

BEFORE THE SELWYN DISTRICT COUNCIL

IN THE MATTER OF The Resource Management Act 1991

AND

IN THE MATTER OF Resource Consent application RC216016 to
establish and operate a Pak'nSAVE
supermarket and associated carparking,
signage and landscape, and to undertake
soil disturbance under NES, at 157 Levi
Road, Rolleston.

Summary of Planning Evidence

Jane Anderson

Dated: 4 August 2022

1.0 Introduction

- 1.1 My full name is Jane Alexis Anderson. My qualifications and experience are set out in the Section 42a report dated 11 July 2022.
- 1.2 I repeat the confirmation given in that statement that I have read and agree to comply with the Code of Conduct for Expert Witnesses in the Environment Court.

2.0 Post-notification

- 2.1 Since the notification of the proposal and the drafting of the s42a report, the applicant has proposed a number of changes to the application, including a reduction in the level of signage and use of corporate colours, increased glazing and articulation of the building, increased landscaping, and have offered a number of consent conditions to manage noise and traffic issues.
- 2.2 As a result of these changes, a high level of agreement between the applicant's and Council's experts has been achieved.
- 2.3 In light of these changes, I have sought to focus my summary of evidence on the remaining matters.

3.0 Assessment of Effects

Existing and Future Built Environment

- 3.1 I acknowledge that my report did not provide a detailed assessment of the future built environment provided for by the National Policy Statement on Urban Design, the Enabling Housing Supply Act and the Medium Density Residential Standards. However, these matters were considered as part of Ms Wolfer's and my assessment.
- 3.2 I agree with Mr Allen that the planning framework provided by these national planning directives will provide the opportunity for intensification of the Rolleston urban environment. The future built environment of this area is likely to be one characterised by a higher density, and one that may include an increased scale of buildings with consequentially increased residential activity.
- 3.3 The applicant has provided a non-fanciful alternative residential development of the site. I consider that any future residential development of the site and surrounds will include a high degree of articulation within and between dwellings, with each dwelling provided with its own relatively small scale open space that are reflective of medium density residential developments. The provided alternative residential development provides a useful reference in considering the potential built environment that is anticipated by the relevant planning framework.

The Scale of the Activity

- 3.4 The District Plan includes a set of provisions that seek to limit the scale of commercial activities occurring within a residential environment, to ensure that these activities are compatible with the receiving environment. That is to say that two activities are able to exist or occur together without problems or conflict.

- 3.5 In the context of the receiving residential environment, and any future built environment constructed in accordance with the NPS-UD, EHS Act and MDRS, it is my view that the scale of commercial activities, including the hours of operation and the traffic generation, will result in cumulative adverse effects on the character of the environment through disturbance and a general level of commercial 'busyness'. I consider that the scale of these commercial activities are significantly different from those activities that can reasonably be anticipated within a residential area, regardless of density, and will detract from the pleasantness and aesthetic coherence of the existing quality of the environment.
- 3.6 I consider that the proposed development will create a large, highly visible and overtly commercial development in an area that is characterised by residential amenity, on land that is anticipated by the District Plan to be residential in nature.

4.0 Policy Framework

Operative District Plan

- 4.1 As part of the section 42A report, I concluded that the information to date had not been sufficient to fully identify the transportation effects of the proposal on the adjacent roading network nor to make an assessment as to whether the proposal is consistent with the transport objectives and policies of both the Operative and Proposed District Plan.
- 4.2 As has been noted, the applicant's and Council's transport experts have undertaken traffic surveys and expert witness caucusing to produce a Joint Witness Statement and a number of conditions of consent to address any potential adverse traffic effects arising from the proposal.
- 4.3 Subject to conditions of consent, I therefore conclude that the proposal will be consistent with the relevant traffic objectives and policies.
- 4.4 In review of the policy framework for the quality of the environment, I consider that the District Plan seeks to ensure that townships are pleasant places to work and live, to provide for activities that are compatible with the character, quality of the environment and amenity values of that zone. I consider the cumulative effects of the scale of the activities associated with the operation of a large supermarket, including staff numbers, vehicle movements, and opening hours, are incompatible with the character, quality of the environment and amenity values of the existing and anticipated residential environment.
- 4.5 In consideration of Policies B3.4.9 and B3.4.10 regarding noise, it is considered that sufficient information has been provided to address these matters, and that the proposal will be consistent with the policies relating to noise, subject to the relevant mitigation measures and proposed conditions of consent.
- 4.6 Since the Council's evidence has been circulated, the applicant has revised the proposed signage and use of corporate colours on the proposed building, including removing corporate colours from the north-west and south-east face, and reducing the height of the pylon sign to 6m. On the basis of these proposed changes, I consider that the scale of the

proposed signage is more in keeping with the quality of the environment and amenity values, and are not inconsistent with Policies B3.4.20 and B.3.4.21.

- 4.7 Policy B3.4.27 seeks to ensure that commercial buildings are of a scale that is compatible with the quality of the environment. Ms Wolfer has concluded that the scale of the building is acceptable within both the existing receiving environment and the future built environment. I accept Ms Wolfer's assessment and consider the proposal to be not inconsistent with this policy.
- 4.8 Policy B4.3.10 and B4.3.76 seek to ensure that development is undertaken in accordance with the Outline Development Plan. The ODP makes no provision for commercial development, but notes that the area's proximity to the town centre would support the proposed Medium Density Housing. It is considered that the inclusion of a supermarket with associated car parking is not in accordance with the ODP nor will it better achieve the key principles of the ODP. I therefore consider the proposal to be inconsistent with the ODP policy framework.
- 4.9 In response to the significant number of changes to the proposal and the proposed conditions of consent, I consider that on balance, the proposal is inconsistent with the objectives and policies of the Operative District Plan.

Proposed District Plan

- 4.10 In consideration of the proposed District Plan, I consider that the Plan provides a stronger framework to manage the development of non-residential activities in residential zones than the current Operative Plan. The status for supermarkets outside of Town Centres is proposed to be non-complying. The policy framework provides for the Town Centres to be the primary focus for commercial activities (TCZ-O1) and seeks to enable commercial developments within these zones (TCZ-P1). Conversely, the policy framework for the residential zones seeks to ensure that the role of the residential environment is not compromised by non-residential activities (RESZ-O6) and that any non-residential environment is of a scale and nature that meets the needs of the local community (RESZ-P15).
- 4.11 As I have noted, a number of changes have been made to the proposal to manage the potential adverse effects, and I therefore conclude that the proposal is inconsistent with the Proposed District Plan.
- 4.12 Given that no decisions have been made to date on the Proposed District Plan, I agree with Mr Allan that limited weight can be afforded to the provisions of this Plan.

Regional Policy Statement

- 4.13 In consideration of the RPS, Chapter 5 seeks to ensure that development occurs in a consolidated manner in existing urban areas, and that any adverse effects of a development are adequately managed. Chapter 6 seeks to manage growth and development within the Greater Christchurch Area, directing growth to Central City, Key Activity Centres and neighbourhood centres, and requiring development to give effect to the principles of good urban design.

4.14 I consider that in the context of the receiving environment, that the scale of the activities proposed will not maintain the character and quality of the existing built environment, or reflect the appropriateness of the development to its location.

4.15 On this basis, I consider that the proposal is partially consistent with Chapter 5 and 6 of the RPS.

National Policy Statement – Urban Design

4.16 Objective 4 of the National Policy Statement – Urban Design provides for urban environments to be responsive to the changing needs of the people, whilst also considering the amenity values of these environment. I consider Objective 4 is particularly relevant in resource consent decision making as it relates to what a well-functioning urban environment means in the Selwyn context.

4.17 Associated Policy 1 provides guidance on urban growth to ensure that planning decisions contribute to well-functioning urban environments that, of relevance to the current resource consent:

(b) have or enable a variety of sites that are suitable for different business sectors in terms of location and site size

4.18 Policy 6 provides for matters for planning decision makers to have regard to. The Selwyn District Plan will need to be amended to give effect to the NPS as soon as practicable. In the meantime, I consider that Policy 6(c), (d) and (e) apply to the consideration of resource consents:

(c) the benefits of urban development that are consistent with well-functioning urban environments;

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

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

4.19 As I have noted, the applicant has made a significant number of changes to the proposal, to improve the development's compatibility with the surrounding environment and to manage potential adverse amenity effects.

4.20 As a result of these changes, and the conclusions of the various experts, I consider that the proposal will be consistent with a well-functioning urban environment, and will meet the general directive of the NPS-UD.

5.0 Conclusion

5.1 In returning to the context of the existing and future receiving environment, it is considered that the scale of the proposal far exceeds what could reasonably be anticipated within a residential environment. Given the extent of mitigation measures proposed by the applicant, I consider that the majority of these issues can be managed.

5.2 Further, as a result of these proposed changes, I consider that the supermarket development will be not inconsistent with the objectives and policies of both the operative

and proposed plan. I acknowledge the enabling nature of the NPS-UD and consider that the proposal will meet the general directive of the NPS-UD.

- 5.3 I consider that the assessment is finely balanced and that the commissioner may grant or decline the application.

Jane Alexis Anderson

4 August 2022