

Before the Commissioner
appointed by the Selwyn District Council

Under the Resource Management Act 1991

In the matter of resource consent application by Foodstuffs (South Island) Properties Limited to establish and operate a PAK'nSAVE supermarket and associated carparking, signage and landscaping and to undertake soil disturbance under NES at 157 Levi Road, Rolleston (R216016)

Statement of evidence of Mark David Allan

18 July 2022

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**anderson
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Qualifications and experience

- 1 My full name is Mark David Allan.
- 2 I hold the qualification of Bachelor of Resource and Environmental Planning (Hons) from Massey University.
- 3 I have been employed by Aurecon since 2004 where I currently hold the position of Director – Environment and Planning.
- 4 My previous work experience includes more than 20 years in the field of resource management, both in the public and private sector. The majority of this has been in land development (residential, commercial and industrial), infrastructure and telecommunications, involving the preparation and oversight of resource management applications and plan change requests, and providing expert planning evidence in respect of the same. For the last 15 years I have been involved with district plan formulation processes, the rezoning of land and resource consenting for Foodstuffs (South Island) Properties Limited's (**Foodstuffs**) developments throughout the South Island, including all of Foodstuffs' existing operations within Greater Christchurch.
- 5 My role in relation to Foodstuffs' application to establish and operate a PAK'nSAVE supermarket and Click & Collect facility with associated access, loading, car parking, signage, earthworks and landscaping at 157 Levi Road, Rolleston (**Application and Site**) has been to provide planning advice on the feasibility of establishing a new supermarket on the Site, the principal resource management matters for consideration, and the technical reporting that would be required to support the Application. I oversaw the preparation and lodgement of the Application and associated tasks, and was also responsible for liaising with Foodstuffs' specialists to coordinate responses for s92 further information requests from the Selwyn District Council (**SDC**).
- 6 My assessment is based upon the Application description attached to my evidence as **Appendix 1**.
- 7 In preparing this statement of evidence I have considered the following documents:
 - (a) the Assessment of Environmental Effects (**AEE**) and technical assessments forming the Application (including responses to s92 further information requests);
 - (b) the submissions made on the Application;
 - (c) the statements of evidence of the Applicant's experts regarding company, architectural, landscape, urban design, transport, noise, economics, lighting, contamination and servicing matters;

- (d) the National Policy Statement on Urban Development 2020 (May 2022) (NPS-UD); and
- (e) the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 (**EHS Act**);
- (f) the Canterbury Regional Policy Statement (**CRPS**);
- (g) the operative Selwyn District Plan (**SDP**) and the proposed Selwyn District Plan (**PSDP**); and
- (h) SDC's s42A Report prepared by Jane Anderson.

8 I am familiar with the location and immediate surroundings of the Site, and visited the area specifically in relation to the Application in October 2021.

Code of Conduct for Expert Witnesses

9 While this is not a hearing before the Environment Court, I confirm that I have read the Code of Conduct for expert witnesses contained in the Environment Court of New Zealand Practice Note 2014 and that I have complied with it when preparing my evidence. Other than when I state I am relying on the advice of another person, this evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.

Scope of evidence

- 10 I have prepared evidence in relation to:
- (a) post-notification changes to the Application;
 - (b) key findings in regard to effects on the environment;
 - (c) relevant planning framework;
 - (d) matters raised by submissions;
 - (e) matters raised in the s42A Report; and
 - (f) conditions of consent.

The Application

11 The Application has been comprehensively described in the AEE and summarised in the Officer's Report and the evidence of Foodstuffs' expert witnesses. I agree with those descriptions and do not repeat them here. For completeness, the Application relates to the establishment and operation of a PAK'nSAVE supermarket, associated access, carparking, signage and landscaping, and all other associated enabling works. The proposed hours of operation for the supermarket are 7am to 10pm, seven days of the week.

Post-notification Changes to the Application

- 12 Since notification of the Application, a number of design amendments have been made in response to SDC officer and submitter concerns, and the Draft Conditions appended to the s42A Report.
- 13 I have attached (**Appendix 1**) for ease of reference a summary of the Application as notified, and the subsequent design amendments. Mr Mitchell, Mr Milne, Mr Burns and Mr Smith discuss these design amendments (as relevant to their areas of expertise) in more detail in their respective statements, and revised drawings are attached to Mr Mitchell and Mr Milne's statements. My evidence is based on the Application as amended by these changes.
- 14 The evidence demonstrates that the design amendments have had a positive impact on the overall design and outcome of the Application. The design amendments serve to minimise adverse effects on the existing and receiving environment, without unduly compromising the operational requirements of the Application.
- 15 In my opinion the amended Application is within the scope of that which was publicly notified. The changes serve to reduce the effects of the Application and respond directly to concerns expressed by SDC experts and submitters. No new non-compliances arise. The activity status remains the same as the notified Application, i.e. discretionary. The changes do not disadvantage any person currently, or who may have otherwise chosen to be, a party to these proceedings. Accordingly, I believe the Commissioner has the authority to consider the amended Application within the scope of the Application. All other aspects remain unchanged from that contained in the Application as notified and as assessed by the s42A Report.

Application Activity Status

Selwyn District Plan

- 16 The Site is within the Living Z Zone and the Township Boundary, and subject to the Rolleston ODP Area 4, under the SDP.
- 17 The Living Z Zone covers new urban growth areas within or adjacent to the edge of existing townships. The Zone provides for a range of site sizes and living options, including provisions for lower density standalone housing and semi-detached or attached medium-density housing types.

- 18 The AEE contains a comprehensive assessment of the Application against the relevant rules of the SDP, as does the s42A Report¹. Ms Anderson and I agree as to the triggers for resource consent and the overall activity status of the Application, i.e. discretionary.
- 19 In providing for the Application as a discretionary activity, the SDP recognises that development of the nature and scale proposed can be acceptable subject to consideration of potential adverse effects on the receiving environment and the ability to avoid, remedy or mitigate the same. Notwithstanding this, I consider that consistency with the relevant objectives and policies of the SDP (when read in conjunction with higher order planning documents) will depend on conclusions made in respect of the effects of the Application.

Proposed Selwyn District Plan

- 20 The Site is located within the General Residential Zone and the Rolleston Township Boundary, and subject to Rolleston 1 Development Area (DEV-RO1) and the Plains Flood Management Overlay, of the PSDP. The Application Site is not subject to any other special features or overlays in the PSDP.
- 21 There are no PSDP rules deemed to have immediate legal effect under Section 86B of the RMA that apply to the Application or the Site. As a result, the PSDP rules of relevance to the Site do not have any legal weight. No decisions have been released on the PSDP at this time, and the remaining PSDP Hearing process is currently postponed while SDC prepare a variation to the PSDP to give effect to the new housing intensification rules prescribed by the EHS Act.

National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health Regulations 2011 (NES)

- 22 The Application is a discretionary activity under the NES for the total volume of soil disturbance where a Detailed Site Investigation (DSI) has not yet been undertaken. Mr Knoyle, ECan's Contaminated Land Officer and Ms Anderson all agree that any adverse effects resulting from soil contamination can be appropriately mitigated and managed by conditions of consent.

Assessment of effects

- 23 The effects of the Application on the environment have been assessed in the AEE, canvassed through submissions, and considered in detail in the s42A Report and the statements of subject matter experts for Foodstuffs and SDC.

¹ Paras 27-29 and embedded table, pp5

- 24 I acknowledge that the Application will have some localised adverse effects on the environment. In terms of section 104(1)(a) of the Act, it is therefore a matter of assessing the scale of such effects, given that the Act does not require there to be no adverse effects from activities. In my view, the common ground between the various experts provides a qualified reference as to the nature and extent of actual and potential effects of the Application.
- 25 The AEE, s42A Report and Foodstuffs' experts have addressed the effects arising from such ancillary activities as earthworks, site contamination, servicing, waste management and lighting. There is agreement amongst Foodstuffs' and SDC's experts on these matters, and the ability to mitigate effects by conditions of consent, and therefore I do not repeat those assessments in my evidence below. Where Foodstuffs' experts have suggested changes to the draft conditions in the s42A Report, or new conditions, I have included these in my Suggested Draft Conditions (**Appendix 2**).

Existing Environment

- 26 A key consideration is the existing environment, which in my experience is of more relevance in this case than most consent applications. The existing environment is not simply a static view as it currently physically appears but must also be taken to include its future development potential as provided by the relevant planning documents.
- 27 The Site, while presenting as a rural property, is recognised by the SDP as located within the urban environment of Rolleston and zoned for urban development. Being part of the existing urban environment, the Site will have the Medium Density Residential Standards (MDRS) apply to it, with immediate legal effect, on 20 August 2022 when SDC notifies its Variation to the PSDP in accordance with the EHS Act. MDRS will enable significantly more residential intensification on the Site than currently anticipated under the SDP or the PSDP.
- 28 Existing residential land to the north, west and south of the Site will also be MDRS-enabled. This is particularly relevant to the residential properties immediately opposite (west of) the Site on Lincoln Rolleston Road. While currently developed at a comparatively low density (approx. 1ha), these properties are also in the Living Z Zone and do have the potential to be further intensified in accordance with the MDRS.
- 29 I am aware the rural land adjoining the Site to the east is currently subject to Plan Change 71 (**PC71**), and an interim decision has recommended the rezoning request from rural to residential be approved. I understand that while the interim decision has no legal weight, the extent of land covered by PC71 will be incorporated into SDC's Variation to the PSDP on 20 August 2022, with the MDRS applying to it. However, as greenfield land being rezoned to residential land, the

Variation will not have immediate legal effect until completion of the Intensification Streamlined Planning Process (ISPP). Despite PC71 not forming part of the existing environment, I consider it prudent to acknowledge the potential for residential development on this land in the future.

- 30 Cognisant of the future environment enabled by MDRS, and potentially PC71, the expert evidence for Foodstuffs has considered the Site, and the compatibility of the Application, under such scenarios. This has included the modelling of an alternative residential development on the Site (to demonstrate the degree of change enabled by MDRS, i.e. up to three residential units per site, with development up to a height of 11m, without the need for resource consent), and tailored landscaping and fencing options for the Site's eastern interface with the PC71 land (to respond to a rural or residential outcome on that land). I consider this approach to be fundamental to an understanding that the Site and surrounding environment will inevitably change in the future, and for testing the appropriateness and compatibility of the Application with the future receiving environment.

Positive Effects

- 31 It is legitimate to consider positive effects under the Act, since the definition of "effect" includes positive effects, and the purpose of the Act includes enabling "people and communities to provide for their social, economic and cultural well-being and for their health and safety". I consider positive effects are influential in this case, and the adverse effects will not be significant when balanced against the importance of meeting recent and projected future district retail demand growth, providing local employment opportunities within Rolleston, reducing travel time/cost associated with residents travelling to the nearest large-format supermarket in Hornby, and mitigating factors such as the proposed measures to minimise effects.
- 32 Foodstuffs' and SDC's economic experts both agree the Application will benefit the local employment market, support Kiwi-owned and operated businesses, better satisfy consumer demand through more competitive pricing and offerings, and encourage benign competition at the local market. Property Economics' peer review of the Economic Assessment supporting the Application considers the economic benefits would be material over the long term².
- 33 I understand the need to balance the positive effects that will accrue from the Application against any potential adverse effects has been recognised by the Courts. To ignore the real benefits the Application will bring would produce an artificial and unbalanced picture of the real effects of the same. Furthermore, in deciding whether the Application has an adverse effect on the environment, it does

² Page 8, Economics Peer Review, Property Economics, Appendix 11 s42A Report

not become so, merely because some part of the community does not like the look, size or scale. It is the definition of environment in its totality that must be taken into account.

Character and Amenity Effects

- 34 Fulsome assessments of the Application's effects on residential character and amenity have been undertaken in the AEE and the s42A Report. Mr Mitchell's evidence has a particular focus on the built form, Mr Burns' on urban design, Mr Milne's on landscape design and streetscape amenity, Mr Smith's on transportation and Mr Hay's on acoustic effects. Collectively, the evidence of these specialists has demonstrated that effects attributed to an impact on residential character and amenity would be acceptable and appropriate in the context of the receiving environment.
- 35 I have already discussed the relevance of the existing environment when undertaking an assessment of environmental effects, and I see this as particularly relevant when considering the Application's effects on character and amenity. The receiving environment is currently diverse in terms of residential density, rural character and appearance, and is subject to future change in terms of land use, character, visual amenity and the scale and nature of built form, both on the Site and in the surrounding area.
- 36 Mr Burns and Ms Wolfer are in general agreement on all substantive matters concerning urban design, including the placement of the supermarket building, the approach to mitigation of effects, and the design interventions needed. Mr Burns has described the design amendments that have been subsequently introduced, which I consider go a long way to responding to the suggested design refinements (and consequently negating many of the draft conditions of consent). Both experts agree that in a town-wide context, the Site is suited to providing the township with the essential services of a supermarket at strategic road corridors leading into the Rolleston Township, and that the Site's configuration is suited to accommodating a supermarket of the proposed scale.
- 37 Based on the evidence of Mr Burns and Ms Wolfer, I consider the urban design, locational and scale aspects of the Application have been satisfactorily addressed and incorporated into the Application, such that any associated effects on character and amenity values are at acceptable levels. I defer to their expertise in considering the nature, scale and layout of the Application to be compatible with the receiving environment. I acknowledge, and agree with, their consideration of the future environment brought about by the recent instruments NPS-UD, EHS Act and associated MDRS.
- 38 Mr Milne's evidence responds to the design suggestions of Mr Ross and Ms Wolfer, detailing the amendments to the landscaping provisions along Lincoln Rolleston

Road to better reflect its role and function in the wider context, and implement the 'avenue' vision of the Rolleston Structure Plan. Based on these and the other minor landscape design iterations that have been made (and appropriate conditions of consent), and taking confidence from the alignment between the design experts, I consider any adverse visual effects will be acceptable.

- 39 As the urban design experts have, Mr Milne and Mr Ross have also considered the future environment anticipated and enabled by this higher order planning documents, which I agree is an appropriate approach to assessing the Application's effects on the environment.
- 40 I accept that the Application will have some adverse effects on the character and visual amenity of the Site and its immediate surroundings. However, noting that the SDP provides for non-residential activities in the Living Zones where the effects on the amenity and character of the receiving environment can be adequately managed, the implementation of design amendments (as recommended by Ms Wolfer and Mr Ross), and based on the evidence of the appropriate experts on these matters, I consider an appropriate level of amenity will be achieved on the Site, at the Site's interface and for the surrounding area.
- 41 Overall, I consider the receiving environment has the capacity to accommodate the Application without adverse effects on residential character and amenity values of a more than minor nature.

Transport Effects

- 42 Mr Smith and Mr Carr are in alignment on many transport-related aspects of the Application, with the residual areas of disagreement limited to five matters. Mr Smith's evidence addresses each of these matters in turn (which I do not repeat here), as well as Mr Carr's suggestion that Access C (the westernmost access on Levi Road) be removed from the Application.
- 43 The key points I take from Mr Smith's analysis is that:
- i. Traffic generated by the Application and PC71-enabled development (if approved) can be accommodated on the road network;
 - ii. Due to the development of current / foreseen Plan Change areas in Rolleston, signalisation of the roundabout will be required prior to 2033, with or without the Application. The currently programmed 2025/26 upgrade (or shortly thereafter) reflects the likely timeframe in which residential growth would necessitate a signalised upgrade;
 - iii. An easement or vesting could be readily implemented to secure legal access over any land required for the shared path or SDC's future intersection upgrade;

- iv. Appropriate amended and new conditions of consent have been suggested in response to Mr Carr's recommendations; and
 - v. The avail of design features to prioritise the safety of shared path users and minimise non-compliant use of Access C (left-out only) mean that there is no reason to remove this access.
- 44 I consider the transport-related effects of the Application have been well-canvassed and demonstrated to be acceptable, subject to the proposed conditions of consent.

Noise Effects

- 45 Noise related aspects have been well canvassed in the Acoustic Assessment accompanying the Application and in Mr Hay's evidence, both of which find the supermarket (with the proposed acoustic fencing and mechanical plant design) will comply with the relevant daytime SDP noise limits. Both agree that night-time heavy goods deliveries will not comply with the relevant SDP noise limits for brief periods of time at dwellings opposite site access points 1 and 5, or along the loading bay access. Given the matter of hours of operation raised in the Officer Report and in submissions I consider it should be noted that the non-compliance with the relevant SDP noise limits at night (between 8pm to 7.30am) is associated with heavy vehicle deliveries and not the general supermarket operation (which is proposed to be 7am to 10pm, 7 days a week).
- 46 Mr Reeve is in alignment with Mr Hay regarding the predicted noise levels and SDP compliance assessment but considers that further information is required to determine whether noise generated from night-time activities will be low enough to meet typical sleep disturbance guidelines; and whether noise effects would be appropriate should future residential development along the eastern boundary (by PC71) eventuate.
- 47 Mr Hay has responded to these further information requests in his evidence noting that the proposed boundary setback and noise control fencing will partially mitigate the potential for sleep disruption³. Further dwellings directly opposite access points 1 and/or 5 are likely to receive noise levels that exceed 45 dB LAeq, but given this is likely to be for a duration of approximately 30 seconds this would fall within the WHO guidelines for noise levels outside bedroom windows. Mr Hay considers that new traffic movements added to the local road network will not increase the noise level by a perceptible level (para 58 of his evidence). On this basis Mr Hay concludes the duration of noise exceedances will be brief, similar to

³ Mr Hay Evidence, para 42-49-, p. 6-7

other heavy vehicle movements occurring on the adjacent arterial roads and that consequently there will not be an unacceptable level of adverse effect.

- 48 Regarding the appropriateness of noise from the Application should PC71 be approved, Mr Hay notes that appropriate acoustic amenity can be achieved at the interface between supermarkets and residential activities. The Application provides for noise mitigation measures for the potential future scenario of residential activity to the east of the Application Site (detailed at para 51 of his evidence).
- 49 Based on the specialist acoustic evidence, and subject to the proposed mitigation, I consider noise effects will be no more than minor and appropriate in the context of the receiving environment.

Summary

- 50 I acknowledge the Application will have some adverse effects on the character and amenity of the immediately surrounding properties and will introduce change to the Site and its setting. However, change alone does not constitute an adverse effect, and this needs to be considered in the context of the existing and reasonably anticipated environment (including that which will be provided for and enabled in response to SDC's obligations under the NPS-UD and EHS Act, and the imminent introduction of MDRS to the urban environment of Rolleston). On balance, and based on the level of agreement amongst the subject matter experts, I consider the effects of the Application are appropriate in the context of the receiving environment specifically, and will prove beneficial to the community and wider urban environment generally.

Relevant Planning Framework

- 51 Consideration of the relevant objectives and policies of the SDP and PSDP must acknowledge their place in the evolving planning and policy landscape, and the strategic direction posed by the NPS-UD, EHS Act and CRPS. Both the NPS-UD and EHS Act direct SDC (as a Tier 1 Council) to provide for more housing and businesses to be built in places close to jobs, community services, public transport and to respond to market demand. Assessing the SDP in isolation of these higher-order documents would not present an appropriately balanced or considered view of the environment in which the Application is situated.

NPS-UD

- 52 The NPS-UD aims to remove barriers to the supply of land and infrastructure and make room for growth. It applies to all planning decisions that affect an urban environment (i.e. any area of land that is, or is intended to be, predominantly urban in character; and is, or is intended to be, part of a housing and labour market of at least 10,000 people). It requires SDC, as a Tier 1 local authority, to "provide at least sufficient development capacity to meet expected demand for housing and for

business land over the short-term, medium-term, and long-term.”⁴ This is directly applicable to the urban environment of Rolleston, and therefore the Application and Site.

- 53 The NPS-UD places emphasis on growth for Greater Christchurch (including within Selwyn District) that lower order planning documents must be read in the context of. Greater Christchurch is the only Tier 1 urban environment in the South Island identified in the NPS-UD, with Tier 1 areas being those subject to the most directive policies which have been targeted towards the largest and fastest growing urban centres, where the greatest benefits will be realised.
- 54 The CRPS and SDP are required to give effect to the NPS-UD, which I note involves:
- having well-functioning urban environments that enable all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future (Objective 1);
 - enabling more businesses to be located in areas of urban environment in or near a centre zone or other area with many employment opportunities and where there is high demand for housing (Objective 3);
 - requiring decisions on urban development that affect urban environments to be integrated with infrastructure planning and funding decisions; strategic over the medium term and long term; and responsive, particularly in relation to proposals that would supply significant development capacity (Objective 6);
 - SDC making planning decisions that contribute to well-functioning urban environments that have or enable a variety of sites for different business sectors in terms of location and site size; have good accessibility between housing, jobs, community services, natural spaces, and open spaces; and support the competitive operation of land and development markets (Policy 1(b), (c) and (d));
 - SDC providing at least sufficient development capacity to meet expected demand for housing and for business land over the short term, medium term, and long term (Policy 2).
- 55 The NPS-UD represents the Government’s latest thinking on how to encourage well-functioning and liveable urban environments that meet the diverse needs of their communities. It is what is driving growth in New Zealand’s largest centres, with Rolleston no exception. It applies to planning decisions such as the

⁴ Policy 2, NPS-UD

Application. It therefore requires a broader perspective, and greater consideration, of the urban environment than what is presented in the s42A Report.

- 56 Based on the conclusions reached by Foodstuffs' and SDC's subject matter experts, I consider the Application does contribute to a well-functioning urban environment. The Site is located near a centre zone (the Town Centre is approximately 500m north-west of the Site), is well-serviced by existing public transport, and within comfortable walking and cycling distance of existing and growing residential areas. Notably, the urban design experts agree that the Application takes advantage of the Site's shape and location to contribute to a compact, consolidated urban form in a location that is accessible for all modes of transport⁵.
- 57 The economics experts agree⁶ that future district retail demand growth will support up to 10 additional supermarkets across the Selwyn District in the next 25 years. There is limited (if any) opportunity for a supermarket operator to secure sufficient land that meets the strict site and location criteria for a large-format supermarket in the Rolleston Town Centre under the SDP and PSDP. This constraint in business land availability has the potential to result in loss of social and economic wellbeing for the growing Rolleston community and does not give effect to Policy 2 of the NPS-UD. I also consider the Application represents an appropriate planning response to the development capacity directive of Policy 2.
- 58 The Site is suitably located, and the Application has been appropriately planned, in respect of planned transportation infrastructure investment identified in SDC's Long Term Plan 2021-31, including the signalisation of the Levi Road/Lincoln Rolleston Road/Masefield Drive/Lowes Road intersection and continued investment in walking and cycling infrastructure (Objective 6).
- 59 Policy 6 is also relevant to the Application, as it specifically directs that when planning decisions are made that affect an urban environment, decision-makers are to have particular regard to the following matters:
- (a) *the planned urban built form anticipated by those RMA planning documents that have given effect to this National Policy Statement*
 - (b) *that the planned urban built form in those RMA planning documents may involve significant changes to an area, and those changes:*
 - (i) *may detract from amenity values appreciated by some people but improve amenity values appreciated by other people, communities,*

⁵ Para 18, p4 Andrew Burns Evidence; pp3, 9-10, Gabi Wolfer Evidence, Appendix 4, s42A Report

⁶ Para 21(a), p5, Fraser Colegrave Evidence; p7, Economics Peer Review, Appendix 11, s42A Report

and future generations, including by providing increased and varied housing densities and types; and

(ii) are not, of themselves, an adverse effect

(c) the benefits of urban development that are consistent with well-functioning urban environments (as described in Policy 1)

(d) any relevant contribution that will be made to meeting the requirements of this National Policy Statement to provide or realise development capacity

(e) the likely current and future effects of climate change.

60 Similarly, Objective 4 notes that *“New Zealand’s urban environments, including their amenity values, develop and change over time in response to the diverse and changing needs of people, communities, and future generations”*.

61 Objective 4 and Policy 6 highlight the big picture thinking required to achieve well-functioning urban environments that provide for the social, economic, and cultural wellbeing of people and communities, now and into the future. It requires more than a site-specific analysis of the Application against simply the SDP. Rather, it requires consideration of the urban environment more broadly, acknowledging that giving effect to the NPS-UD is likely to bring significant changes to existing urban areas that may result in a reduction of amenity values, but such changes are not, of themselves, an adverse effect. This is a stark contrast to the approach taken by Ms Anderson, who has not once mentioned the NPS-UD in her s42A Report. Instead, hers is an approach focussed solely on the existing amenity of the existing environment with (seemingly) no consideration given to the future changes anticipated in response to the clear directives of higher-order planning documents.

EHS Act

62 Implementation of the EHS Act will rapidly accelerate the supply of housing in Tier 1 local authorities by introducing medium density residential standards and further intensifying activity (in addition to the NPS-UD) around centres. The EHS Act directs SDC to introduce MDRS in every relevant residential zone in Rolleston. As discussed earlier, the imminent Variation to the PSDP will enable substantial residential intensification in existing residential zones (including the Site). The enablement of up to three residential units per site, up to 11m-high, without the need for resource consent, and associated subdivision of land as a controlled activity, will inevitably change the nature, character and amenity of the surrounding environment within which the Application is proposed, and indeed the urban environment of Rolleston as a whole.

63 Due to the age of the SDP, and the timing and infancy of the PSDP, it is understandable that neither of these plans give effect to the outcomes sought by the EHS Act. It is therefore necessary to take a broader view of the Application,

and the environment, in the context of the outcomes anticipated and enabled by the EHS Act.

CRPS

In terms of the CRPS, I consider the broad assessment required is whether the Application is appropriate in the location. To me, this involves an overall consideration of the specialist evidence, which collectively (and noting the level of agreement among the experts) presents broad support for the Application, subject to refinement of some details and the imposition of appropriate conditions of consent. To this end, I consider the Application is, overall, consistent with the CRPS.

- 64 The CRPS provides for development in and around existing urban areas as the primary focus for accommodating the region's growth (Objective 5.2.1 Location, Design and Function of Development), seeks that new commercial activities be primarily directed to the central city, key activity centres and neighbourhood centres (Objective 6.2.6(3) Business Land development); whilst providing for a range of other business activities outside of those centres in appropriate locations (Objective 6.2.6(4) Business Land development). Consequently, the CRPS expressly anticipates that some new commercial development will be appropriate outside of a centre subject to appropriate management of effects, and notes that *"enabling appropriate new business activity close to existing and future residential development helps achieve a greater range of travel options, promote accessibility and reduce energy usage."*⁷
- 65 For the reasons I have discussed in respect of the NPS-UD, and recognising the level of agreement between the relevant experts on matters of substance of economics, transport, noise, urban design and landscape, I consider the Application is consistent with the broad intent of the relevant urban growth provisions of the CRPS. The Site is located, and the Application designed, to achieve consolidated, well designed and sustainable growth in and around Rolleston's existing and expanding urban areas. The scale and design of the Application is considered compatible with the surrounding residential and rural environment given its generous road and internal boundary setbacks, location at the corner of two arterial roads and the comprehensive and cohesive use of appropriate façade materials, colours, architectural design and landscaping. Overall, I consider the Application represents sustainable economic development in an appropriate location where, through considered design (and appropriate conditions of consent), compatibility of activities will be achieved.

⁷ p75, CRPS

- 66 Ms Anderson refers to Policy 5.3.1 'Regional Growth', Policy 5.3.2 'Development Conditions' and Objective 5.2.2 'Integration of land use and regionally significant infrastructure' in her assessment of Chapter 5 of the CRPS⁸. It is apparent from the Introduction to Chapter 5 that these 'Wider Region' (not 'Entire Region') provisions are not relevant to the Application as they do not apply to Greater Christchurch⁹.
- 67 Chapter 6 'Recovery and Rebuilding of Greater Christchurch' seeks to manage growth and development within the Greater Christchurch area, directing growth to the Central City, KACs and Neighbourhood Centres, and requiring development to give effect to the principles of good urban design.
- 68 I consider Policy 6.3.6 'Business Land' to be of particular relevance to this Application. It provides for new commercial activities out of existing centres where the location will not give rise to significant adverse distributional or urban form effects (Policy 6.3.6(4)). The economics and urban design experts agree that the Application will not give rise to such significant adverse effects. On the contrary, they consider any effects will be readily acceptable in the context of the environment.
- 69 Policy 6.3.6 also requires that existing infrastructure availability, capacity and quality be utilised (6.3.6(7)); that reverse sensitivity effects and conflicts between incompatible activities be identified and avoided or mitigated (6.3.6(8)); that business land is in close proximity to labour supply, major transport hubs and passenger transport networks (6.3.6(9)); that self-sufficiency of employment and business activities within communities across Greater Christchurch is encouraged (6.3.6(10)); and that good urban design principles appropriate to the context of the development are incorporated into the development of new business activities (6.3.6(11)).
- 70 I consider any potential conflict between activities (including adjacent residential land) will be mitigated by the appropriate treatment of the Site's interface with the frontage roads and neighbouring land; the Site is close to labour supply (located within an existing and rapidly expanding residential area); the Site has frontage to two arterial roads and is accessible to all modes of transport; and the Application incorporates good urban design principles (noting the design amendments that have been incorporated in response to the suggestions of the urban design and landscape experts). On this basis, the Application is considered consistent with Policy 6.3.6.

⁸ Para 202, p.34-35, s42A Report

⁹ p. 43, Chapter 5, CRPS

- 71 I acknowledge the Application challenges Policy 6.3.3, which requires that development occur in accordance with the ODP for the Site. However, reading this policy in its broader context, I do not consider it to be inconsistent. The Principal reasons and explanation for this policy recognises that outline development plans *“provide a mechanism for integrating urban development with infrastructure, making the best use of existing infrastructure, and identifying and providing for the additional infrastructure required to meet the needs of incoming residents and businesses. They also provide the mechanism for integrating new development with existing urban areas, and of achieving the type and form of development necessary to accommodate urban growth in a sustainable way”*¹⁰.
- 72 Policy 6.3.3. should also be read in light of Objective 6.2.6 and supporting Policy 6.3.6 which provide for commercial activities in appropriate locations, and the lack of available land in the Town Centre for a development of the nature and scale proposed. While I accept the Application does not strictly accord with the ODP for the Site (the balance is not prevented from), given my (and the experts’) view that the Application is appropriate in this location (Objective 6.2.6, Policy 6.3.6), and the fundamental purpose of outline development plans to deliver integrated urban development that meets the needs of incoming residents and businesses, I consider the Application can be said to be, on balance, consistent with Chapter 6.

Selwyn District Plan

- 73 As a discretionary activity, the test for consistency with the relevant objectives and policies of the SDP is not as stringent as that for a non-complying activity. That said, I do not consider the Application threatens the intent of the SDP’s policy framework, especially when read in a manner consistent with the NPS-UD, and the intensification and change in the receiving urban environment enabled by the EHS Act.
- 74 The most relevant objectives and policies in this case are those contained in Chapter B2 (Physical Resources – relating to the Transport Network); B3 (Health, Safety and Values) and B4 (Growth of Townships) of the SDP. In short, the theme of the policy framework is to maintain and enhance the environmental quality, built character and amenity values of existing residential areas, and to manage the process of change occurring within an area appropriately.
- 75 It is clear to me that ultimately the Application’s consistency or otherwise with the objectives and policies of the SDP will depend on conclusions made in respect of any adverse effects the Application may have on the surrounding environment. The SDP provides support for carefully considered change within Townships where that change considers residential amenity values and the ability to avoid, remedy or

¹⁰ Principal reasons and explanation, Policy 6.3.3, p79 CRPS

mitigate any adverse effects on the same. In this case, quite clearly, this needs to be considered in the context of the existing and anticipated future environment. As such, regard must be had to the NPS-UD and EHS Act.

- 76 Objectives B2.1.1, B2.1.2 and Supporting Policies 2.1.2, 2.1.3, 2.1.4(a), 2.1.6(a), 2.1.7, 2.1.10, 2.1.13, 2.1.14 and 2.1.15 seek to ensure an integrated approach to land use and transport planning, where the effects of activities on the transport network are appropriately managed. The transport experts have considered the wider land use and transport network vision and are in broad agreement that the Application is appropriately located and designed to ensure the safe and efficient operation of the roading network. Through his evidence Mr Smith has responded to the outstanding transportation matters outlined by Mr Carr. Based on Mr Smith's findings, I consider the Application is consistent with the SDP's transport-related objectives and policies.
- 77 Objectives B3.4.1-B3.4.5 provide for quality urban environments, seeking to ensure that townships are pleasant places to live and work in; a variety of activities are provided for while maintaining the character and amenity values of each zone; and that reverse sensitivity effects are avoided. Supporting Policy B3.4.2 provides for any activities within a zone where they have effects which are compatible with the character, quality of the environment and amenity values of that zone.
- 78 The level of agreement between the relevant experts informs my view that the Application is consistent with the intent of these provisions. And considering them in the context of the NPS-UD and EHS Act only serves to reinforce my opinion, given the future environment in which the Application will be a part.
- 79 "Compatible" does not mean "the same". It is possible for two different land uses to exist or occur together without problems or conflict. The SDP recognises this by providing for non-residential activities in residential areas as a discretionary activity, allowing the "appropriateness" of an activity to be assessed on a case-by-case basis. And in the case of the Application, I consider the Site is appropriately located on two arterial roads along the southern approach to Rolleston, and of appropriate size to provide for the operational and functional requirements of a supermarket while being compatible with neighbouring properties and integrating with Rolleston's rapidly changing urban environment.
- 80 Part B, B3 'Health, Safety and Values' of the SDP contains a number of Objectives and Policies related to maintaining the quality of the environment and amenity values. I consider the Application to be consistent with Policies B3.4.10 and B3.4.11 related to noise given noise generated from the supermarket during construction and operation will be appropriately managed to ensure it does not adversely affect the health or well-being of people; and maintains a sound level

appropriate to the quality of the environment and amenity values of the receiving environment, as further discussed in Mr Hay's evidence.

- 81 Regarding the Hours of Operation, I note that the supermarket will be open to customers during the hours of 7:00am and 10:00pm, seven days a week, and that outside of these hours the supermarket will involve a small number of visits by staff outside of supermarket opening hours as they arrive and leave for the early and late shifts, respectively. There will also be a small number of delivery vehicle movements outside of supermarket opening hours. However, the nature and scale of these, the location on two arterial roads, and how they will be mitigated through design and proposed conditions will ensure that they do not disturb surrounding allotments, consistent with the intent of Policy B3.4.16 (that non-residential activities in Living zones do not disturb surrounding residential activities, particularly at night).
- 82 Policies B3.4.21 and B3.4.22 relate to avoiding adverse signage effects and ensuring that signs are designed to maintain the quality of the environment and amenity values of Living zones, whilst recognising that where retail activities are located in Living zones they will require additional signage. The proposed signage has been reduced in size and scale, and the hours of illumination limited, as recommended by Mr Wolfer. I consider the Application is consistent with the outcomes sought by these policies.
- 83 Policies B3.4.23 to B3.4.27 relate to building design and seek to ensure that building designs avoid, remedy or mitigate adverse effects on adjoining sites. B3.4.27 specifically, seeks to ensure that buildings and structures in Living zones 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. I have no reason to question the specialist architectural, urban design and landscape evidence for both Foodstuffs and SDC on these matters, and consider the Application is consistent with these policies.
- 84 The Objectives and Policies of B4 (Growth of Townships) generally provide for residential and business development. Provision is made for new business development to occur on vacant land in existing Living Zones if that land is available for and appropriate (Policy B4.3.4). The Site is vacant, in the Living Z Zone, and is available.
- 85 Objectives B4.3.3 and B4.3.6; and Policies B4.3.1, B4.3.10 and B4.3.77 refer to development being undertaken in accordance with an ODP. For the same reasons discussed in relation to the CRPS, I do not consider the Application to be inconsistent with these provisions.
- 86 Overall, I conclude that the Application has been designed to be aligned with the majority of the relevant objectives and policies of the SDP. Objectives and policies

seeking to undertake development in accordance with an ODP will inevitably be only partially achieved as these policies are residential focused, however the outcomes sought to be achieved by the ODP will not be precluded on the remainder of the Site.

- 87 Ultimately, the SDP provisions should be read in a manner that is consistent with the NPS-UD or the NPS-UD prevails. The NPS-UD aims to remove barriers to the supply of land and infrastructure and make room for growth. The Application is near the Town Centre and within the Township boundary, proximate to the many planned and developing urban growth areas, on a Site of a size that is not otherwise available in appropriately zoned business areas, is well-served by all transport modes, and has been designed to be compatible with the urban environment as anticipated by the most recent and relevant planning framework.

Proposed Selwyn District Plan

- 88 I consider limited weight can be given to the objectives and policies of the PSDP given its infancy (no decisions have been released to date) and the fact it does not implement the directions of the NPS-UD and EHS Act. Irrespective, my read of the relevant objectives and policies of the PSDP is that they are not substantially different to those of the SDP in respect on non-residential activities in residential areas, such that my conclusion as to the Application's consistency with them would be the same.
- 89 One notable difference from the SDP is the inclusion of Strategic Directions and General District Wide Matters relating to District Identity and Urban Form. These are intended as district-wide provisions that are proposed to set the policy framework of the PSDP.
- 90 The Strategic Directions generally seek that Selwyn is an attractive and pleasant place to work (SD-DI-01), has a prosperous economy which is supported by the efficient use of land (SD-DI-02) and that there remains a vibrancy of activity centres (SD-DI-05). Foodstuffs' experts (and their SDC counterparts) consider the Application will enhance economic and social outcomes for the benefit of the District by providing convenient access to a large-format discount supermarket and ensuring opportunities for employment and social interaction; it represents the efficient use of land undertaken in a manner that has been designed to ensure compatibility with the surrounding residential area; and it will not adversely impact the vibrancy of existing or already identified centres.
- 91 Further the Strategic Directions related to urban form and development seek the development of compact and sustainable townships (SD-UFD-01), that sufficient development capacity is provided to meet business demand (SD-UFD-02) and that urban growth and development is well integrated with infrastructure (SD-UFD-03). The evidence demonstrates that the Application is consistent with these directions.

Matters raised in Submissions

- 92 The Application has attracted 49 submissions (including two late submissions), with 26 submissions in opposition, 22 in support and 1 neutral.
- 93 The s42A Report summarises the nature of the submissions¹¹. The central issues raised by submitters can be broadly categorised as those relating to:
- a. Positive Effects
 - b. Loss of Residential Character and Amenity
 - c. Transport Effects
 - d. Servicing
 - e. Alignment with Strategic Documents
 - f. Property Value Reduction
- 94 Submissions relating to positive effects, character and amenity (including urban design, landscaping and noise), transport and servicing have been comprehensively addressed in my evidence and that of Foodstuffs' other experts and their SDC counterparts, each of whom fundamentally agree. Design amendments have responded directly to many of the submitter concerns, as do the Suggested Conditions of Consent (Appendix 2).
- 95 My evidence has assessed the Application in the context of the relevant strategic documents, including the NPS-UD and EHS Act, and finds it to be aligned with these.
- 96 In terms of potential effects on property values, my understanding of the Court's findings on the issue is that this only becomes a relevant resource management consideration in instances where it is established that some other primary effect on the environment was generated. I would describe property devaluation as a secondary effect that is dependent on some other effect occurring in the first instance. In this case, appropriately qualified experts have concluded that the effects of the Application are appropriate in the context of the environment. On this basis, I do not consider the Application will give rise to any corresponding negative effect on property values that could be deemed a legitimate resource management consideration.

Matters raised by s42A Report

- 97 The overall recommendation in the s42A Report is to decline consent on the basis that the Application *"will result in more than minor adverse effects on residential*

¹¹ Paras 40-44, pp 11-12, s42A Report

amenity values” and “is contrary to the objectives and policies of the SDP...because overall, the proposal is incompatible with the character of the receiving environment.”¹²

98 The issues raised in the s42A Report that have informed Ms Anderson’s ultimate conclusion have been addressed throughout my evidence and that of Foodstuffs’ other experts, and the design amendments. For these reasons, and noting the level of agreement between Foodstuffs’ and SDC’s respective technical experts, I disagree with the basis of her recommendation.

99 The Application, as amended by the subsequent design changes, will in my opinion be compatible with the receiving environment which, as I have outlined, requires a broader interpretation than simply the ‘here and now’. I consider Ms Anderson has taken too narrow a view of the environment in which the Application is to locate. To illustrate this, she:

- describes the environment as “quiet”...“intact” and “predominantly single storey residential dwellings”¹³, and “very much in keeping with the anticipated environmental outcomes for each of the zones identified”¹⁴;
- limits her permitted baseline scenario to a non-residential activity;
- makes no mention of the residential development potential of the Site under the SDP;
- makes no mention of the NPS-UD; and
- makes no mention of the EHS Act or the imminent MDRS.

100 I find it surprising that Ms Anderson has not considered the future environment as anticipated and enabled by the fundamental planning framework established by the NPS-UD and EHS Act, as these very current and relevant national planning directives are instrumental in delivering intensification within Rolleston’s existing urban environment, which the Site is a part. To limit her assessment against an environment that is “very much in keeping with the anticipated environmental outcomes” for the current zones is not, in my opinion, a fair and balanced interpretation, and fails to acknowledge the considerable change afoot.

101 Further highlighting this is the fact that both Ms Wolfer¹⁵ and Mr Ross¹⁶ have considered the future receiving environment as anticipated and enabled by the

¹² Paras 226-227 p39, s42A Report

¹³ Para 52 p13, Para 119 p20, s42A Report

¹⁴ Para 59 p14, Para 169 p28, s42A Report

¹⁵ pp 4-6, 10, 13, 14, Urban Design Evidence of Gabi Wolfer for SDC, Appendix 4, s42A Report

¹⁶ Paras 38-40 p7, para 57 p10, para 63 p12,

NPS-UD and EHS Act. In doing so, they have presented, what I believe, a more balanced assessment to inform a conclusion as to effects on residential character and amenity values. I note that Mr Burns and Mr Milne, having also considered the future receiving environment in this way, have reached similar conclusions as Ms Wolfer and Mr Ross, i.e. the Application does represent an appropriate use of the Site.

- 102 It seems to me that Ms Anderson's failure to consider these higher order documents has influenced her overall conclusions in respect of the Application's effects (specifically residential character and amenity) and consistency with the CRPS and SDP. Having applied a broader analysis of the SDP and CRPS in the context of the overriding NPS-UD and EHS Act that I think is required, I have reached quite a different conclusion.
- 103 I believe the subsequent design amendments have addressed the residual concerns of Ms Wolfer and Mr Ross, such that the appropriate design experts are now all in agreement that the Application can be supported. This level of agreement is, in my view, significant in the consideration of the appropriateness and compatibility of the Application in the context of the receiving environment.

Rolleston Structure Plan

- 104 The Rolleston Structure Plan was adopted by SDC in July 2008 to provide a framework for guiding development over the next 70 years to achieve a high level of town planning and urban design and is a non-statutory document that can be considered. For example, the Rolleston Structure Plan aims to provide for retail and commercial activities in key areas, such as the Rolleston Town Centre and Neighbourhood Centres. It is noted that only two of the fifteen planned neighbourhood and local centres have emerged, with many of the centre locations given over to housing¹⁷, and it has not been updated to reflect the NPS-UD or outcomes anticipated by the EHS Act. That said, Mr Milne's evidence and the appended plans outline how the landscaping treatment along Lincoln Rolleston Road has been modified to give effect to the formal type of avenue plantings anticipated in the Rolleston Structure Plan in response to Ms Wolfer. On this basis, I consider that the Application is aligned with the intent of the Rolleston Structure Plan, and that the landscape treatment design modification has addressed the concerns raised.

Part 2

- 105 Part 2 of the of the RMA is considered relevant for consideration given the age of the SDP which does not give effect to the NPS-UD requirements that district plans

¹⁷ Appendix K 'Urban Design Assessment'

must contribute to a well-functioning urban environment which, as a minimum, enables suitable sites (in terms of both location and size) for business activities to be realised and supported by an associated policy framework). In addition, the SDP and PSDP unduly limit the opportunity for a supermarket operator to secure sufficient land in a centre (and particularly the Rolleston Town Centre Zone) to enable a functional large-scale modern supermarket (i.e. a well-functioning urban environment, as defined by the NPS-UD). This will lead to the loss of social and economic wellbeing for the community and will not give effect to the NPS-UD.

- 106 In regard to Part 2 of the RMA I agree with Ms Anderson that the Application can be considered an efficient use and development of natural and physical resources (7b), that there are no section 6 matters of national importance relevant to the Application, and no matters of the Treaty of Waitangi from Section 8 that come into play.
- 107 I differ from Ms Anderson in her conclusion relating to alignment with Section 7, particularly, Section 7(c) or 7(f). I consider that the Application will maintain and enhance amenity values (7c) and maintain and enhance the quality of the environment (7f) given the environment will be maintained through the considerate design and layout of the Application, including the use of appropriate façade materials, colours, architectural design and landscaping, combined with generous road and internal boundary setbacks and location at the corner of two arterial roads and near the Rolleston Town Centre. This is consistent with the assessment concluded above relating to effects on character and amenity value.
- 108 While a supermarket of the scale proposed may not have been readily contemplated by the SDP, I cannot conclude that this means that the Application does not promote the purpose of the Act. This is because the Application is consistent and aligned with the NPS-UD, the higher order planning document which specifically seeks to enable suitable sites for business activities to be realised and supported. The NPS-UD is recent and assumed to give effect to Part 2 of the RMA.
- 109 Overall, I consider the Application is consistent with the sustainable management purpose of the RMA.

Response to s42A Report's Recommended Draft Conditions of Consent

- 110 Appendix 12 of the s42A Report contains draft conditions of consent should the Application be approved. These were drafted without the benefit of the design amendments that have since been made to the Application. Foodstuffs' experts have suggested changes to the draft conditions of consent, both in response to matters raised in the s42A Report and submissions, and to reflect the subsequent design amendments. I agree with their reasoning for the changes.

- 111 Given the nature and extent of changes required to the draft conditions as a consequence of the design amendments, I have prepared a clean set of conditions to capture the changes suggested by Foodstuffs' experts, re-structured for ease of interpretation (**Appendix 2**).

Conclusion

- 112 In my opinion, the Application is well suited to the Site. The location is appropriate in terms of the operational needs of the activity, being on strategic road corridors leading into the Township, contributing to a compact, consolidated urban form within a location that is accessible for all modes of transport, and providing the community with a wider supermarket offering.
- 113 While the Application will introduce change to the setting, the extent of change is considered appropriate in the context of the existing and future receiving environment. Any adverse effects will, on the whole, be no more than minor, and will not be inconsistent with the objectives and policies of the SDP, especially when read in the context of the higher order planning framework established by the NPS-UD, CRPS and EHS Act. My position in this regard is informed by the level of agreement between both Foodstuffs' and SDC's experts that any environmental effects will be acceptable and appropriately mitigated by conditions of consent.

Mark David Allan

Dated 18th day of July 2022

APPENDIX 1: Summary of Application

Foodstuffs South Island Properties Limited (**Foodstuffs**) propose to establish and operate a PAK'nSAVE supermarket and Click & Collect facility with associated access, loading, car parking, signage, earthworks and landscaping (**the Application**) on approximately 4.14ha of the 7.18ha property at 157 Levi Road, Rolleston (Rural Section 7556, RoT CB18F/727) (**the Site**).

The Application (as publicly notified) involves the following:

- site clearance and enabling works, including building demolition, vegetation removal, earthworks and service trenching)
- construction of a PAK'nSAVE with a building footprint of approximately 7,232m², gross floor area of approximately 8,108m² and maximum height of approximately 12.5m above existing ground level
- five new vehicle crossings/accesses:
 - 'Access A' (Lincoln Rolleston Road): main access on this road frontage, ingress/egress, all movements, available for delivery vehicles excluding semi-trailers, after-hours staff access
 - 'Access B' (Lincoln Rolleston Road): ingress/egress, left-in and left-out only
 - 'Access C' (Levi Road): egress only, left-out only
 - 'Access D' (Levi Road): main access on this road frontage, ingress/egress, all movements, integrated pedestrian refuge
 - 'Access E' (Levi Road): ingress only, left-in only, available for semi-trailer and other delivery vehicles
- delivery/servicing arrangements:
 - via Access A and Access E only, with semi-trailers restricted to Access E (ingress) and Access A (egress)
 - up to four large truck or truck and trailer deliveries per day, of which 3 (bread, chilled/frozen goods, and milk) will occur between 4:30am - 7.00am daily (each approximately 30min)
- 513 on-site vehicle parking spaces, including 10 accessible spaces, 14 staff spaces and eight Click & Collect spaces
- 24 cycle parking spaces (10 customers, 14 staff)
- a new 1.8m-wide footpath along the Site's Lincoln Rolleston Road frontage and a new 3m-wide shared path along the Site's Levi Road frontage, providing connections to internal pedestrian network throughout the carparking area
- employment of up to 260 part-time and full-time staff
- store opening hours 7:00am to 10:00pm, Monday to Sunday
- a total of 94.75m² of signage, comprising:
 - 2x 8m-high freestanding pylon signs located adjacent to Access A and Access D, each with a face area of approximately 12m² (6m H x 2m W)
 - 2x 1.5m-high freestanding 'Welcome' signs located adjacent to Access B and Access E, each with a face area of approximately 1.8m² (1.5m H x 1.2m W)

- 1x 1.5m-high freestanding 'Exit' sign located adjacent to Access C, with a face area of approximately 1.8m² (1.5m H x 1.2m W)
- 2x 1.5m-high freestanding 'Goods Only' signs located adjacent to the staff parking area and service lane entry, each with a face area of approximately 1.8m² (1.5m H x 1.2m W)
- 1x 'PAK'nSAVE' façade sign on the north-west building elevation, with a face area of approximately 22m² (10m L x 2.2m H)
- 1x 'PAK'nSAVE' facade sign on the south-west building elevation, with a face area of approximately 39.75m² (12.25m L x 3m H)
- approximately 30,800m³ of earthworks, comprising approximately 15,100m³ of excavation and 15,700m³ of fill, maximum excavation depth of approximately 6m (to establish the soak pit), and maximum fill depth of approximately 0.34m. Up to 15,100m³ of material will be removed off-site
- comprehensive landscape treatment comprising:
 - pocket park and arbor linkage in the north-west corner of the Site
 - 10m-wide biodiversity planting strip along the north-east boundary
 - road frontage landscape strips and entrance planting
 - tree planting and header gardens within customer and staff carparking areas
- stormwater management system comprising:
 - 'Soakpit A' in the north-west corner of the Site, sized to dispose of approximately 7,300m³ of roof stormwater and approximately 10,150m³ of hardstand stormwater
 - 'Soakpit B' in the southern corner of the Site, sized to dispose of approximately 10,250m³ of hardstand stormwater.
 - 'Soakpit C' in the eastern corner of the Site, sized to dispose of approximately 1,500m³ of the remaining roof stormwater and approximately 3,550m³ of hardstand stormwater.

Post-notification Amendments

Subsequent to notification of the Application, the following design changes have been made in response to concerns expressed in submissions and the s42A Report:

Built Form Elements

- Yellow corporate banding on the South West elevation has been reduced by 8.4m either side of the façade signage (a reduction to 15.49m² from 84.45m²);
- Cladding on the southwest elevation replaced with vertical profiled metal which, in two sections of relief, is pushed back into the building volume either side of the façade sign. As a result, the façade sign has reduced in area to 38.29m² (13m L x 2.945m H);
- Corporate colours have been removed from the North West and South East elevations;
- Other minor changes including:
 - Inclusion of down pipes to break up façade areas to the north and south flanks.
 - Additional glazing has been added:

- at ground level adjacent to the Click & Collect facility along the North West elevation;
 - at ground level up to ceiling height on the South West elevation exposing the lower flight of the staff access stair. Stair glazing on the North West elevation remains with the sill height set at mid-landing level, where it extends up to ceiling height;
 - to the ground floor corner of the South West elevation, southern end. This continues around the corner to the South East elevation at approximately 6.8m in width;
- Additional modulation has been added to the South West elevation with exposed structural columns, splitting the façade into approximately 6.2m modules.

Landscape Changes

- A mix of native and exotic trees has been added in the northwest green space to improve biodiversity;
- A meandering gravel path has been added through the northwest green space to connect to provide a pedestrian connection between the supermarket and Levi Road / Lincoln-Rolleston Road intersection. The path is approximately 1.5m wide and will be lit at night with 1m high light bollards;.
- Footpath thresholds have been added on Lincoln-Rolleston Road at the ends of the arbor structures. A third footpath threshold has been included at the intersection of Levi Road and Lincoln-Rolleston Road, where the abovementioned gravel path meets the footpath;
- An additional pergola structure (with climbers) has been added above the southern pedestrian pathway connection to the supermarket from Lincoln Rolleston Road;
- Fast growing *Pittosporum eugenioides* (Lemonwood) have been included as a key specimen tree in the 10m-wide planting strip along the eastern boundary to achieve earlier visual screening. Under Option A (rural interface) trees will be allowed to reach their natural height (anticipated will be approx. 10m at 20 years for the tallest trees). Under Option B (residential interface as per PC71) the tallest trees will be maintained at their 15-year height of up to 8m. The updated montages illustrate the growth rates of the tree planting in the eastern boundary strip to show five-year growth cycles (5, 10, 15 and 20-years) under Option A and B;.
- Evergreen Mountain Beech trees in the car parking areas have been replaced with evergreen Mexican Alder trees;
- Informal native planting along the Lincoln-Rolleston Road landscape frontage has been replaced with formal specimen tree planting;
- Specimen tree species along both the Levi Road and Lincoln-Rolleston Road frontages have been replaced with deciduous tree species at a spacing of 5m; and
- Taller shrub planting, up to 0.6m high, has been provided on the northern side of the building frontage.

Signage

- The two pylon signs have been reduced in height from 8m to 6m;
- The "entry", "exit" and "goods service vehicles only" freestanding signs have been reduced to 0.6m² in area (0.5m H x 1.2m W) mounted on 0.5m-high legs (1m total height); and

- Minor reduction in building signage areas on the South West and North West elevations (total building signage area of 60.29m² from 61.75m²).

Other Site Changes

- Two additional accessible car parking spaces have been included adjacent to the store entrance (increasing the number of accessible spaces to 12, and maintaining the total number of parking spaces at 513);
- 8 additional cycle parks have been added immediately adjacent to the store entrance;
- Bollards have been added for each parking space along all pedestrian routes within the Site to maintain a minimum 1.5m wide footpath; and
- A Carpark Lighting Layout plan has been prepared (Appendix 1 of Mr Kitto's statement of evidence).

APPENDIX 2: Draft Conditions

1. Except as modified by the following conditions, the development shall proceed in accordance with the following documents, plans:
 - a. The Approved Plans stamped RC216016:
 - i. Site Plans and Elevations referenced project number 5798, revision 2, sheets RC02 – RC08, issued on 1 July 2022 prepared by McCoy Wixon Architects;
 - ii. Landscape Plan, revision 0, issued on 18 July 2022, prepared by Rough Milne Mitchell Landscape Plan;
 - iii. Car Park Lighting Layout Plan, issued 12 July 2022, prepared by Pedersen Read; and
 - iv. Erosion and Sediment Control Plan, issued 2 December 2021, prepared by Powell Fenwick.
 - b. The details in the application and any further information or amendments provided by the Applicant.

Landscape

2. The proposed landscaping shall be established and maintained in general accordance with Rough Milne Mitchell Landscape Plan, Revision 0 dated 18 July 2022.
3. All specimen trees identified on the plant schedule included within the Landscape Plan in Condition 2 shall be a minimum 2 metres in height at the time of planting, and once established must be allowed to grow to their full natural height. The one exception to this is the eastern boundary planting, where trees shall be maintained at a height no greater than 8m if the adjoining land is rezoned for residential purposes.
4. All required landscaping shall be provided on site within the first planting season following the work being completed on site.
5. All required landscaping shall be maintained. Any dead, diseased or damaged landscaping shall be replaced immediately with plants of similar species. Where a tree is to be replaced, it shall be at least 2 metres in height at the time of planting.

Lighting

6. Lighting shall be installed and operated in general accordance with the Car Park Lighting Layout Plan prepared by Pederson Read, dated 12 July 2022.
7. Prior to the issue of a building consent, the Consent Holder shall submit an electrical completion certificate demonstrating that the proposed artificial outdoor lighting design has a calculated maximum horizontal and/or vertical illuminance at the boundary of any adjoining property less than 5 lux during the hours of darkness from 6.00am to 10.00pm and less than 1 lux during the period from 10.00pm to 6.00am
8. Illumination of all signs shall be restricted to between 0700 hours and 2200 hours.
9. All security lights shall be directed into the site and away from neighbouring properties.

Noise

10. Noise from the activity (excluding heavy vehicle deliveries at night) should achieve the following limits¹⁸:

Assessment Location	Time Period	Daytime	Night-Time
Residential Zone (any point within the boundary of any site in this zone)	0700 to 2200 hrs 2000 to 0700 hrs	50 dB L _{Aeq} (15min)	40 dB L _{Aeq} (15min) 70 dB L _{Amax}
Eastern Boundary: Where the adjoining land is Rural zone (any point within the notional boundary of any other site); or Where the adjoining land is Residential Zone (any point within the boundary of any site in this zone)	0700 to 2200 hrs 2000 to 0700 hrs	55 dB L _{Aeq} (15min)	45 dB L _{Aeq} (15min) 75 dB L _{Amax}

11. Deliveries shall be in accordance with the consent application, with no more than two large goods vehicles arriving between 2200 and 0700 hrs (resulting in a total of four vehicle movements).
12. Noise barriers shall be erected along the eastern boundary of the Site as follows:
- where the adjoining land is zoned rural, a minimum 2m-high acoustic fence atop a 0.6m-high retaining wall erected on the boundary ('Option A on Rough Milne Mitchell Landscape Plan' and 'North-East Boundary Strip Elevation Render Option A' dated 18 July 2022); or
 - ii. where the adjoining land is zoned residential, a minimum 2m-high acoustic fence erected on the boundary and a minimum 2.5m-high acoustic fence erected 6m back from the boundary ('Option B on Rough Milne Mitchell Landscape Plan' and 'North-East Boundary Strip Elevation Render Option B' dated 18 July 2022).

¹⁸ Noting that more information is required to determine potential adverse effects associated with night-time heavy vehicle movements.

13. The noise barrier must be of durable construction, free from gaps, cracks or holes and have a surface mass of at least 8kg/m². The location and extent of the barriers is indicated as Options A and B of the Rough Milne Mitchell Landscape Plan, Revision 0 dated 18 July 2022.
14. Waste collection should only occur between the hours of 0700 and 1900 hours.
15. Noise from mechanical services plant (except the generator) shall be designed to meet a night-time noise limit of 30 dB LAeq(15 min), assessed at the boundary of neighbouring residential zoned properties and the notional boundary of any rural zoned dwellings. Prior to the issue of a building consent, the Consent Holder shall submit a report from a suitably qualified person demonstrating that the mechanical services for the facility comply with a noise limit of 30 dB LAeq (15 min), assessed at the boundary of neighbouring residential zoned properties and the notional boundary of any rural zoned dwellings.
16. Any forklifts on the site shall be fitted with broadband reversing alarms.
17. All construction shall be planned and undertaken to ensure that construction noise emitted from the site does not exceed the noise limits outlined in Table 2 of NZS6803:1999 Acoustics – Construction Noise. Sound levels associated with construction activities shall be measured and assessed in accordance with the provisions of NZS 6803:1999 Acoustics – Construction Noise wherever practicable. A Construction Noise and Vibration Management Plan (CNVMP) shall be submitted to Council for approval 20 working days prior to commencing work on site.

Transport

18. Car parking and access shall be constructed as per shown on the approved Architectural Drawing project number 5798, Revision 2, Sheet RC02, issued on 18 July 2022 prepared by McCoy Wixon Architects.
19. For avoidance of doubt the car parking area shall contain a minimum of 513 car parking spaces, including a minimum of 12 impaired mobility car parking spaces.
20. All accessible car parking spaces shall be permanently marked and signed on site for people with disabilities.
21. The Consent Holder shall establish a shared path along the Levi Road frontage and a footpath along the Lincoln-Rolleston Road frontage of the Site, to be formed with kerb and channel and shared path and footpath dimensions as required under the Selwyn District Council Subdivision Code of Practice Part 8 (February 2012).
22. Prior to opening the supermarket, the Consent Holder shall provide a formal pedestrian crossing across Levi Road to the east of the main access (Access D) and across Lincoln-Rolleston Road in line with the internal pedestrian path north of the main access (Access A).
23. Should the supermarket open prior to Selwyn District Council's planned signalisation of the Levi Road / Lincoln-Rolleston Road / Lowes Road / Masfield Drive intersection, the Consent Holder shall provide a temporary crossing across Lincoln-Rolleston Road to connect the new shared path on Levi Road (Condition 21) to the existing shared paths on Lowes Road and Lincoln-Rolleston Road;

24. The Consent Holder shall install signage banning right turns into and out of the northernmost Lincoln-Rolleston Road access (Access B) and undertake post-opening monitoring to determine any safety issues relating to non-compliant right-turning vehicles at Access B. Monitoring shall be undertaken by an independently qualified professional within 3 months of the supermarket opening, and annually thereafter for the first two years of operation. Should any safety issues be identified through Waka Kotahi Crash Analysis System crash records or observations on site due to non-compliant right-turning vehicles at Access B, additional design treatments, such as installing a median to physically restrict right turns, shall be implemented at Access B at the request of the Selwyn District Council;
25. The Consent Holder shall install signage banning right turns out of the westernmost Levi Road access (Access C) and undertake post-opening monitoring to determine any safety issues relating to non-compliant right-turning vehicles at Access C. Monitoring shall be undertaken by an independently qualified professional within 3 months of the supermarket opening, and annually thereafter for the first two years of operation. Should any safety issues be identified through Waka Kotahi Crash Analysis System crash records or observations on site due to non-compliant right-turning vehicles at Access C, suitable mitigation shall be agreed with Selwyn District Council in the form of additional design treatments at Access C, such as installing a median to physically restrict right turns.
26. The Consent Holder shall undertake monitoring of the easternmost access on Levi Road (Access E) to confirm that left-turning vehicles into the Site are not impeding through vehicles during the evening peak hour resulting in safety concerns in the vicinity of Access E. Monitoring shall be undertaken by an independently qualified professional within 3 months of the supermarket opening, and annually thereafter for the first two years of operation. Should any safety issues be identified through Waka Kotahi Crash Analysis System crash records or observations on site due to westbound through vehicles being impeded by left-turning vehicles into Access E resulting in sudden braking or swerving manoeuvres, suitable mitigation shall be agreed with Selwyn District Council in the form of additional design treatments or restricting use of Access E to the public.
27. Access for semi-trailers shall be restricted to entering the Site via the easternmost access on Levi Road (Access E) and egressing the Site via the southernmost access on Lincoln Rolleston Road (Access A)
28. Signage shall be installed at the internal entrance to the staff parking area near the service yard to prohibit public access.
29. There shall be no obstructions to visibility within pedestrian visibility splays at each of the Site's vehicle accesses (Accesses A-E).
30. Signage shall be installed at each entry vehicle access location (Accesses A, B, D and E) to reinforce a 10km/hr speed limit within the Site.
31. A concept design and detailed design road safety audit is required for all works in the road reserve including the formation of accesses. The audits are to be undertaken in alignment with Waka Kotahi road safety audit procedures (<https://www.nzta.govt.nz/resources/road-safety-audit-procedures/>).

32. A Construction Temporary Traffic Management Plan (TTMP) shall be prepared in line with Waka Kotahi's Code of Practice for Temporary Traffic Management procedures.

Contaminated Land

33. A soil sampling investigation/Detailed Site Investigation (DSI) shall be undertaken at the Site in accordance with the Ministry for the Environment's (MfE) *Contaminated land management guidelines No. 5: Site investigation and analysis of soils (Revised 2021)* and reported on in accordance with the MfE's *Contaminated land management guidelines No. 1: Reporting on contaminated sites in New Zealand (Revised 2021)*.
34. In the event that the soil sampling investigation/DSI recommends for a Site Management Plan (SMP) and/or Remedial Action Plan (RAP) be prepared to appropriately manage any identified contaminated soils, then at least 20 working days prior to bulk earthworks commencing onsite the SMP and/or RAP shall be provided to the Team Leader Compliance for confirmation that it complies with the conditions of this consent, and that post-development remaining soils will meet the applicable Soil Contaminant Standard in the context of commercial/industrial land use, as referenced in the NESCS. The SMP and/or RAP shall include, at a minimum:
- a. Details of validation sampling to be undertaken, including the sampling rationale, and analyses to be undertaken.
 - b. Details of how remediation will be undertaken if soils do not comply with the Standard in the context of commercial/industrial land use.
 - c. Details of where soil will be disposed of if disposal off-site is required.
35. Within three months of the completion of validation sampling at the Site, a site validation report shall be provided to the Team Leader Compliance, to demonstrate that the Application Site complies with the applicable Soil Contaminant Standard in the context of commercial/industrial land use, as referenced in the NESCS. The site validation report shall be prepared in accordance with the MfE's *Contaminated land management guidelines No. 1: Reporting on contaminated sites in New Zealand (Revised 2021)*.
36. In the event that visual or olfactory evidence of contamination is identified, which was not anticipated by the previous soil contamination investigations undertaken on the Site, the works shall immediately cease within 10 metres of the contamination. Works shall not recommence in this area until a suitably qualified and experienced contaminated land practitioner has assessed the contamination, and their recommendations have been followed.

Construction

37. All earthworks authorised by this consent shall be undertaken in accordance with the current edition of Environment Canterbury's Erosion and Sediment Control Toolbox, and the Erosion and Sediment Control Plan prepared by Powell Fenwick, dated 3 December 2021. For clarity, the Erosion and Sediment Control Plan shall include:
- a. Minimising the amount of disturbed material and open ground;
 - b. Controlling run-off water from flowing across the site and disturbed open earthworks where practical;

- c. Separating clean run-off water from adjacent road and properties from on-site run-off;
 - d. Avoid surface erosion by protecting any exposed areas from overland run-off, effect of heavy rain events and wind blow;
 - e. Preventing sediment from leaving the Site by directing water to remain on-site and avoiding run-off and loose sediment from reaching adjoining properties;
 - f. Covering stockpiles and open ground with appropriate material when exposed for a length of time and / or is prone to wind erosion;
 - g. Removing stockpiles from site as soon as possible. Stockpiles will be kept tidy and constructed in a safe manner. They will not be greater than 4m in height and shall have a stable slope;
 - h. Covering excavated access formation with a running course as soon as possible to reduce potential erosion; and
 - i. Inspection and monitoring of control measures, and rectification works as necessary.
38. The Consent Holder shall implement best practicable option measures to avoid or mitigate the dispersal and deposition of dust from construction and earthworks activities beyond the boundary of the property.
39. The Consent Holder shall implement best practicable option measures to avoid or mitigate the discharge of sediment laden runoff beyond the boundary of the property.
40. A Construction Temporary Traffic Management Plan (TTMP) will be prepared in line with Waka Kotahi's Code of Practice for Temporary Traffic Management procedures.

Stormwater

41. The consent holder shall install stormwater reticulation treatment and disposal systems to service the development in accordance with the requirements of any resource consent issued by Canterbury Regional Council.
42. Where stormwater discharges are to be undertaken as a permitted activity, confirmation in writing of permitted status shall be provided from Canterbury Regional Council in the form of a certificate of compliance.
43. The development shall not increase the extent of the secondary flow path for the 1: 200-year flood event (as modelled in Selwyn's flooding and coastal hazards (canterburymaps.govt.nz) as at July 2022) on any residential property.
44. The proposed development shall not discharge run off onto adjacent properties unless via a controlled outlet approved as part of the Engineering Design Approval.
45. In the event that an adjacent neighbour's historical stormwater drainage was onto the site, the proposed development must maintain or mitigate the historical discharge.

Waste Management

46. Prior to the issue of a building consent, the Consent Holder shall submit a waste management plan to the Selwyn District Council.

Notes to the Consent Holder:

Lapse Period

- a) Pursuant to section 125 of the Resource Management Act 1991, if not given effect to, this resource consent shall lapse five years after the date of this decision unless a longer period is specified by the Council upon application under section 125 of the Act.

Monitoring

- b) In accordance with section 36 of the Resource Management Act 1991, the Council's specialised monitoring fee has been charged.
- c) If the conditions of this consent require any reports or information to be submitted to the Council, additional monitoring fees for the review and certification of reports or information will be charged on a time and cost basis. This may include consultant fees if the Council does not employ staff with the expertise to review the reports or information.
- d) Where the conditions of this consent require any reports or information to be submitted to the Council, please forward to the Council's Compliance and Monitoring Team, **compliance@selwyn.govt.nz**
- e) Any resource consent that requires additional monitoring due to non-compliance with the conditions of the resource consent will be charged additional monitoring fees on a time and cost basis.

Road Frontage Upgrades

- f) Where existing road frontages are to be upgraded, this work is required to be approved and undertaken through the Engineering Approval.

Vehicle Crossings

- g) Any new or upgraded vehicle crossing requires a vehicle crossing application from Council's Assets Department prior to installation. For any questions regarding this process please contact transportation@selwyn.govt.nz. You can use the following link for a vehicle crossing information pack and to apply online: **<http://www.selwyn.govt.nz/services/roading/application-to-form-a-vehicle-crossing-entranceway>**

Water Supply, Stormwater and Sewer

- h) Onsite stormwater treatment and disposal system(s) must comply with the requirements the Canterbury Regional Council. Where compliance via a Certificate of Compliance cannot be provided, then a resource consent must be obtained.

Water Supply

- i) Backflow prevention shall be supplied in accordance with Council's backflow policy W213. This shall be installed as part of the building consent.
- j) For supervision purposes a minimum of 10 working days' notice is required. Please note a connection fee being the actual cost quoted by SICON Ferguson Ltd will apply.

Building Act

- k) This consent is not an authority to build or to change the use of a building under the Building Act. Building consent will be required before construction begins or the use of the building changes.

Regional Consents

- l) This activity may require resource consent from Environment Canterbury. It is the consent holder's responsibility to ensure that all necessary resource consents are obtained prior to the commencement of the activity.

Impact on Council Assets

- m) Any damage to fixtures or features within the Council road reserve that is caused as a result of construction or demolition on the site shall be repaired or reinstated and the expense of the consent holder.