.

The supermarket building will have a much larger footprint than a typical dwelling (200m<sup>2</sup>) but will be comparable in height to a two storey dwelling (7.2m). The rear façade of the supermarket, which will face existing and proposed residential properties along Makybe Terrace extension, will be 46.1m long

The supermarket building will be setback 74m and up to 3.6m from the Birchs Road and Makybe Terrace frontages respectively.

**Landscaping and Amenity Plantings****Policy B3.4.31**

*Encourage sites in Living and Business 1 Zones to maintain a landscaped area along the road frontage of the site.*

The landscape concept for the proposed development will provide an attractive street frontage to Birchs Road, create and enhance public amenity, soften the building facades and maintain a suitable interface with the surrounding residential land uses.

The landscape design philosophy that has been adopted for the proposal in summary seeks to integrate the supermarket and café/bar into the surrounding landscape setting wherever possible, and provide an appropriate interface between the commercial, community and residential development areas, while mitigating any adverse visual or landscape effects of the development.

**GROWTH OF TOWNSHIPS****Objective B4.1.1**

*A range of living environments is provided for in townships, while maintaining the overall 'spacious character' of Living zones.*

**Objective B4.1.2**

*New residential areas are pleasant places to live and add to the character and amenity values of townships.*

**Policy B4.1.11**

*Encourage new residential areas to be designed to maintain or enhance the aesthetic values of the township, including (but not limited to): Retaining existing trees, bush, or other natural features on sites; and landscaping public places.*

The commercial development will be suitably landscaped in accordance with the attached landscape plans (Appendix 1). The subdivision layout and development will provide for a pleasant living environment, provide a sense of place, identity and community, and the development will add to and enhance the overall residential character of the township, providing appropriate convenience commercial facilities to service the eastern catchment of Lincoln which is currently underprovided for commercial services (see Urban Economics Assessment Appendix 5).

**SUBDIVISION OF LAND****Objective B4.2.1**

*Subdivision of land for various purposes is recognised and provided for.*

**Objective B4.2.2**

*New allotments created have appropriate characteristics and facilities for their intended or likely uses.*

**Objective B4.2.3**

*The maintenance and enhancement of amenities of the existing natural and built environment through subdivision design and layout.*

**Objective B4.2.4**

*That subdivision provides for variety and efficiency in its design, form and function.*

**Policy B4.2.2**

*Ensure any allotment created by subdivision (including any balance allotment) has the services, facilities and characteristics appropriate to the proposed likely use of the land.*

**Policy B4.2.3**

*Ensure any new allotment on which a building may be erected has all of the following features:*

- Access to sunlight;*
- Adequate size and appropriate shape for a building platform;*
- Adequate size and shape for outdoor living space in Living zones or car parking and storage in Business zones; and*
- Easy and safe access for motorists, pedestrians and cyclists.*

**Policy B4.2.11**

*Encourage subdivision designs within Outline Development Plan areas to provide for a variety of section sizes that are designed to cater for different housing types.*

**Policy B4.2.12**

*Ensure that subdivision designs encourage strong, positive connections between allotments and the street and other features, whilst avoiding rear allotments where practical.*

The proposal does not adversely affect natural or physical resources, as stormwater has been appropriately managed, and the roading network appropriately integrates with the surrounding area. A potential future roading connection to land to the north has been included, 'future proofing' the subdivision for possible future development. The proposal has been designed to create a high amenity environment.

All standard size allotments (500m<sup>2</sup>+) can accommodate a 15m x 15m building platform. There is one rear allotment with its own access leg.

Super lot 5002 is intended for future medium density housing, and will be subject to a consent notice requiring this. The subdivision will accordingly, accommodate a variety of section sizes designed to cater for different housing types

## **RESIDENTIAL AND BUSINESS DEVELOPMENT**

### Objective B4.3.6

*Ensure that subdivision and development in Living Z zoned areas achieves an average net density over an Outline Development Plan area of at least ten household units per hectare.*

The proposed residential development when fully developed will achieve an overall average net density in excess of ten households per hectare. The proposal is consistent with the above objective.

### Policy B4.3.4

*Encourage new residential or business development to occur on vacant land in existing Living or Business zones, if that land is available and appropriate for the proposed activity.*

The site is an existing currently vacant ie undeveloped Living Z zoned land. The AEE and supporting technical reports establishes that it is a suitable location for the proposed retail activities and childcare facility. It has previously been approved for residential subdivision (Stages 1d and 12a of the overall Flemington subdivision plan).

### Objective B4.3.8

*Commercial growth is primarily focused within the Key Activity Centres of Rolleston and Lincoln in a way and at a rate that:*

- (1) *Meets the economic needs of commercial businesses, provides for their communities with convenient access to goods and services, and ensures opportunities for employment and social interaction: and*
- (2) *Ensures an adequate supply of land to meet commercial and community demands.*

As detailed in the Economic Assessments (Appendix 5), the objective states that commercial activity is "primarily" focused in the KACs. In some situations, including the current Lincoln case, it is not possible or appropriate to focus all commercial activity in the KAC. There is sufficient demand to support a second supermarket but no suitable sites within the KAC. It is necessary to consider an out of KAC location which provides ready access to the growing Lincoln north east catchment in order to satisfy parts (1) and (2) of Objectives B3.4.8. The KAC will remain the primary focus for commercial activity as the proposal is for a limited number of local convenience retail services i.e. supermarket and café / bar.

Policy B4.3.10

*To ensure that the key principles and outcomes sought in operative Outline Development Plans are achieved and where development is proposed that is not in general accordance with an operative Outline Development Plan in the District Plan, consideration shall be given as to whether:*

- the proposed change will better achieve the key principles of the Outline Development Plan, as set out in Policy 4.3.7 and any specific ODP requirements set out in any area specific ODP policy, than the land use pattern shown in the operative ODP;*
- the proposed change will potentially compromise the outcomes sought within the remainder of the Outline Development Plan area. This is especially the case where changes are proposed that only cover a portion of an ODP area and/or have implications for other parts of the ODP area beyond the applicant's control. Where development that is not in general accordance with the ODP is proposed via a subdivision consent application, it is preferable that the application covers the entire ODP area so that the implications of such changes are able to be fully understood and assessed;*
- adequate provision has been made to ensure that such changes are aligned with the corresponding land use provisions of the District Plan and that this is transparent to current and future landowners.*

The proposal is in accordance with ODP Area 3, except that a 1.1240 hectare area is proposed for a supermarket commercial development (the ODP does not show a Neighbourhood or Local Centre here) and the subdivision superlot 5002, which will be the subject of a future separate consent application. The ODP does not show any medium density housing in this area. The ODP was prepared before commercial and community uses were planned for this area. Such uses are generally anticipated as suitable in the LZ zone (they are discretionary). MD housing adjoining the commercial and community facilities is logical, and is a more appropriate response to the now intended development pattern for this part of ODP Area 3.

The proposal does not undermine the ODP's overarching framework for development including with respect to landuse, development and density, roading network and hierarchy, connectivity, open space network, blue network etc.

Policy 4.3.7 and associated Policy 4.3.8 are as follows:-

Policy B4.3.7

*Living Z urban growth areas identified in the District Plan shall not be developed for urban purposes until an operative Outline Development Plan for that area has been included within the District Plan. Each Outline Development Plan shall:*

- Be prepared as a single plan for any identified Outline Development Plan area identified on the Planning Maps and Appendices;*
- Be prepared in accordance with the matters set out in Policy B4.3.8;*
- Take account of the Medium Density and Subdivision Design Guides.*

Policy B4.3.8

*Each Outline Development Plan shall include:*

- Principal through roads, connection and integration with the surrounding road networks, relevant infrastructure services and areas for possible future development;*
- Any land to be set aside for:
 
  - community facilities or schools;*
  - parks and land required for recreation or reserves;*
  - any land to be set aside for business activities;**

- *the distribution of different residential densities;*
- *land required for the integrated management of water systems, including stormwater treatment, secondary flow paths, retention and drainage paths;*
- *land reserved or otherwise set aside from development for environmental or landscape protection or enhancement; and*
- *land reserved or otherwise set aside from development for any other reason, and the reasons for its protection.*
- *Demonstrate how each ODP area will achieve a minimum net density of at least 10 lots or household units per hectare ;*
- *Identify any cultural (including Te Taumutu Rūnanga values), natural, and historic or heritage features and values and show how they are to be enhanced or maintained;*
- *Indicate how required infrastructure will be provided and how it will be funded;*
- *Set out the phasing and co-ordination of subdivision and development in line with the phasing shown on the Planning Maps and Appendices;*
- *Demonstrate how effective provision is made for a range of transport options, including public transport systems, pedestrian walkways and cycleways, both within and adjoining the ODP area;*
- *Show how other potential adverse effects on and/or from nearby existing or designated strategic infrastructure (including requirements for designations, or planned infrastructure) will be avoided, remedied or appropriately mitigated;*
- *Show how other potential adverse effects on the environment, the protection and enhancement of surface and groundwater quality, are to be avoided, remedied or mitigated;*
- *Include any other information which is relevant to an understanding of the development and its proposed zoning; and*
- *Demonstrate that the design will minimise any reverse sensitivity effects.*

The above policies set out the matters to be covered and included on ODPs, including business activities and medium density housing. The housing and business and childcare facility needs for ODP Area 3 and the surrounding north east Flemington catchment have become more clearly defined and apparent as this greenfield area has developed. The proposed retail facilities and childcare respond to those needs and also the demand for a choice of housing including medium density housing. In this sense the proposed development better achieves the key principles of the Outline Development Plan, as set out in Policy 4.3.7 (which refers to Policy 4.3.8) than the land use pattern shown on ODP Area 3.

The specific ODP Area 3 requirements are set out under Policy B4.3.63 below.

## **LINCOLN**

*Policy B4.3.63 Ensure that development within each of the Outline Development Plan areas identified on the Planning Maps and Appendices within Lincoln addresses the specific matters relevant to each ODP Area number listed below: Outline Development Plan Area 3 – ODP Area 3 to align with ODP Area 2 and ODP Area 4;*

- *Provision of a main north-south road linking Edward Street (aligning with Southfield Drive) and Birchs Road adjacent to ODP Area 4;*
- *Provision of a main road link from the main north-south road to link to Edward Street aligning with main road from ODP Area 2;*
- *Provision of Rail Trail route, and main pedestrian and cycle links to township, including routes via 'Browns Lane' and adjacent to both Ellesmere Road and*

*Edward Street. (Note: The 'Browns Lane' route shall be deferred until residential development of the 'Duncan's Block' has occurred.)*

- *Provision of a comprehensive stormwater conveyance system to accommodate necessary flows within both the northern and southern catchment boundaries;*
- *Provision of wells and water pumping facilities to provide sufficient capacity for all future growth in this area, including main trunk connections where necessary;*
- *Provision of a reticulated wastewater system and pumping stations with capacity to accommodate necessary flows;*
- *Provision for riparian corridor/reserve along stream to Ellesmere Road;*
- *Provision of a building setback and landscape buffer adjacent to Ellesmere Road and Edward Street;*
- *Provision of one neighbourhood centre;*
- *Provision of a minimum net density of 10 households per hectare averaged over the ODP area.*

The proposal does not undermine the ODP's overarching framework for development, with respect to land use, development and density, roading network and hierarchy, connectivity, open space network, stormwater management etc. The above key aspects of the existing ODP have sought to inform the core aspects of the concept Master Plan.

The proposal is consistent with all of these except that the proposed retail and community facilities are inconsistent with provision of a second neighbourhood centre within ODP Area 3, in terms of size and function. The existing ODP Area 3 neighbourhood centre is at the southern end of ODP Area 3 at the southern end of the adjoining Rosemerryn subdivision, with frontage to Gerald Street. Resource consent was recently obtained (2017) for 1687m<sup>2</sup> of commercial floor space and associated parking on this 4115m<sup>2</sup> site, comprising 7 retail/commercial tenancies, a gym, restaurant with outdoor courtyard and offices. This consented neighbourhood centre is close to the Lincoln KAC and provides a mix of retail, commercial and office opportunities which could equally be expected to establish in the KAC.

In contrast the current application is for local convenience retail needs limited to a supermarket, a café and a local childcare facility which cannot be accommodated in the KAC as no suitable sites are available. The proposed supermarket site is at the northern end of the ODP Area 3 which is a large greenfield area, a considerable distance (over 1.5km as the crow flies) from the Rosemerryn Neighbourhood Centre. The two Neighbourhood Centres will serve different and complementary functions.

The proposed changes to landuse for the Site compared with that shown on ODP Area 3 will be largely compliant with the District Plan rules for LZ zone neighbourhood centres (i.e, compliant with the District Plan B1 zone rules as assessed in Section 3.3.5), except that the supermarket will substantially exceed the permitted activity individual retail tenancy 350m<sup>2</sup> gross floor area limit. The changes will not affect any other parts of ODP Area 3 as the balance of the Flemington residential subdivision is now fully consented and largely built, and the roading links to the adjoining Rosemerryn subdivision will not change.

#### Policy B4.3.11

*Provide Neighbourhood and Local Centres, as shown in operative Outline Development Plans, to satisfy the more localised and convenience needs of people and communities, whilst recognising that neighbourhood and local centres are to complement Key Activity Centres which shall remain the primary focus for commercial, social and community activity within that Township.*

The Explanation for Policy B4.3.10 states:-

*Whilst the Business 1 Zone Objectives, Policies and Rules also apply to neighbourhood and local centres shown on ODPs, the services and facilities provided for such centres are generally to have a more localised area of influence due to their limited range of activities and accessibility, and accordingly need to complement existing Town Centres, and not compete with them in terms of being a substantial business or retail destination at a strategic level.*

*Accordingly, such neighbourhood centres, as identified by the ODPs should:*

- *Range in size, but generally comprise 1,000m<sup>2</sup> – 2,000m<sup>2</sup> total floorspace and include:*
  - *up to 15 shops, with a maximum retail tenancy of 350m<sup>2</sup> GFA; and provide*
  - *a limited range of community facilities.*

*Local centres, as identified by the ODPs should:*

- *Range in size, but generally comprise up to 450m<sup>2</sup> total floorspace and include;*
  - *1 – 5 shops, with a maximum retail tenancy of 350m<sup>2</sup> GFA; and*
  - *provide a limited range of community facilities.*

Whilst not shown on the ODP as a Neighbourhood or Local Centre, the proposed mixed use commercial development is consistent with the function of a Neighbourhood Centre. As stated in the Economic Assessment (Appendix 5) it provides for localised needs, in much the same way as a smaller retail stores would, such as a dairy. It will complement and not compete with or adversely affect the economic viability of the KAC.

The new greenfield neighbourhood centres are not generally intended to accommodate supermarkets – as reflected in the restriction to a maximum retail tenancy size of 350m<sup>2</sup> GFA. However, in this case a supermarket is considered appropriate, as there is clear demand and no alternative suitable KAC location available, and in any case, the supermarket needs to be conveniently located within the Lincoln eastern catchment it will serve.

In accordance with the above, the proposal is not entirely consistent with but is not contrary to Policy B4.3.11.

### 3.3.3 Living Zone Rules – Commercial Development

The Site is located within the Living Z. The following rules of the Selwyn District Plan (SDP) are relevant to the application:

Rule	Requirement	Proposal
<b>C4 Buildings</b>		
Building and Landscaping 4.2.1	Any principal building shall be a permitted activity if the area between the road boundary and the principal building is landscaped with shrubs and: <ul style="list-style-type: none"> <li>- Planted in lawn, and/or</li> <li>- Paved or sealed, and/or</li> <li>- Dressed with bark chips or similar material.</li> </ul>	<b>Permitted</b>
Water supply 4.4.1	All Living zones the erection of any dwelling or principal building connected to a reticulated water supply shall be a permitted activity, provided that it complies with the current New	All lots will be connected to a reticulated water supply.



	Zealand Drinking Water Standards.	<b>Permitted</b>
Sewage treatment 4.5.1	The erection of any dwelling or principal building shall be a permitted activity provided that it is connected to a reticulated sewage treatment and disposal system	Will be connected to a reticulated sewage treatment and disposal system.  <b>Permitted</b>
Building Density 4.6.1	One principal building (other than a dwelling) and one dwelling, except that within a comprehensive residential development within a Living Z Zone, more than one dwelling may be erected on the balance lot prior to any subsequent subdivision consent that occurs after erection of the dwellings (to the extent that the exterior is fully closed in).  NB/ Principal building defined as: Any building or buildings which is/are used as part of the primary activity or activities on the site. Principal buildings include dwellings but do not include accessory buildings.	<b>Permitted</b>
Site coverage 4.7.1	LZ – maximum 40% for the erection of any building	Supermarket lot (Lot 5000) – 27%  Preschool lot (Lot 5001) – 21% <b>Permitted</b>
Building Height 4.8.1	The erection of any building which has a height of not more than 8 metres shall be a permitted activity	Supermarket: The highest point of the proposed supermarket building will be 7.5m at the front entrance. The roof top plant is 8.5m, a slight non-compliance.  Child care centre: maximum height of 4.2m. <b>Discretionary</b>
Building Position 4.9.1	Except in <u>Rule 4.9.1.1</u> and <u>Rule 4.9.1.2</u> , the construction of any building which complies with the Recession Plane A requirements set out in <u>Appendix 11</u>	Complies. <b>Permitted</b>
4.9.1.2	Where buildings on adjoining sites have a common wall along an internal boundary, the recession plane shall not apply along that part of the boundary covered by such a wall.	<b>N/A</b>
4.9.2	Setback from boundaries Any dwelling or principal building:- Minimum setback from internal boundary – 2m Minimum setback from road or shared access – 4m	See 2.4.2 Bulk and location  <b>Permitted</b>
<b>C5 Roads and Transport</b> – see Transport Assessment Section 6 District Plan Compliance Overall status with respect to C5 rules is discretionary		
<b>C7 Signs</b>		
7.1.1.2 – Outdoor Signs General	The total number of signs on any site does not exceed 2, inclusive of any freestanding sign located on a footpath or grass berm outside the	Technically not relevant as the rule states that this does not apply to shops.

	site but adjoining the site. <b>This rule does not apply to signs associated with shops.</b>	Notwithstanding, as detailed in Table 2-1 it is noted that: Supermarket: total of 7 signs Cafe: 2 signs NB/ supermarket and cafe are located on one site therefore total of 9 signs is proposed. Child care – 1 sign <b>Permitted</b>
7.1.1.5 - Outdoor Signs General	The sign does not exceed the height of: (a) The building to which it is attached, or (b) 2 metres if the sign is not attached to a building.	Signs attached to the building will not exceed 2.5m in height. Supermarket pylon sign: NE elevation – 9m in height Child care pylon sign: 2.4m <b>Discretionary</b>
7.1.1.6 - Outdoor Signs General	The sign does not exceed 1m <sup>2</sup> in size.	All signs will exceed 1m <sup>2</sup> (refer to table 2-1). <b>Discretionary</b>
7.1.1.8 - Outdoor Signs General	The sign is not less than 2.5m above the ground, if it is an overhanging attached sign.	<b>N/A</b>
7.1.1.9 - Outdoor Signs General	The sign complies with the relevant rules for building size, design or siting if it is attached to a building.	See above <b>Discretionary</b>
7.2.1.1 - Outdoor Signs Directional	Any sign to direct pedestrians, cyclists or motorists shall be a permitted activity if the following conditions are met: - The sign does not exceed a height of 3 metres above the ground; and	See Table 2-1 Does not comply <b>Discretionary</b>
7.2.1.2	The display area of the sign does not exceed 0.6m <sup>2</sup>	see table 2-1 <b>Discretionary</b>
7.2.1.3	The message on the sign is limited to arrows or the word 'entry' or 'exit'	Will advertise the name of commercial services <b>Discretionary</b>
<b>C8 Hazardous Substances</b>		
8.1.1.1	The quantity of each subclass of hazardous substances listed in <u>Appendix 9 Table E9.2</u> complies with the maximum storage quantities set out in <u>Appendix 9 Table E9.2</u> .	Complies, no hazardous substances triggering a consent.
8.1.1.2	Any area used to store any hazardous substance or materials treated with any hazardous substance, except for Liquefied Petroleum Gas (LPG) is: (a) Separated from the ground by an impervious surface; and (b) The impervious surface is designed to contain any runoff of the substance or water contaminated with the substance; and (c) The amount of containment available is no less than 110% of the volume of stored hazardous substances where the area is roofed; or (d) The amount of containment available is no less than 120% of the volume of stored hazardous substances where the area is unroofed.	<b>N/A</b>

8.1.1.3	Any hazardous substance is stored: (a) In a sealed container; and (b) The container is made of a material that is not weakened or corroded by the hazardous substance; and (c) The container is permanently labelled with the name of the contents; and (d) Only one type of hazardous substance is stored in each container;	N/A
8.1.1.4	Any hazardous substance(s) is/are not stored within 20m of any waterbody (excluding aquifers).	N/A.
<b>C9 Waste</b>		
9.1.1 – Waste Generation	Any activity, which is not a residential activity, which generates not more than 1 cubic metre of solid waste on average per week over a year, other than inert landfill, shall be a permitted activity.	<b>Restricted discretionary</b> Under <u>Rule 9.1.2</u> the Council shall restrict its discretion to the approval of a management plan to: 9.1.3.1 Minimise waste from the activity; and 9.1.3.2 Dispose of the waste in a way that mitigates adverse effects on the environment.
9.2.1.1 – Waste Storage	Only solid waste generated as part of activities on a site is stored on the site;	Complies <b>Permitted</b>
9.2.1.2 – Waste Storage	Any solid waste stored on a site is stored in a closed, waterproof container.	Complies <b>Permitted</b>
9.2.1.3 – Waste Storage	Solid waste is only stored on-site until it is able to be collected or removed for treatment or disposal elsewhere.	Complies <b>Permitted</b>
9.2.2 – Waste Storage	Any facilities for the temporary storage of solid or liquid waste delivered or conveyed onto the site shall be a discretionary activity.	The proposal does not involve conveying outside waste onto the site. <b>Permitted.</b>
9.3.1.1 Waste Disposal	The disposal of solid waste shall be a permitted activity if one or more of the following conditions are met: - The solid waste is green garden waste which is burned or composted on the site on which it is generated; or	<b>NR</b>
9.3.1.2 Waste Disposal	The solid waste is being applied as a manure, fertiliser, compost or mulch onto gardens, lawns, or soil used to grow plant or tree crops;	<b>NR</b>
9.3.1.3 – Waste Disposal	The waste is effluent from a household or building which is treated or disposed of on-site, in a Living Zone, where reticulated sewerage treatment and disposal is not required under <u>Rule 4.5</u>	<b>NR</b>
<b>C10 Activities</b>		
10.1.1 Activities and Contaminated land	Any activity shall be a permitted activity on any site which contains contaminated land or where past activities on that site include those listed in <u>Appendix 10</u> except for the following: Education Activities	The PSI prepared by Davis Ogilvie for consent 145600 concluded that there is no evidence of potential HAIL activities or significant ground contamination. <b>Permitted</b>

10.6.1 Activities and Noise	Any activity which is not a residential activity, spiritual activity or educational activity, shall be a permitted activity if the following noise limits are not exceeded within the time-frames stated.  7.30am – 8.00pm 50 dBA L <sub>10</sub> 8.00pm – 7.30am 35 dBA L <sub>10</sub> 7.30am – 8.00pm 85 dBA L <sub>max</sub> 8.00pm – 7.30am 70 dBA L <sub>max</sub>	Will comply – see Appendix 4  <b>Permitted</b>
10.7.1.1 Activities and Light Spill	The following activities shall be permitted activities: Any fixed, exterior lighting if it is directed away from adjacent properties and roads:	Will comply - see Appendix 7.  <b>Permitted</b>
Activities and Light Spill	The following activities shall be permitted activities: Any fixed, exterior lighting if it is directed away from adjacent properties and roads: Any lighting if it does not have a lux spill (horizontal or vertical) of more than 3 on to any part of any adjoining properties.	Complies – see Appendix 7.  <b>Permitted</b>
10.8.1 Activities and Scale	Any activity, which is not a residential activity, shall be a permitted activity if the following conditions are met:  10.8.1.1: No more than two full time equivalent staff employed on the site live off site, and  10.8.1.2: The gross floor area of any building(s) other than a dwelling does not exceed 300m <sup>2</sup> , or in the case of any building used for spiritual activities does not exceed 500m <sup>2</sup> , and  10.8.1.3: Vehicle movements do not exceed:  <ul style="list-style-type: none"> <li>State Highways, Arterial Roads and Collector Roads: 40 per day plus 4 heavy vehicle movements per day</li> <li>Local Roads: 20 per day plus 2 heavy vehicle movements per day.</li> </ul>	(i) All commercial activities will have greater than two full time equivalent staff.  (ii) The gross floor area of commercial and community buildings will be greater than 300m <sup>2</sup> .  (iii) All commercial activities will exceed the permitted level of vehicular movements.  <b>Discretionary</b>
10.9.1 Activities and hours of operation	Any activity, which is not a residential activity, shall be a permitted activity if the following conditions are met: 10.9.1.1: The employment of staff who are not resident on the site; and 10.9.1.2: Visits by customers, patrons, clients or other people to the site, who are not resident on the site shall only occur between the hours of 7:00am and 10:00pm on any day.	The childcare centre will be 7am to 6pm Monday to Friday.  The supermarket will be open for business between the hours of 7am and 10pm seven days a week. Goods servicing hours will be between 7am and 7pm daily.  <b>Discretionary</b>

10.10 Activities and outdoor storage of materials and goods	<p>10.10.1.3: The outdoor storage of any other goods or materials is permitted if the following conditions are met:</p> <p>(a) The outdoor storage space shall be screened from any road boundary of the site by a fence, wall, or vegetation of at least 1.8m in height, and</p> <p>(b) The outdoor storage area shall be screened from any internal boundary of the site which adjoins another site in a Living Zone or a site in a Business 1 Zone, by a fence, wall, or vegetation of at least 1.8 m in height; and</p> <p>(c) Any stockpile of soil, coal, sawdust, powdered fertiliser, or any other unconsolidated materials, is shall be covered or otherwise secured from being blown by the wind.</p>	<p>All outdoors storage of goods and materials will be screened from the road boundary (refer to Appendix 1).</p> <p><b>Permitted</b></p>
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The overall activity status of the commercial component is **discretionary** by virtue of the land uses proposed, parking, vehicle movements, size of signage, noise, scale of activity and hours of operation.

The Site is located within the Living Z zone. The following table assesses the commercial and community activities (supermarket, café. and childcare) against the relevant standards for the B1 zone. This provides a helpful guide in assessing the application given that the proposed activities service local convenience needs of the surrounding neighbourhood, and any area shown within an Outline Development Plan as a Neighbourhood or Local Centre is subject to the provisions of the Business 1 Zone, with a consent notice or similar mechanism to be registered on the Certificate of Title for these lots advising owners that the lot is subject to the Business 1 rule package (District Plan Rule 13.1)

Rule	Requirement	Proposal
Chapter 16 – Buildings		
Rule 16.1.1 buildings and landscaping	<p>any principal building shall be a permitted activity if the area between the road boundary and the principal building is:</p> <p>16.1.1.1 Paved or sealed; or 16.1.1.2 Planted in lawn; or 16.1.1.3 Landscaped with shrubs, bark chips or similar materials.</p>	<p>Refer to site plans and elevations (Appendix 1).</p> <p><b>Permitted</b></p>
16.3 Buildings and Water Supply	Any principal building within the Business zone shall be permitted if it is connected to a reticulated water supply, provided that it complies with the current New Zealand Drinking Water Standards.	<p>The proposed buildings are connected to reticulated water and meet the current New Zealand drinking standards.</p> <p><b>Permitted</b></p>
16.4 Buildings and Sewage Treatment	any principal building within the Business zone shall be permitted if it is connected to a reticulated sewage treatment and disposal	The proposed buildings are

and Disposal	systems	connected to reticulated sewage treatment and disposal systems.  <b>Permitted</b>
16.6 Buildings and Building Height	The maximum height of buildings in the Business 1 zone shall be 10m.	Maximum building height 7.5m with rooftop plant (21.2m <sup>2</sup> area) another 1m higher (supermarket building). Max height of preschool 4.2m.  <b>Restricted Discretionary</b>
16.7 Buildings and Building Position	Any building which complies with the relevant recession plane requirements set out in Appendix 11 shall be a permitted activity.  Note: there are no building setback requirements in the B1 zone	The proposed buildings comply with the relevant recession planes as shown on 'Elevation' plans which form Appendix 1.  <b>Permitted</b>
16.10 Large Scale Commercial development (450m <sup>2</sup> or more)	One or more commercial buildings within the Business 1 zone where the GFA exceeds 450m <sup>2</sup> shall be a restricted discretionary activity.	The proposed commercial buildings have a total GFA of more than 450m <sup>2</sup> .  <b>Restricted Discretionary</b>
16.11 Buildings and Security Shutters	Buildings in Business 1 zones specifies the installation of exterior security shutters shall be a non-complying activity.	Security shutters are not proposed.  <b>Permitted</b>
<b>Chapter 17 – Roading</b>		
17.2 Vehicle Accessways	17.2.1.1 The site within which the vehicle accessway is formed has legal access to a formed, legal road.	Will comply  <b>Permitted</b>
17.3 Vehicle Crossings	Must comply with table E13.5, E13.2.4.4, E13.2.4.5, E13.2.5.1	See compliance table, Appendix 3, Traffic Assessment.
17.5 Vehicle Parking and Cycle Parking	<b>Table E13.1(a) — Minimum Parking Spaces to be Provided</b>  <u>Preschool:</u> 0.26 spaces per child (including drop-off and staff parking)  <b>Table E13.1 (c) — Parking spaces to be provided for Town Centres, and Local and Neighbourhood Centres:</b>  <u>Food and Beverage (Lincoln KAC Precinct 1, Darfield, Leeston and Southbridge except as specified below):</u>	See compliance table, Appendix 3, TA  Preschool – 26 required, 27 provided & 2 mobility spaces  Café – 3 required & provided in the

	<p>3.5 spaces per 100m<sup>2</sup> PFA for the first 150m<sup>2</sup> then 15 spaces per 100m<sup>2</sup> PFA thereafter. Of which the greater of 1 space or 15% of the total spaces required for the activity, shall be marked on-site to provide a minimum level of staff parking.</p> <p><u>Retail activities generally (including Commercial)(Lincoln KAC Precinct 1, Darfield, Leeston and Southbridge except as specified below):</u> 3.5 spaces per 100m<sup>2</sup> GFA and/or outdoor display area. Of which the greater of 1 space or 15% of the total spaces required for the activity, shall be marked on-site to provide a minimum level of staff parking.</p> <p><u>Food and Beverage(Neighbourhood centres (activities under 450m<sup>2</sup>) and Prebbleton)</u> <u>(Note: this does not apply to the ODP Area 7 Neighbourhood Centre - refer Lincoln KAC Precinct 1 requirements above instead.):</u> 4.0 spaces per 100m<sup>2</sup> PFA for the first 150m<sup>2</sup> then 17 spaces per 100m<sup>2</sup> PFA thereafter. Of which the greater of 1 space or 15% of the total spaces required for the activity, shall be marked on-site to provide a minimum level of staff parking.</p> <p><u>Retail activities generally (including Commercial)</u> <u>(Neighbourhood centres (activities under 450m<sup>2</sup>) and Prebbleton)</u> <u>(Note: this does not apply to the Appendix 37, ODP Area 7 Neighbourhood Centre - refer Lincoln KAC Precinct 1 requirements above instead.):</u> 4.0 spaces per 100m<sup>2</sup> GFA and/or outdoor display area. Of which the greater of 1 space or 15% of the total spaces required for the activity, shall be marked on-site to provide a minimum level of staff parking.</p> <p><b>Table E13.2 — Minimum Car Park Dimensions</b></p> <table><tr><th>Type of Use</th><th>Parking Angle (°)</th><th>Stall Width (m)</th><th>Aisle</th><th>Stall Depth (m)</th></tr><tr><td></td><td></td><td>To be increased by 300mm where they abut a permanent obstruction (e.g. wall)</td><td>Specified for one way and two way traffic. Two way aisles shall be 5.5m (minimum)</td><td>3.5m if one way, 4.5m if two way, but the parking stall not approach on required landscape (setback)</td></tr><tr><td>Long Term (Tenant, employee and commuter parking, universities – generally all day parking)</td><td>90 (Imposed/variable) 60 45 30</td><td>2.4 2.4 2.4 2.1</td><td>6.2 4.8 3.0 3.1</td><td>5.4 5.4 5.4 5.4</td></tr><tr><td>Medium Term (Town centre parking, sports facilities, entertainment centres, hotels, motels, – generally medium term parking)</td><td>90 60 45 30</td><td>2.5 2.5 2.5 2.2</td><td>5.5 4.8 3.7 3.0</td><td>5.4 5.4 5.4 5.4</td></tr><tr><td>Short Term (Neighbourhood town centre parking, shopping centres, supermarkets, hospitals and medical centres (generally where children and goods can be loaded to car spaces and vehicles)</td><td>90 60 45 30</td><td>2.6 2.6 2.6 2.3</td><td>5.4 4.3 3.5 2.9</td><td>5.4 5.4 5.4 5.4</td></tr><tr><td>Disabled Parking</td><td>No aisle</td><td>3.2</td><td>No aisle</td><td>5.4</td></tr><tr><td>All Users</td><td>Parallel</td><td>2.5</td><td>5.5 (two way)</td><td>5.4</td></tr></table>	Type of Use	Parking Angle (°)	Stall Width (m)	Aisle	Stall Depth (m)			To be increased by 300mm where they abut a permanent obstruction (e.g. wall)	Specified for one way and two way traffic. Two way aisles shall be 5.5m (minimum)	3.5m if one way, 4.5m if two way, but the parking stall not approach on required landscape (setback)	Long Term (Tenant, employee and commuter parking, universities – generally all day parking)	90 (Imposed/variable) 60 45 30	2.4 2.4 2.4 2.1	6.2 4.8 3.0 3.1	5.4 5.4 5.4 5.4	Medium Term (Town centre parking, sports facilities, entertainment centres, hotels, motels, – generally medium term parking)	90 60 45 30	2.5 2.5 2.5 2.2	5.5 4.8 3.7 3.0	5.4 5.4 5.4 5.4	Short Term (Neighbourhood town centre parking, shopping centres, supermarkets, hospitals and medical centres (generally where children and goods can be loaded to car spaces and vehicles)	90 60 45 30	2.6 2.6 2.6 2.3	5.4 4.3 3.5 2.9	5.4 5.4 5.4 5.4	Disabled Parking	No aisle	3.2	No aisle	5.4	All Users	Parallel	2.5	5.5 (two way)	5.4	<p>overall parking area</p> <p>Supermarket – 107 required (for 3063m<sup>2</sup> GFA supermarket proposed) and 176 provided.</p> <p><b>Discretionary</b></p> <p>Will be designed to comply.</p>
Type of Use	Parking Angle (°)	Stall Width (m)	Aisle	Stall Depth (m)																																	
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All Users	Parallel	2.5	5.5 (two way)	5.4																																	
17.7 PARKING AREAS	13.1.2- Availability of Parking Spaces, must comply with E13.1.3.1, E13.1.3.2, E13.1.3.3, E13.1.4.1 ,E13.1.4.2, E13.1.4.3, E13.1.5.1, E13.1.5.2, E13.1.8.1, E13.1.9.1, E13.1.10	Refer to Section 6 District Plan Compliance in the TA																																			
17.7 PARKING AREAS	For all activities in the Business 1 Zone, new car parking areas shall be a permitted activity if they comply with 17.7.1.1,17.7.1.2, 17.7.2	Will be designed to comply as far as practicable.																																			
Chapter 19 – Signs																																					
Rule 19.1	19.1.1.1 The sign is erected on the site to which it relates, exclusive of a freestanding sign located on a footpath or grass berm outside the site but adjoining the site.	All signs associated with the proposed supermarket, cafe																																			

	<p>19.1.1.2 The sign does not have any flashing or revolving lights, sound effects, balloons or blimps.</p> <p>19.1.1.3 If a sign is illuminated, any light spill from the sign on to any road or any other site complies with the requirements in Rule 22.5 – Activities and Light Spill.</p> <p>19.1.1.4 The sign does not obstruct or impair the view for any motorist or pedestrian of any traffic signal, intersection, vehicle crossing, road bend or corner;</p> <p>19.1.1.5 The sign does not exceed the height of: (a) The building or structure to which it is attached, or (b) 6 metres, in the Business 1 and 2 zones, and 8 metres in the Business 3 Zones, if the sign is not attached to a building;</p> <p>19.1.1.6 (a) The sign does not exceed 3m<sup>2</sup> in area where it is not attached to a building; and</p> <p>(b) In the Business 1 zone, the total freestanding signage per site does not exceed 3m<sup>2</sup> where the site's road frontage is less than 50m, or 6m<sup>2</sup> otherwise;</p> <p>19.1.1.7 The sign is not of a colour or design that resembles a traffic sign or signal;</p> <p>19.1.1.8 Any sign overhanging a public footpath or road berm has a minimum height of 2.5m above the ground or footpath level;</p> <p>19.1.1.9 The sign does not protrude beyond the edge of a building if it is attached to a building</p> <p>19.1.1.10 In the Business 1 zone, signage does not occupy more than 25% of any building elevation if it is attached to or painted on or otherwise provided on the elevation.</p>	<p>and childcare, shall be erected on the site to which it relates.</p> <p><b>Permitted</b> Signs will not be flashing or revolving lights.</p> <p><b>Permitted</b> <b>Can comply</b></p> <p>Signs will not obstruct or impair the view of motorists or pedestrians of any traffic signal intersection etc. <b>Permitted</b></p> <p>Pylon sign for the supermarket is 9m high. The sign will exceed the height of the building. <b>Discretionary</b></p> <p>Several of the signs will be larger than 3m<sup>2</sup>. Largest is the supermarket pylon sign – 29.7m<sup>2</sup> per face. <b>Discretionary</b></p> <p>See table 2-1 - signs greater than 6m<sup>2</sup> <b>Discretionary</b></p> <p>Complies.</p> <p>Complies.</p> <p>Signs will not protrude beyond the edge of the building. <b>Permitted</b></p> <p>Complies - <b>Permitted</b></p>
<b>Chapter 21 – Waste</b>		



21.1 Waste Generation	Activities which generate 3 cubic metres or less of solid waste on average per week over a year shall be a permitted activity	Complies.  <b>Permitted</b>								
21.2 Waste Storage	21.2.1.1 Only solid waste generated as part of activities on a site is stored on the site;  21.2.1.2 Any solid waste stored on a site is stored in a closed, waterproof container;  21.2.1.3 Solid waste is only stored on-site until it is able to be collected or removed for treatment or disposal elsewhere.	Complies with all these rules.  <b>Permitted</b>								
Chapter 22– Activities										
22.1 Activities and Contaminated Land	Any activity shall be a permitted activity on any site which contains contaminated land or when past activities on that site include those listed in <u>Appendix 10</u> , except for the following: Erecting any dwelling; Educational facilities; Outdoor recreation activities; and Growing commercial food crops or rearing animals.	The Site will accommodate an education facility and residential development. In accordance with the PSI undertaken by Davis Ogilvie for consent 145600, there is no evidence of potential HAIL activities or significant ground contamination.  <b>Permitted</b>								
22.4 Noise	Rule 22.4.2 specifies any activity conducted on any day shall be a permitted activity, provided that the following relevant noise standards are complied with.  Business 1: Noise assessed within a Living zone or within the notional boundary of any dwelling within any Rural zone: <table><tr><td>7.30am – 8.00pm</td><td>55dBA L10</td></tr><tr><td>8.00pm – 7.30am</td><td>40dBA L10</td></tr><tr><td>7.30am – 8.00pm</td><td>85dBA Lmax</td></tr><tr><td>8.00pm – 7.30am</td><td>70dBA Lmax</td></tr></table>	7.30am – 8.00pm	55dBA L10	8.00pm – 7.30am	40dBA L10	7.30am – 8.00pm	85dBA Lmax	8.00pm – 7.30am	70dBA Lmax	The noise standards at the Living zone boundary are essentially the same as applies within the Living Z zone. The acoustic assessment (Appendix 4) states:-  <i>“we consider that noise effects arising from the applications are such that the noise limits . . . are achieved.”</i>
7.30am – 8.00pm	55dBA L10									
8.00pm – 7.30am	40dBA L10									
7.30am – 8.00pm	85dBA Lmax									
8.00pm – 7.30am	70dBA Lmax									
22.5 Activities and Light Spill	22.5.1.1 Any fixed, exterior lighting if it is directed away from adjacent properties and roads.  22.5.1.2 Any other lighting if it does not exceed:  (a) 3 lux spill (horizontal or vertical) on to any part of any adjoining property in a Living zone or within the notional boundary of any dwelling within any Rural zone; and  (b) 10 lux spill (horizontal or vertical) on to any part of any adjoining property within the same Business zone.	Exterior lighting on the site will be provided to ensure an average of 35 lux in accordance with the provisions of NZ standards AS/NZS Road lighting part 3.1: Pedestrian Area (Category C) is achieved. The lighting will be designed to ensure								

		that light spill onto adjoining residential properties does not exceed 3lux.  <b>Permitted</b>
22.11 Retailing in ODP Neighbourhood and Local Centres within the Business 1 zone	Rule 22.11.1 Any retailing activity within a neighbourhood centre as identified on an ODP contained in Appendices 37 and 38 within either Rolleston or Lincoln with a total retail floor space in excess of 2000m <sup>2</sup> or individual retail tenancy area greater than 350m <sup>2</sup> GFA shall be a non-complying activity	The retail development is not located within an identified neighbourhood centre. The total retail floorspace will equate to 3055m <sup>2</sup> (supermarket 2975m <sup>2</sup> , café/bar, 80m <sup>2</sup> ) The supermarket and retail both exceed 350m <sup>2</sup> GFA.  <b>Non complying</b>  (technically does not apply as the proposed supermarket is not within a neighbourhood centre identified on an ODP)

The overall status of the commercial proposal is **discretionary** in terms of the relevant B1 rules. Rule 22.11 is not considered directly applicable as the site is not a neighbourhood centre identified in the ODP.

**Under both the LZ and B1 zone rules all aspects of the proposal are either permitted, or discretionary. The overall status is discretionary against the LZ rules which are the most relevant because of the current LZ zoning.**

### 3.3.4 Living Zone Rules – Subdivision and Earthworks

The following rules of the SDP are relevant to the subdivision part of the application.

C12 Subdivision Living Zones		
Access 12.1.3.1	That any allotment created has legal access to a legal formed road.	Each of the respective allotments will have access of a legal formed road.
Corner Splays 12.1.3.2	The corner of any road is splayed with a rounded minimum radius of 3m.	Will comply
Water 12.1.3.3	Each allotment is provided with reticulated water supply	Reticulated water will be provided to each allotment
Effluent Disposal	Each allotment is provided with reticulated effluent	Reticulated effluent treatment and disposal

12.1.3.4	treatment and disposal.	will be provided to each allotment.
Solid Waste disposal 12.1.3.5	Each allotment is provided with a facility or service to dispose of solid waste.	The site is located close to Lincoln Township and provides roads of a sufficient size to allow egress by Council operated rubbish collection services.
Size and Shape 12.1.3.6	For sites that form part of a comprehensive Medium Density development in a Medium Density Area covered by an Outline Development Plan, there shall be no minimum building area requirement.	The residential units do not form part of any comprehensive medium density development  <b>N/A</b>
Size and Shape 12.1.3.7	Any allotment created, including any balance allotment, complies with the relevant allotment size requirements set out in Table C12.1:  <b>Low Density:</b> Minimum average allotment size of 600m <sup>2</sup> and a minimum individual allotment size of 500m <sup>2</sup>  <b>Medium Density (Small-lot):</b> Maximum average allotment size of 500m <sup>2</sup> , with a minimum individual allotment size of 400m <sup>2</sup>  <b>Medium Density (Comprehensive):</b> Maximum average allotment size of 350m <sup>2</sup> , with no minimum site size.	Proposal is for 17 low density residential lots with an average of 651m <sup>2</sup> . Superlot 5002 will be developed for medium density residential purposes and will be the subject of a separate future application.  Larger lots are proposed for the supermarket and café (1.1240ha) and preschool (2563xm <sup>2</sup> ).  <b>Permitted</b>
Outline Development Plan 12.1.3.58	Any subdivision within a Living Z zone subject to an operative outline development plan shall be in general accordance with that outline development plan.	In accordance with ODP Area 3, commercial activities are not in accordance with the locations for these features as shown on the Lincoln Area 3 ODP  <b>Discretionary</b>
Outline Development Plan 12.1.3.59	For Medium Density areas shown on an Outline Development Plan, subdivisions consented after 30th June 2014 shall be designed to provide rear service lane access to small lot medium density sites.	Not applicable.

### 3.4 Rule Summary

Overall there is a large measure of compliance with the relevant rules set out above.



## 4. Assessment of Effects of the Commercial Development

### 4.1 Introduction

Sections 3.2 and 3.3 of this AEE have assessed compliance with the relevant Regional and District Plans assessment criteria and, in doing so, has to a significant degree, addressed associated effects associated with the proposed development. This part of the AEE is therefore in the form of a summary assessment of the wider effects on the environment, in particular the local environment.

This assessment has taken into account that the overall proposal is a discretionary activity.

The effects assessment below addresses effects as part of the wider effects assessment.

### 4.2 Positive Effects

It is appropriate to establish the positive effects of the development, and consider such attributes given the discretionary status in relation to the District Plan, against any potential for adverse effects. Further, the purpose of the RMA includes enabling *“people and communities to provide for their social, economic and cultural wellbeing and for their health and safety.”*

The development will result in significant positive social and economic outcomes for the community, with the overriding benefit being the provision of a modern supermarket, café, and an early education facility within this growing North Lincoln suburban area to meet the needs of the surrounding catchment within a neighbourhood centre containing community support facilities to provide for the social and community needs of this growth area. The creation of 17 dwelling sites, including smaller medium density lots on super lot 5002 immediately adjacent to the commercial area will further support and strengthen the creation of this neighbourhood centre.

As is noted in section 4.5 below there will be no adverse effects on the Lincoln Key Activity centre and any trade competition effects must be disregarded. Customer choice will be increased with the addition of a second supermarket in the Lincoln township. The urbanisation of this area through this mixed use development is anticipated by the ODP.

### 4.3 Amenity Values

#### 4.3.1 Overview

Amenity values are those natural and physical qualities and characteristics of an area that contribute to people’s appreciation of its pleasantness, aesthetic coherence and cultural and recreational attributes. As such, any assessment of effects on amenity values is wide ranging, and can encompass a number of varying considerations, which have been addressed throughout this AEE.

The amenity values associated with the surrounding area are highly influenced by the built form character of this area. As described in section 2 above the environment that the site sits in is zoned residential but not fully developed. In effect, this part of North Lincoln is in transition from open rural activity to fully urban development.

Amenity values associated with the proposal are to be considered through a variety of District Plan mechanisms, these include matters associated with the Outline Development Plan Area 3 (Appendix 37) of which the urban design principles based on the New Zealand Urban Design Protocol are a key component, as are the density, green network, blue network and movement network plans.

Overall it is considered that the design and layout of the proposed commercial and community activities, together with the residential subdivision pattern, will deliver a high standard of amenity for the neighbourhood.

#### **4.3.2 Landscape and Visual Character**

For reasons explained in Section 2.3 of this AEE it is considered that the landscape concept for the proposed development will provide an attractive street frontage to Birchs Road, create and enhance public amenity, soften the building facades and maintain a suitable interface with the surrounding residential land uses.

The proposed change in use from rural to commercial and residential land uses will result in a change in the characteristics attributed to the site, from the current somewhat open and relatively undeveloped environment, to an environment of urban and business activity. This change in use has the potential to impact on the current landscape and visual amenity that is associated with the immediate and surrounding residential and open space areas. However, the Outline Development Plan area and the zoning of the land anticipate, and provide for this change in use, and provide the mechanisms to ensure that any potential for adverse landscape and visual effects can be appropriately managed, being the respective zone standards and the associated assessment criteria.

These mechanisms provide a framework to ensure that any potential for adverse visual and landscape effects can be appropriately avoided, remedied or mitigated at the time of development. As detailed in Section 3 above, the development will comply with the majority of the standards and will meet the relevant assessment criteria. As such, it is reasonable to conclude that any potential for adverse landscape and visual effects on the surrounding environment will be limited.

The landscape design philosophy that has been adopted for the proposal is as follows:

- to integrate the supermarket and café into the surrounding landscape setting wherever possible;
- to provide an appropriate interface between the commercial, community and residential development areas;
- to mitigate any adverse visual or landscape effects of the development;
- to strengthen and reinforce the existing pattern and characteristics of the area;
- to maintain the landscape character and rural amenities of the area; and
- to achieve a high level of amenity.

The landscape planting proposed for the overall site will ensure that a combination of street tree planting, on site planting and planted berms will be implemented to provide a green buffer to the proposed commercial development. As such, it is reasonable to expect that any potential for adverse landscape and visual effects will be mitigated by the landscape treatment that is proposed for the site

Overall the proposed design is considered to minimise any effects which it may have on other activities in the area.

#### **4.3.3 Urban Design**

In urban design terms the effects of the proposed mixed use development are considered to be minimal because the commercial and residential proposals will make a positive contribution to the area, the development is anticipated for and provided by the District Plan, will strengthen the streetscape and create pedestrian amenity. All building masses and forms are broken up and modulated with well-articulated facades. The legibility of the commercial buildings is clear and their various elements are well integrated.

It is considered that the Urban Design principles set out in the ODP Area 3 section are appropriately met given the functional and operational requirements of the proposed commercial and community facilities to be erected in the neighbourhood centre. The form of development proposed will deliver:

- a strong sense of place and a coherent and safe neighbourhood;
- neighbourhoods that are well connected and promote active walking and cycling; and
- achieve a high level of amenity.

Crime Prevention Through Environmental Design (CPTED) considers how the design of urban environments affects the opportunity for crime and the level of fear of crime. The basic good practice CPTED principles are:

- natural surveillance;
- activity generators;
- natural access control;
- territorial reinforcement;
- management and maintenance; and
- target hardening.

The development is consistent with these CPTED principles.

From an overall urban design perspective it is considered that the proposed development, as a whole, is an appropriate development of the site which appropriately responds to the expectations of the District Plan.

#### **4.3.4 Noise**

The main purpose of the noise controls for the Living Z zone is to protect residential activities from the potential adverse effects of intrusive noise.

The operation of the new supermarket and the commercial / childcare activities will comply in all respects with the required noise limits. These standards will assist in preventing background noise levels rising, and will maintain a reasonable acoustic environment at the boundary with the adjoining proposed and future residential properties.

While controlling people generated noise is difficult as it is often spontaneous, the noise environment in the area will be influenced by the amenity that will be attributed to this area in the future, being a new supermarket, café and childcare centre on a major arterial road. Recognising these elements, a number of measures associated with ensuring noise effects are

appropriately managed as categorised as 'Design' mitigation and 'Operational mitigation' are specified in Section 2.4.4 and 4.14 of this AEE and in Technical Report 5 (see section 7).

To ensure that any potential for adverse effects is mitigated an Acoustic Design Certificate will be required to be submitted to the Council at the time of building consent. This certificate will need to certify that the activity related noise sources (e.g. mechanical plant, service and loading and customer car park) incorporate sufficient acoustic attenuation and has been appropriately designed and constructed to ensure compliance with the noise limits for the zone.

Some specific noise mitigation measures are necessary (see section 4.14 below) and the outdoor play area for the childcare centre will be acoustically fenced to ensure that the day time noise levels immediately outside this play area comply with the day time noise limits for the Living Z zone. The supermarket loading dock area will also be acoustically fenced.

#### **4.3.5 Vibration**

There is some potential to expose adjoining properties to vibration from vehicles and machinery that may interfere with comfort, working efficiency and, in some instances, health and safety. It is expected that the potential for vibration effects will be limited to construction activities, and that implementation of industry standard construction techniques and conditions of consent will ensure that any potential for adverse effects will be minimal.

#### **4.3.6 Signs**

Where signage is poorly sited and designed it can cause visual clutter, confusion and can be a traffic hazard. The supermarket signage will be simple and integrated within the profile of the proposed supermarket building, and will provide for a contrasting element in the overall appearance of the building. The pylon sign will display simple bold messages.

The type, extent and nature of the signage to be provided on the site will be consistent with the signage that occurs on supermarket sites throughout the country. This signage is considered to be of an appropriate scale for the activities and the general location. As such, it is considered that there will be limited potential for adverse amenity impact as a result.

All signage proposed relates to the naming of the commercial and community facilities and is not expected to give rise to material impacts on driver distraction or safety.

#### **4.3.7 Hours of Operation**

The supermarket will operate from 7am to 10pm daily. These opening hours are not expected to give rise to any additional potential for adverse effects on the amenity associated with the surrounding environment. The café hours may vary but will not be outside the supermarket opening hours.

The childcare centre Monday to Friday and will be closed all weekends and public holidays.

#### **4.3.8 Lighting**

The outdoor lighting provided as part of the proposed supermarket development will be designed and located in a manner that ensures glare is not directed to the adjoining properties (see Technical Report No. 5 in Appendix 6). The proposed lighting plan for the



supermarket development (page 3 in Technical Report No.6) will comply with light spill rules set out in section 22.5 of the District Plan.

In this respect, the use of artificial lighting on site will produce an illuminance up to but not exceeding 3 lux at any residential boundary. This can be ensured through a requirement for an electrical completion certificate to be provided at the building consent stage.

As is common practice for all outdoor lights not required for security purposes lighting will be turned off when the supermarket and cafe are not open. As such, the use of artificial lighting on the site will not cause discomfort and loss of amenity to the adjacent residential properties or detract from the dark night-time environment.

All residential street lighting will be installed in accordance with the P3 standard of AS/NZS 1158.

## **4.4 Transportation**

### **4.4.1 Introduction**

A detailed transportation assessment has been prepared by Stantec Ltd (see Technical Report No. 1). This report has focused on the following elements:

- The level of traffic that is likely to be generated by the proposed mixed use development and the impact that this will have on the surrounding road network;
- The nature and form of the concept design for the intersection at the junction of Birchs Road and the Makybe Terrace extension;
- A safety audit of the existing and proposed road network;
- The ability of the proposed mixed use development to accommodate the expected parking demand;
- The ability of the mixed use development to facilitate the safe and efficient movement of vehicles to, from and within the mixed use sites to be created; and
- The effects of the proposed mixed use development in relation to pedestrian and cycle movements.

### **4.4.2 Existing Traffic Environment**

#### **(a) Local Network Characteristics**

The overall site has primary road frontage to Birchs Road which is classified as a Collector Road in the ODP.

#### **(b) Wider Network Characteristics**

Birchs Road provides a connection between the eastern sides of Lincoln and Prebbleton with Springs Road providing the connection on the western side.

### **4.4.3 Traffic Generation and Effects**

The peak hour traffic generation of the commercial components are assessed by Stantec to be in the order of 441 movements however most of these are not new trips (see Table 2). The road network will not be adversely affected by such a level of traffic generation.

#### 4.4.4 Road Network Improvements and Additions

The proposed road modifications required because of the commercial development are described in section 2.6 of this AEE and in section 4.3 of Technical Report No.1. Any effects of these modifications are deemed to be less than minor.

#### 4.4.5 Parking Elements

Full compliance with the ODP parking requirements and layout standards is achieved. There will be no effects beyond the overall site perimeter.

#### 4.4.6 Servicing

Only the supermarket requires a formal loading dock and one is provided. The design of the loading dock is fully compliant with Council standards.

The café and childcare facility will be serviced via the front doors, but car space loading zones can be provided if required.

#### 4.4.7 District Plan Traffic and Transportation Provisions

The District Plan Compliance Assessment contained in Section 6 of Technical Report No. 1 identifies that some non-compliances with the relevant plan provisions arise.

However it is considered that these non-compliances are of a more technical nature because of the overall developed design for the mixed-use development and do not trigger effects that are minor or more than minor.

#### 4.4.8 Summary of Traffic Effects

The report concludes that *“the mixed-use development, as proposed, can be properly and safely accommodated across the site, and that the associated effects can be appropriately managed and mitigated through the introduction of the new roading infrastructure, which forms part of the development.”*

### 4.5 Economic Effects

Technical Report No.4 prepared by Urban Economics Ltd (UEL) initially considered the following matters:

- A supermarket of up to 1500m<sup>2</sup> in area and up to 375m<sup>2</sup> of café/retail;
- Site availability analysis within the Lincoln KAC;
- Assessment of supermarket land prices;
- Market demand growth forecasts in Lincoln over the next 10 – 20 years;
- Assessment of trade competition impacts on the Lincoln KAC; and
- An evaluation of the economic benefits and costs.

UEL addressed these matters in some detail in their assessment and concluded that:

*“The proposal is considered to have significant economic benefits and no economic costs and is therefore recommended for approval.”* (Section 12 page 21)

Subsequent to UEL's initial assessment completed in February 2018, the Applicant and WNZL, as noted in section 1.3 of this AEE, reviewed existing and likely future growth rates in Lincoln township, the anticipated expansion of some of its major employers such as Agresearch and the potential rezoning of additional areas for urban development and have now decided that a 3063m<sup>2</sup> Countdown supermarket is feasible and viable at this stage.

UEL were then asked to update the economic assessment of any effects of the increase in supermarket size. This assessment is also included in Appendix 5. UEL's main findings are:

- *"The proposed 3063m<sup>2</sup> Countdown will improve the local supermarket offer, leading to more supermarket expenditure being retained in Lincoln, from approximately 50% to 60%.*
- *There will be sufficient demand to support a supermarket the size of the proposed Countdown in Lincoln by 2024.*
- *The increase in size of the proposed supermarket is unlikely to result in additional significant competitive impacts on the existing New World supermarket."*

The Applicant and its advisers anticipate that Council will engage Covic Consultants Ltd to peer review the revised economic assessment as part of the processing of this application for consent.

#### **4.6 Ecological Effects**

There are no ecological effects as the site was originally used for farming purposes and there are no natural water courses or native vegetation across the site.

#### **4.7 Essential and Utility Services**

There is sufficient capacity in the existing essential and utility services to ensure that all sites created from the overall site are fully serviced. On this basis there is very limited potential for any adverse effects arising from new connections.

#### **4.8 Contamination**

Potential contamination was investigated as part of Consent 145600 and it was concluded that "no evidence of potential HAIL activities or significant ground contamination was identified or observed during the PSI desk study and walkover. Accordingly, it is considered highly unlikely that there will be a risk to human health if the proposed subdivision and change of land use were to occur."

#### **4.9 Geotechnical Ground Conditions**

Ground conditions were investigated as part of Consent 145600 and concluded that *"the residential area is predominantly TC2"*. Accordingly the proposed subdivision into residential and commercial lots can proceed even though all lots will require site specific geotechnical investigation at the building consent stage.

#### **4.10 Stormwater Management**

As described in section 2.7 of this AEE, sufficient proprietary stormwater treatment devices, underground storage tanks and vegetative cover can be provided across the overall site to

pre-treat stormwater runoff prior to discharge into the stormwater system. This approach will minimise any potential adverse effects from the increased runoff as a result of the built development.

#### **4.11 Reverse Sensitivity**

The potential for reverse sensitivity effects to occur is related to the retail/community activities being established in an area that is to be predominantly transitioning residential in nature.

The potential for adverse reverse sensitivity effects is considered to be very limited given the nature of the mixed use proposal and the extent of compliance achieved with the noise and amenity standards of the District Plan. It is considered that the nature of the proposal generally is consistent with the development expected in the North Lincoln Outline Development Plan Area 3 and Area 4 and the surrounding residential zone. Overall, while the District Plan does not anticipate retail activities to occur on this site, all these retail and community activities will be operated in accordance with the required noise limits.

#### **4.12 Construction Effects**

Any building construction effects, particularly noise, are temporary and able to be appropriately minimised via the preparation and implementation of a Construction Management Plan (CMP) or the imposition of relevant conditions of approval on any consent granted.

Technical Report No. 3, Acoustic Assessment, notes in section 4.4 that:

*“The construction of all site facilities should be conducted in accordance with the requirements of NZS 6803:1999 ‘Acoustics – Construction Noise.’”*

At other new Woolworths supermarket sites around New Zealand full compliance with NZS 6803: 1999 has been achieved.

Other construction effects, including the potential disruption to traffic, the safety of site users and the public during the construction phase, on-site building works and potential nuisance effects are all able to be addressed to ensure there are less than minor effects beyond the site boundary.

#### **4.13 Cultural Effects**

The development will not give rise to any adverse cultural effects on Ngai Tahu values, sites or areas of interest. The site is identified within the District Plan and the Regional Policy Statement as being appropriate for urbanization. No part of the site is identified as having specific relevance in terms of Ngai Tahu values and the natural environment. Lastly, as identified, the landscape proposals for the site as identified in Technical Report No. 3 have been influenced based on the historical and cultural associations with the wider area.

#### **4.14 Summary of Effects**

The development implements a long standing regulatory directive in the CRPS(2013) and the Selwyn District Plan for the urbanisation of this area to provide for residential housing.

Many of the identified effects on the environment are therefore already subsumed within 'the environment' as to be considered under s104(1)(A) of the Act. Rightly, both the Canterbury Regional Council and the Council have sought to retain management of aspects of such large-scale urbanisation, both through the construction, earthworks and development stages; and consequentially in terms of ensuring that the resultant product becomes a high quality and integrated part of the urban mosaic of Lincoln.

There are a series of Management Plans to address construction, erosion and sediment control. All of these plans are relatively orthodox, and their application recognises both the scale of works proposed, and the need to manage construction and off-site effects associated with that process. Adverse effects on the environment will be less than minor.

Where the proposal deviates from the Outline Development Plan Area 3A (Appendix E 37) is to create a commercial and community area to provide a viable development where such a prospect is not foreshadowed in the District Plan. There is a sustainable need to provide for a viable and integrated development within the control of the applicant, in a manner that manages and mitigates adverse effects to an appropriate level, and provides for better overall outcomes. The mixed use development proposal achieves these aims, and the Plan recognises that rigid adherence to an Outline Development Plan is not required where this is achieved.

In terms of operation, the assessment concludes that the commercial extent of the development provides for a number of positive benefits and will not generate material distributional effects, nor adversely affect the health and vitality of the Lincoln KAC (Technical Report No. 5), that a range of residential dwellings are provided for in a manner that assists with meeting short and longer term housing needs (Technical Report No. 5), and that effects arising from operational matters such as noise are addressed to an appropriate degree (Technical Report No.3).

Overall and in combination with the mitigation measures recommended below it is concluded that the adverse effects generated from the proposal as a whole are less than minor, and in general accordance with the provisions and anticipated land uses within the District Plan.

Mitigation measures are volunteered as conditions of consent and as categorised above, to be imposed with the relatively standard conditions of consent will therefore include:

- Formation stages of development:
  - Application and adherence to the CMP and compliance, as far as practicable, with NZS 6803:1999 Acoustics – Construction Noise.
  - The proposed landscaping shall be established in accordance with the landscape plan submitted with the application/s.
  - All required landscaping shall be established within six months as associated with the completion of development of each subdivision stage.
  - All landscaping required for this consent shall be maintained. Any dead, diseased or damaged landscape planting is to be replaced immediately, or within the first growing season, with plants of a similar species.

- Acoustic Recommendations:
  - Service vehicles (rubbish, recycling etc) are to be restricted to day time hours only (0700-2000hrs).
  - Supermarket deliveries are to be restricted to day time hours only (0700-2000hrs)
  - Prior to the issue of a building consent, the Applicant will submit a report from a suitably qualified person demonstrating that the mechanical services design for the facility will ensure compliance with the night-time noise standards applicable to the surrounding Living Zones.
  - As a minimum, 2.0m and 1.8m high noise control fences are to be provided as indicated in Appendices F and G (Technical Report No.3) and noise control fences should be constructed in general accordance with MDA standard fence detail shown in Appendix H of Technical Report No. 3.
  - The pre-school is to be designed to ensure noise levels are kept at reasonable levels, especially in areas designated for sleep or rest.
- Traffic Condition
  - The Applicant shall be responsible for the cost of the upgrades to the adjacent road network arising from and required for the proposed development.

The Applicant accepts these conditions.

## **5. Assessment of Effects of the Proposed Subdivision**

### **5.1 Effects on neighbours and the wider community, including socio-economic and cultural effects**

#### *Local Amenity and Character - Residential*

The proposed change in use from rural to residential land uses is anticipated and provided for under the LZ zoning and ODP Area 3, with the exception of the introduction of the neighbourhood centre.

The future superlot for medium density housing will be within easy walking distance of these community and commercial facilities in addition to a proposed reserve area located on lot 1013. The location of the latter is a logical and appropriate land use response. Medium density housing will also add to the diversity of housing types and living environments here.

The subdivision blocks are small and easily navigable and meet the subdivision standard which specifies an average perimeter of 800m and maximum of 1000m. The size and shape of all residential lots have been designed to contain a building area of not less than 15m x 15m or 8m x 15m.

There are no existing trees, or other landscape features worthy of retention. Landscaping is proposed along the eastern boundary of the commercial Lots and southern boundary of the preschool Lot in order to create an appropriate residential/commercial interface.

The subdivision layout and development will provide for a pleasant living environment, provide a sense of place, identity and community, and the development will add to and enhance the overall residential character of the township. Overall, it is considered that the proposal will positively contribute to the local amenity and character of the area. In particular, the proposed commercial and community facilities provided for as part of the proposed subdivision layout will provide additional amenities for the north Lincoln area.

#### *Local Amenity and Character - Commercial*

Refer to Section 4.3 above.

#### *Socio-economic effects*

The proposed subdivision will have positive socio economic effects through the generation of local employment, the provision of available residential lots to provide greater supply and choice in the housing market and added locally available commercial and community facilities.

### **5.2 Physical Effects on the Locality**

#### *Road network*

Stantec have undertaken a detailed traffic assessment of the proposed development (Appendix 2). In summary their findings are that the road layout is in accordance with the underlying ODP for this area and the proposed road network has been appropriately designed

as well as allowing for additional growth on Birchs Road. The design and location of local roads within the subdivision is considered to provide safe and efficient access to all lots.

For the reasons set out in the Traffic report, the transport effects of the proposed development are less than minor.

#### *Landscape and Visual Effects*

In respect of ODP 3, it is acknowledged that commercial aspect of the proposal and medium density housing is not anticipated. The effects of the commercial components have been addressed in Section 4 of this report

The proposed Superlot is centrally located within the development area, close to the commercial facilities and preschool. It will be the subject of a separate consent.

#### *Earthworks*

Cutting and/or filling will be required for the stormwater network to function correctly. In addition to this, common services trenches, sewer and stormwater infrastructure will require excavation for installation. Minor lot regrading will need to be undertaken over the majority of the development.

All earthworks will be undertaken in accordance with the requirements of NZS 4431:1989 (Code of Practice for Earth Fill for Residential Development), SDC, Environment Canterbury and the proposed Site Management Plan.

### **5.3 Effects on natural and physical resources having aesthetic, recreational, spiritual, scientific, historical or cultural, or other special value for present and future generations**

There are no known aesthetic, recreational, spiritual, scientific, historical or cultural, or other special values for present and future generations at the Site.

### **5.4 Discharge of contaminants into the environment, including any unreasonable emission of noise and options for treatment and disposal of contaminants**

No additional discharges are anticipated as arising from the subdivision proposal.

### **5.5 Any risk to the neighbourhood or wider community or the environment through natural hazards or the use of hazardous substances and installations**

The subdivision does not include the use of any hazardous substances or installations.

A geotechnical report on the area north of the Flemington development was approved under RC145600. Parts of Stage 12 of the current application were previously assessed under the original subdivision application. The report concluded that based on a refined analysis of the expected land performance in terms of vertical settlement and lateral movement, as detailed in the report, the residential area is predominately TC2 with a pocket of TC1 in the south west portion of the Site. Two CPT's indicated slightly higher settlements, straddling



TC2/TC3 performance however these are located in the proposed Stormwater Management Area and are not expected to affect any of the proposed residential sites.

The geotechnical report stated that the proposed subdivision may proceed subject to the following conditions:

- All residential lots require specific geotechnical investigations to determine the shallow soil conditions and confirm geotechnical recommendations for specific building sites.
- Compliance with finished floor levels required by the relevant authority (ECAN, SDC or Clause E1 of the NZ Building Code, whichever is higher) is necessary and should be confirmed with the SDC at building consent stage.
- The Stormwater Management Area remains in the current proposed location and no other significant changes to the layout of the proposed development occur.

## **5.6 Hazardous Substances and Hazardous Installations & Discharge of Contaminants**

The Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NESCS) Regulations 2011 (MfE, 2012) apply to all sites where an activity or industry on the Ministry for Environment's (MfE) Hazardous Activities and Industries List (HAIL) list is, has, or is more likely than not to have occurred (MfE, 2011a). Subdivision and change of land use (rural to residential), required by the proposed site development, are activities covered by the NESCS.

A site contamination assessment was undertaken for the entire 58 ha Flemington subdivision site by Tasman Environmental Management in December 2013. This found that the bulk of the property did not show elevated concentrations of contaminants in the soil and was therefore suitable for residential development. However two areas associated with a former UST (underground storage tank) and a reinstated borrow pit did require the excavation and removal of uncontrolled fill. The pit created from the removed material was validated prior to backfilling. In addition a building on the site had been confirmed as having an asbestos cladding. Specialist advice was sought before demolishing the building. These local areas are not within the current subdivision proposal area and have since been developed for residential purposes, in accordance with the recommendations of the Tasman report, and approved resource consent conditions.

## **5.7 Summary**

Overall, any adverse effects of the proposed subdivision are considered to be less than minor.



## **6. Consultation and Notification**

### **6.1 Extent of Consultation**

#### **6.1.1 Introduction**

Given the extent of consultation undertaken by the Council in the lead-up to the adoption of eight Outline Development Plans for Lincoln, which became operative on the 3<sup>rd</sup> May 2016, no consultation with any parties other than the Regional Council and Selwyn District Council is deemed to be necessary.

#### **6.1.2 Consultation with Selwyn District Council**

An initial briefing meeting was held with Council officers on the 13<sup>th</sup> December 2017. The key concerns / matters raised by Council officers were:

- a) The likely impact on the Lincoln KAC;
- b) Whether the commercial development was / is contrary to the relevant district plan objectives and policies;
- c) The carpark provision looks to be excessive; and
- d) Advice that full notification of the application/s is highly likely.

These discussions have assisted to inform the detailed investigations undertaken for the preparation of this AEE in support of the applications.

As explained in section 4.5 of this AEE there are no adverse effects on the KAC that are not trade competition related.

For reasons set out in Section 3.3 of this AEE, the commercial part of the mixed use development is not repugnant to the relevant objectives and policies. The level of carparking proposed is at a sustainable and defensible level.

The notification / non-notification matter is addressed in section 6.2 below.

On the 12th April 2018 a further meeting with Council officers was held where updated plans of the development were tabled. This meeting focused on traffic related issues and the key concerns / matters raised by Council officers were:

- a) A slip lane on Birchs Road may be required;
- b) There is room to recentre Birchs Road;
- c) The rail trail cycleway is fine remaining in the Birchs Road berm;
- d) Cross traffic conflicts need to be looked at;
- e) Caulfield Road design needs to be developed further;

Both these meetings included an additional plot of land known as the 'North Block'. The Applicant has decided not to proceed with the subdivision and urban development of this block.

Accordingly a further briefing meeting with Council officers was held on 4th December 2018 to discuss the form of the mixed use development the subject of this AEE. The key concerns/matters raised by Council officers were:

- a) There were no concerns with the proposed T intersection;
- b) There were no concerns regarding the left-in truck entry from Birchs Road; and
- c) They were concerned with what appeared to be excess parking on either side of the New Road.

In response the Applicant and its advisers have decided to move the childcare facility to the Birchs Road frontage. This reduced the overall parking provision from 216 spaces to 206 spaces.

## **6.2 Notification**

### **6.2.1 Introduction**

In this section the effects of the proposal as described in this AEE have been considered against the relevant provisions of the RMA. The presumption in favour of notification was removed in 2009. At that time there was also a change in thresholds as well as clarification as to what a consent authority should take into consideration when making a notification assessment. The 2017 changes to the Act have recently further altered the notification provisions.

### **6.2.2 Public Notification**

The 2017 changes to the RMA introduced a stepped process for determining public notification. Under section 95A a consent authority must publicly notify a resource consent application if the applicant has requested it, if public notification is required under section 95C or if the application is a joint application to exchange recreation reserve land under section 155AA of the Reserves Act 1977. The proposal does not meet any of these requirements.

In circumstances where sections 95A(2) & (3) are not met, step 2 also precludes public notification in certain circumstances as follows:

- (a) the application is for a resource consent for 1 or more activities, and each activity is subject to a rule or national environmental standard that precludes public notification;
- (b) the application is for a resource consent for 1 or more of the following, but no other, activities:
  - (i) a controlled activity;
  - (ii) a restricted discretionary or discretionary activity, but only if the activity is a subdivision of land or a residential activity;
  - (iii) a restricted discretionary, discretionary or non-complying activity, but only if the activity is a boundary adjustment;
  - (iv) a prescribed activity (see section 360(1)(a)(i)).

A residential activity is defined as an activity that requires resource consent under a regional or district plan and that is associated with the construction, alteration or use of 1 or more dwellinghouses on land that, under a district plan, is intended to be used solely or principally for residential purposes. Clearly the overall proposal involves residential activity and subdivision and, under the plan rules, is a restricted discretionary activity. For the residential activity and subdivision part of the application consideration is given to public notification

under step 4. This required a determination as to whether special circumstances exist that warrant public notification of the application.

There are no special circumstances applying to the residential or subdivision parts of the proposal that would necessitate public notification.

The next step is to determine if the activity will have, or is likely to have, adverse effects that are more than minor. If it does, then notification is required.

A consent authority that is deciding, for the purpose of Section 95A (8)(b), whether an activity will have or is likely to have adverse effects on the environment that are more than minor (under Section (95D):

- (a) *Must disregard any effects on persons who own or occupy*
  - (i) *the land in, on, or over which the activity will occur; or*
  - (ii) *any land adjacent to that land; and*
- (b) *May disregard an adverse effect of the activity if a rule or national environmental standard permits an activity with that effect; and*
- (c) *In the case of a restricted discretionary activity, must disregard an adverse effect of the activity that does not relate to a matter for which a rule or national environmental standard reserves control or restricts discretion; and*
- (d) *Must disregard trade competition and the effects of trade competition; and*
- (e) *Must disregard any effect on a person who has given written approval to the relevant application.*

Notably, a consent authority must also disregard trade competition, and the effects of trade competition, when assessing whether an activity will have adverse effects on the environment that are more than minor. Therefore, the Council must not take into consideration any effects of the development on other supermarkets or similar retail shops in the locality when determining whether or not to notify the application.

Undertaking an assessment under Section 95D, as has been made in the above sections of this AEE, the application will not have or is not likely to have adverse effects on the environment that are more than minor.

The next step is for the Council to consider whether limited notification of the application under section 95B of the Act is required

### **6.2.3 Limited Notification**

The new stepped process for determining whether limited notification is required is firstly to determine whether there are any affected customary rights groups or affected customary marine title groups (in the case of an application for an accommodated activity). There are none in this instance.

Step 2 identifies certain preclusions to limited notification, none of which is triggered by this application and therefore step 3 needs to be followed.

Step 3 requires that certain other persons must be notified. The Council is required to determine whether, in accordance with section 95E, the following persons are affected persons:

- (a) in the case of a boundary activity, an owner of an allotment with an infringed boundary; and
- (b) [not relevant as it relates to prescribed activities].

Under Section 95E a person is an ‘affected person’ if the adverse effects on them are minor or more than minor (but not less than minor). Previously, if the effects on a person were more than “de minimis” (sometimes equated to more than negligible) then that person had to be considered an affected person. People need to be affected in at least a minor or more than minor way, and that assessment has to be made in the context of the District Plan, which provides the “frame” for the assessment of effects.

The Council, in assessing an activity’s adverse effects on a person for the purpose of section 95E must, if the activity is a controlled or restricted discretionary activity, disregard an adverse effect of the activity on the person if the effect does not relate to a matter for which a rule or a national environmental standard reserves control or restricts discretion.

Given the design of the mixed use proposal and compliance achieved with the relevant Council rules, effects on neighbours are considered to be less than minor, although it is acknowledged that there will be some visual changes. These are anticipated by the District Plan and the ODP provisions and the changes are likely to enhance the amenity of the site and surrounding area.

It should be noted that the purchasers of Lots 1, 10, 11, 12, 13 and 14 of Stage 1A of the Flemington subdivision, which immediately adjoin the supermarket block to the south, all have restrictive covenants on their titles. Clause 3.9 of the covenant states:

*“3.9 No Lot Owner shall oppose, object to, frustrate or take any action, or encourage or cause others to oppose, object to, frustrate or take any action that might in any way prevail or hinder LD from progressing or completing the Flemington development or the adjoining stages. Such covenant extends to and includes (without limitation) development planning, zone changes, resource consents for land uses and subdivisions, Consent Authority or Environment Court applications, Territorial Authority Building consent matters, or any other necessary consent process involving Flemington.”*

This clause reinforces the view that residential neighbours to the south of the site are not affected parties.

With respect to the current owners of the ‘North Block’ described as Lot 2 DP 33959, it is considered that there are no effects on that owner because there are no resource management based effects that are minor or more than minor.

Overall, the assessment of effects on the environment has shown that adjoining properties will not experience effects from the proposed commercial, community and residential development that are minor or more than minor. As such, no persons need to be limited notified in respect to the resource consent applications the subject of this AEE.

#### **6.2.4 Conclusion as to Notification**

In conclusion, this application does not need to be fully or limited notified and should therefore be processed on a non-notified basis. For completeness it is recorded again that there are also no special circumstances that would justify notification of the application.





## **7. Conclusion**

### **7.1 Overview**

The proposed development will contribute positively to the ongoing growth of the Lincoln area in a manner that enhances the settlement patterns within the area.

The development seeks to assist, in a relative sense, in providing for housing capacity and choice in a manner to achieve the broad direction of the National Policy Statement on Urban Development Capacity (2016).

With regard to commercial development, the proposal is relatively modest, but integrates with the proposed residential development that will ultimately surround it. Importantly as outlined in Technical Report 5, the proposal inclusive of the proposed supermarket will not adversely affect the vitality of the Lincoln KAC.

There are divergences from the Outline Development Plan in relation to the creation of a neighbourhood centre with appropriate commercial and community facilities. This situation is unavoidable given that the Plan did not contemplate such facilities.

The development has been design led. This recognises that good urban design is an essential ingredient providing for the medium and long-term future. The approach taken has sought to focus a high level of urban design and integration throughout the residential and commercial components of the site, and a more balanced approach to design in the commercial component recognising the operational and functional business requirements of the supermarket, café and the childcare facility.

### **7.2 Statutory Compliance**

The urbanisation of the site has been foreshadowed through the Outline Development Plans for the area.

In terms of the planning framework, the status of the activity is a Discretionary activity in terms of the District Plan, and as unbundled a Restricted Discretionary activity under the Regional LWRP.

Under Section 104(1), the proposal is considered to neither generate adverse effects on the environment which will be minor or more than minor, nor is it contrary to the policy and objectives of the District Plan. It is also relevant that it does not contravene any Part 2 matter.

In terms of s104(1)(a), as addressed in Section 4, the actual and potential effects on the environment are either anticipated by the Plan, addressed through construction related management plans, or give rise to positive effects, such as those associated with the provision of housing and commercial activity, and providing for the health of the expanding community.

The development achieves and furthers the policy framework in the plans (s104(1)(b)(vi)), assists in meeting the Council's commercial and housing requirements in relation to the NPS on Urban Development Capacity (s104(1)(b)(iii) and implements another part of the Lincoln Outline Development Plan – Area 3.

Accordingly, all relevant statutory and non-statutory provisions can be reasonably satisfied given the nature of the proposed subdivision and land use developments.

The proposal can be considered to achieve the 'sustainable management' purpose of the Act as outlined in Part 2 of the legislation and as defined and applied through the higher order statutory framework (Regional and District Plans) as applied to the site.

Overall any effects of this mixed use development are considered to be less than minor.

### **7.3 Financial Contributions**

The Applicant acknowledges that the Council may apply a Financial Contribution. It is prepared to pay such a contribution provided the calculation of such is fair, equitable and reasonable.