

Online Resource Consent Applications

From: Submissions
Sent: Thursday, 2 June 2022 12:44 pm
To: Online Resource Consent Applications; Jane Anderson
Subject: FW: [#BTW220417] Submission on RC216016 - erect and operate new Paknsave supermarket
Attachments: 220417 Harbour Building Partnership Submission.pdf; Form-13-Submission-on-publicly-notified-designation - Harbour Building Partnership Ltd.pdf
Categories: Narda

From: Morgan Laird [REDACTED]
Sent: Thursday, 2 June 2022 12:30 pm
To: Submissions <submissions@selwyn.govt.nz>
Cc: mark.allan@aurecongroup.com; [REDACTED]
Subject: [#BTW220417] Submission on RC216016 - erect and operate new Paknsave supermarket

Good afternoon Selwyn District Council

Please find attached a submission on the publicly notified application (RC216016) submitted on behalf of Harbour Building Partnership Ltd. A copy of the submission has been served on the applicant (Foodstuffs (South Island) Properties Limited, Attn Mark Allan, C/- Aurecon NZ Limited), CCed into this email.

Please acknowledge receipt.

Kind regards,

MORGAN LAIRD [REDACTED]

The logo for BTW COMPANY, featuring the letters 'BTW' in a large, bold, sans-serif font, with the word 'COMPANY' in a smaller, all-caps, sans-serif font directly beneath it.

CORONAVIRUS (COVID-19) – What you need to know / Kia mōhio mai koe

To protect our team's health and our operations, we kindly ask that:

- you visit our offices by appointment only. Wear a mask and sign in on arrival.
- you do not enter our offices if you have any flu-like symptoms, or if you are a household contact of a positive case.

We are happy to meet with you by video and can arrange electronic signing of documents. Please let us know.

Planning Unit

Notice of Submission on an Application for Resource Consent

Application Reference:
RC216016

Resource Management Act 1991 - Form 13

Send or deliver your application to: Selwyn District Council, PO Box 90, Rolleston 7643

For enquiries phone: (03) 347-2868

For enquiries email: planninginfo@selwyn.govt.nz

1. Submitter Details

Name of Submitter(s) *(state full name(s))*: BTW Company on behalf of Harbour Building Partnership Ltd

Physical Address: [REDACTED]

Address for Service *(if different)*: [REDACTED]

Email: [REDACTED]

Telephone *(day)*:

Mobile: [REDACTED]

2. Application Details

Application Reference Number *(if not stated above)*: RC216016

Name of Applicant *(state full name)*: Foodstuffs (South Island) Properties Limited

Application Site Address: 157 Levi Road, Rolleston

Description of Proposed Activity: Erect and operate a supermarket (Rolleston PaknSave)

3. Submission Details

- I / We: ☐ Support all or part of the application
☒ Oppose all or part of the application
☐ Are neutral towards all or part of the application

The specific parts of the application that **my / our** submission relates to are: *(give details, continue on a separate sheet)*

Please refer to the included submission document

The reasons for **my / our** submission are:

Please refer to the included submission document

The decision **I / We** would like the Council to make is: *(give details including, if relevant, the parts of the application you wish to have amended and the general nature of any conditions sought.)*

Please refer to the included submission document

4. Submission at the Hearing

- ☒ I / We wish to speak in support of **my** / **our** submission.
- ☐ I / We do not wish to speak in support of **my** / **our** submission.
- ☒ If others make a similar submission I / We will consider presenting a joint case with them at the hearing.
- ☐ Pursuant to section 100A of the Resource Management Act 1991 I / We request that the Council delegate its functions, powers, and duties required to hear and decide the application to one or more hearings commissioners who are not members of the Council. *(Please note that if you make such a request you may be liable to meet or contribute to the costs of the commissioner(s). Requests can also be made separately in writing no later than 5 working days after the close of submissions.)*

5. Signature

(Of submitter(s) or person authorised to sign on behalf of submitter(s))

Signature: Morgan Laird on behalf of Submitter Date: 2 June 2022

Signature: Date:

Note: A signature is not required if you make your submission by electronic means.

6. Privacy Information

The personal information requested in the form is being collected by Selwyn District Council so that we can process your application. This information is required by the Resource Management Act 1991. This information will be held by the Council. You may ask to check and correct any of this personal information if you wish. The personal information collected will not be shared with any departments of the Council not involved in processing your application. However under the Official Information and Meetings Act 1987 this information may be made available on request to parties within and outside the Council.

7. Important Information

1. The Council must receive this submission before the closing date and time for submissions on this application.
2. You must also send a copy of this submission to the applicant as soon as reasonably practicable, at the applicant's address for service.
3. All submitters will be advised of hearing details at least 10 working days before the hearing. If you change your mind about whether you wish to speak at the hearing, please contact the Council by telephone on 347-2868 or by email at planninginfo@selwyn.govt.nz
4. Only those submitters who indicate that they wish to speak at the hearing will be sent a copy of the planning report.

For Office Use Only

Received at the Office on at am / pm

2nd June 2022

Planning Lead
Selwyn District Council
PO Box 90
Rolleston 7643

Dear Sir/Madam

Submission on RC216016 – Foodstuffs (South Island) Properties Limited

The following submission is made on behalf of Harbour Building Partnership Ltd. The submission opposes Foodstuffs (South Island) Properties Limited's resource consent application to Selwyn District Council to erect and operate a supermarket (Rolleston PaknSave) at 157 Levi Road, Rolleston.

This submission is lodged in response to the public notice dated 5 May 2022 for notification of land use application RC216016. The submission is attached as Appendix A to this letter.

This letter also acts as formal service on the applicant. The submitters wish to be heard at a hearing and would be willing to attend a pre-hearing meeting if required. A copy of this submission has been served on the applicant.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Morgan Laird'.

Morgan Laird Int.NZPI
Senior Planner

APPENDIX A

SUBMISSION ON RC216016

UNDER THE RESOURCE MANAGEMENT ACT 1991

IN THE MATTER OF an application pursuant to section 88 of the Act by **Foodstuffs (South Island) Properties Limited** for land use consent to erect and operate a supermarket at 157 Levi Road, Rolleston.

Council Ref: RC216016

SUBMISSION ON A PUBLICLY NOTIFIED APPLICATION CONCERNING RESOURCE CONSENT

Name of Submitters: Harbour Building Partnership Ltd

Application Details

1. This submission is on an application by Foodstuffs (South Island) Properties Limited ("The Applicant") for a land use consent to erect and operate a supermarket (Rolleston PaknSave) at 157 Levi Road, Rolleston ("the Application Site").
2. The Applicant seeks consent as the proposal is unable to comply with the following rules under the Operative Selwyn District Plan (ODP), resource consent is required as a Discretionary Activity under the ODP.
 - *Rule 2.1.8: Discretionary Activity*
 - *Rule 4.8.5: Discretionary Activity*
 - *Rule 5.2.3: Discretionary Activity*
 - *Rule 5.3.2: Restricted Discretionary Activity*
 - *Rule 5.3.4: Restricted Discretionary Activity*
 - *Rule 7.1.2: Discretionary Activity*
 - *Rule 7.22: Discretionary Activity*
 - *Rule 10.6.3: Discretionary Activity*
 - *Rule 10.8.3: Discretionary Activity*
 - *Rule 10.9.2: Discretionary Activity*
3. The applicant also seeks consent under the National Environmental Standard for Assessing and Managing Contaminants in Soils to Protect Human Health 2011 (NESCS) as a *Discretionary Activity*, pursuant to Regulation 11(1).
4. Overall, resource consent is sought as a Discretionary Activity under both the ODP and the NESCS.

Submitters Details

5. Harbour Building Partnership Ltd are the prospective owners of [REDACTED]
[REDACTED] The property at [REDACTED] is [REDACTED] in area and legally described as [REDACTED]
6. The Submitter has entered into a sale and purchase agreement with the current landowner and their intention is to use the property for residential purposes.
7. The Submitter is not a trade competitor for the purposes of section 308B of the Resource Management Act 1991.

Submission Details

8. The Submitter opposes the Application as they do not consider the issues below have been appropriately addressed.
9. The Submitter considers that the resource consent application lodged 29 June 2020 is deficient for the following reasons amongst other matters:
 - 9.1. The application has failed to adequately address the potential construction effects. The civil works are likely to occur over an extended period of time which may result in adverse effects on the amenity values of surrounding sensitive land uses, as well as prevent practical vehicle access to sites along Levi Road and Lincoln-Rolleston Road.
 - 9.2. The application has failed to address Section 16 of the Resource Management Act 1991, which states that the occupier has a duty to avoid unreasonable noise.
 - 9.3. The location of 'Access A' is directly opposite the submitters' properties. The application fails to consider the adverse effects of this, including how future development of these sites for residential purposes (as is anticipated within the Outline Development Plan) will be affected.
 - 9.4. The application fails to address all relevant objectives and policies of the National Policy Statement for Urban Development, where it has not been acknowledged that the development has the potential to adversely affect development capacity of residentially zoned land and the wider Rolleston Area.
 - 9.5. The application fails to adequately address the loss of residential land and the associated effects, simply stating that the balance site can still achieve the net density of 10 dwellings per hectare.
 - 9.6. The application states that resource consent is required under the Canterbury Land and Water Regional Plan for stormwater discharge. It is unclear whether the applicant has applied for this consent.
10. The submitter considers the proposal will result in significant adverse effects on them and the environment generally including but not limited to:
 - 10.1. Adverse landscape and visual effects as a result of the erection of a 'big-box' retail activity on land zoned for residential development. The activity represents a significant change to the landscape which is not anticipated within the ODP. The proposed landscape mitigation measures also inadequately address the likely increase in sensitive land uses within Outline Development Plan Areas 3, 4, 9 and 11.
 - 10.2. The proposal includes activities that are likely to generate noise that has the potential to result in significant adverse effects on surrounding sensitive land uses. Activities include (but are not limited to) an increase in heavy vehicle movements, pedestrian vehicle movements, mechanical services plant, car parking (including customer talking, car horns and trolleys crashing).
 - 10.3. Adverse effects on the character and amenity values of the surrounding environment through incompatible land uses in a residentially zoned area.

- 10.4. Adverse traffic conflict effects and traffic safety effects. The application proposes in the order of 10,000 additional vehicle movements per day. While the integrated transport assessment states a third of these movements will be 'pass-by trips', this still represents a significant increase. The application also does not propose any road upgrade works within the vicinity of 'Access A', despite this being a primary access point.
- 10.5. Adverse effects on the wider Rolleston area by taking away customers from the Town Centre and Neighbourhood Centres identified in the Rolleston Structure Plan.
- 10.6. Adverse effects on the surrounding environment from light spill generated by external lighting on the application site.
- 10.7. Adverse effects from bulk earthworks, including inadequate erosion and sediment controls, displacement of stormwater from the application site and relocation of overland flow paths.
11. The Submitter also considers the proposal is contrary to the objectives and policies of the ODP including but not limited to:
 - 11.1. Objectives B2.1.1, B2.1.4 and Policies B2.1.5 and B2.1.10.
 - 11.2. Objectives B3.4.2 and B3.4.4 and Policies B3.4.2, B3.4.3, B3.4.10, B3.4.16, B3.4.18, B3.4.21, B3.4.22, B3.5.23, B3.4.25 and B3.4.27.
 - 11.3. Objectives B4.1.2 and Policy B4.1.7.
 - 11.4. Objectives B4.3.1, B4.3.3, B4.3.5, B4.3.8, B4.3.9 and Policies B4.3.4, B4.3.10, B4.3.11 and Policy B4.3.76.
12. The Submitter also considers the proposal to be contrary to the objectives and policies of the following documents:
 - 12.1. National Policy Statement on Urban Development.
 - 12.2. Canterbury Regional Policy Statement
13. The Submitter considers the proposal to be contrary to the Vision, Objectives, Development Principles and Implementation Plan for the Rolleston Structure Plan.

Decision Sought

14. The Submitters seek that the application be declined. The Submitters would be willing to engage with the Applicant in relation to potential mitigation measures which may resolve their concerns.

Wish to be Heard

15. The Submitter wishes to be heard in support of their submission and would consider presenting a joint case with other submitters if they make similar submissions.

DATED: 2 June 2022

Morgan Laird on behalf of **Harbour Building Partnership Ltd**