

**BEFORE THE SELWYN DISTRICT COUNCIL**

**IN THE MATTER OF** The Resource Management Act 1991

**AND**

**IN THE MATTER OF** RC216016 to establish and operate a supermarket and associated carparking, signage and landscaping, and to undertake soil disturbance under the NES, at 157 Levi Road, Rolleston

**AND**

**IN THE MATTER OF** **FOODSTUFFS (SOUTH ISLAND) PROPERTIES LIMITED**

**Applicant**

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**DECISION OF HEARING COMMISSIONER DAVID CALDWELL**

**Dated 29 September 2022**

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## **Hearing Held: 2, 3 and 4 August 2022**

### **Appearances:**

#### Applicant:

Ms Alex Booker, Anderson Lloyd – Legal Counsel  
Ms Rebecca Parish, Head of Property Strategy for the Applicant  
Mr Matt Mitchell – Architect  
Mr Tony Milne, Landscape Architect – Landscape and Amenity  
Mr Andrew Burns – Urban Design  
Mr Dave Smith – Transportation  
Mr Rob Hay – Acoustic Consultant  
Mr Fraser Colegrave – Economist  
Mr Mark Allan – Planning

#### *Witnesses providing written evidence*

Mr Keegan Brogden – Civil Engineer  
Ms Fiona Ambury – Stormwater Treatment/Disposal  
Mr Guy Knoyle – Soil Contamination  
Mr Greg Kitto – Lighting

#### Submitters:

Mr Jason Brooks (Submitter 47)  
Mr Alan & Ms Kathreen Haylock (Submitter 7)  
Mr Nicholas & Ms Glenda Brown (Submitter 38)  
Ms Shona Robb (Submitter 28)  
Mr Shane & Ms Donna Webb (Submitter 49)  
Ms Morgan Laird, Planner and Mr Lee Bradcock, Company Representative – on behalf of Submitter 43 and Submitter 44  
Brendan Shefford (Submitter 48)

#### Reporting Officers:

Mr Tim Heath – Retail Distribution / Economic Effects  
Ms Gabi Wolfer – Urban Design  
Mr Gabriel Ross – Landscape and Visual Effects  
Mr William Reeve – Acoustic Engineering  
Mr Andrew Carr – Traffic/Transportation  
Ms Jane Anderson – Planning

## ABBREVIATIONS TABLE

<b>AEE</b>	Assessment of Environmental Effects
<b>APA</b>	Affected Party Approval
<b>Applicant</b>	Foodstuffs (South Island) Properties Limited
<b>Application</b>	The resource consent application for land use consent to establish and operate a supermarket, associated parking and landscaping at 157 Levi Road, Rolleston
<b>CPTED</b>	Crime Prevention Through Safer Environmental Design
<b>CRPS</b>	Canterbury Regional Policy Statement
<b>MDRS</b>	Medium Density Residential Standards
<b>NES</b>	National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health
<b>NPSUD</b>	National Policy Statement on Urban Design
<b>ODP</b>	Outline Development Plan
<b>PC71</b>	Plan Change 71
<b>PDP</b>	Proposed District Plan
<b>RMA</b>	Resource Management Act 1991
<b>RMA EHS Act</b>	Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021
<b>SDC</b>	Selwyn District Council
<b>SDP</b>	Operative Selwyn District Plan

## INDEX

<b>Background and Procedural Matters .....</b>	<b>5</b>
<b>Site Visit .....</b>	<b>6</b>
<b>The Proposal.....</b>	<b>7</b>
<b>Scope.....</b>	<b>8</b>
<b>Description of the Existing Environment.....</b>	<b>9</b>
<b>Summary of Evidence.....</b>	<b>11</b>
<b>Written Statements of Evidence Provided.....</b>	<b>15</b>
<b>Submitters.....</b>	<b>16</b>
<b>s42A Officers .....</b>	<b>20</b>
<b>Joint Witness Statements .....</b>	<b>21</b>
<b>Further Information and Closing .....</b>	<b>21</b>
<b>Principal Issues in Contention.....</b>	<b>22</b>
<b>Assessment .....</b>	<b>22</b>
<b>Statutory Considerations .....</b>	<b>23</b>
<b>Activity status .....</b>	<b>23</b>
<b>Effects on the Environment – s104(1)(a).....</b>	<b>23</b>
<i>Written Approvals .....</i>	<i>23</i>
<b>Permitted Baseline – s104(2) RMA .....</b>	<b>25</b>
<b>Assessment of Effects.....</b>	<b>26</b>
<i>Character and Amenity.....</i>	<i>27</i>
Expert Evidence .....	28
Urban Design .....	29
Assessment.....	32
Landscape.....	32
Assessment.....	35
Lighting.....	36
Noise .....	36
Assessment.....	37
Transportation Amenity.....	38
Assessment.....	40
Overall Amenity Effects.....	40
Assessment.....	41
<i>Transport Effects .....</i>	<i>42</i>
Assessment.....	44
<i>Soil Contamination.....</i>	<i>44</i>
<i>Retail Distribution / Economic Effects.....</i>	<i>44</i>
Assessment.....	45
<i>Infrastructure Management .....</i>	<i>45</i>
Assessment.....	46
<i>Construction Effects.....</i>	<i>46</i>
<i>Property Values .....</i>	<i>47</i>
<i>Positive Effects .....</i>	<i>47</i>
<i>Overall Evaluation of Effects .....</i>	<i>48</i>
<b>Alternative Locations.....</b>	<b>49</b>
<b>Section 104(1)(b) of the RMA .....</b>	<b>49</b>
<b>NPSUD.....</b>	<b>50</b>
<i>Assessment .....</i>	<i>52</i>
<b>CRPS .....</b>	<b>52</b>
<i>Assessment .....</i>	<i>55</i>
<b>SDP .....</b>	<b>55</b>
<i>Assessment .....</i>	<i>59</i>
<b>PDP .....</b>	<b>60</b>
<b>IPI Objectives and Policies.....</b>	<b>61</b>
<b>Precedent / Plan Integrity .....</b>	<b>61</b>
<i>Assessment .....</i>	<i>62</i>
<b>Part 2 .....</b>	<b>62</b>
<i>Assessment .....</i>	<i>64</i>
<b>Overall Finding .....</b>	<b>64</b>
<b>Conditions.....</b>	<b>65</b>
<b>Overall Decision .....</b>	<b>66</b>



## Background and Procedural Matters

1. This is the decision of Independent Hearing Commissioner Mr David Caldwell.
2. I have been appointed by Selwyn District Council as Independent Commissioner to hear and determine the application by Foodstuffs (South Island) Properties Limited for resource consent to establish and operate a PAK'nSAVE supermarket and associated access, loading, carparking, signage, earthworks, click and collect and landscaping, and to undertake soil disturbance under the NES at 157 Levi Road, Rolleston.
3. The application was publicly notified on 5 May 2022 with the submission period closing on 2 June 2022. At the close of the submission period, SDC had received 22 submissions in support and 27 in opposition. Two of those submissions, being from Mr Brendan Shefford and Shane and Donna Webb, were late. By Minute dated 17 June 2022 I waived the non-compliance and determined that the late submissions could and should be accepted for consideration. A full list of submitters was provided as Appendix 3 to the s42A Report (**Report**). I confirm that I have been provided with and have read and considered all of the submissions lodged.
4. Ms Anderson provided a helpful summary of those submissions in paragraphs [42] – [44] of her Report. Those in support generally considered that it would provide additional supermarket choice and competition in Rolleston, would provide employment, was well located in terms of convenience and walkability, and that it would assist in easing congestion around the existing supermarkets.
5. The key issues in the submissions in opposition included: traffic issues, including increase in traffic on the surrounding road network, heavy vehicle movements, safety effects for pedestrians and cyclists, impact on property access, and staff parking; character and amenity, including visual amenity, issues of scale and number of signs, compatibility with the surrounding environment, insufficient landscape mitigation, lighting, hours of operation, noise and similar. Strategic and related issues were also raised including that it was not within keeping with the ODP, was not in accordance with the NPSUD, that it may reduce development capacity for residentially zoned land, not in accordance with the relevant objectives and policies. Other issues raised included alternative locations, economic effects in terms of fragmentation and lack of competition, social effects concerning anti-social behaviour, property values and flooding.
6. Prior to the hearing I issued a number of Minutes. Minute No 1 dated 17 June 2022 addressed hearing related matters including the pre-reading of evidence and a requirement for summaries to be prepared and read.
7. In my Minute No 2 dated 29 July 2022 I addressed further hearing related issues in response to a Memorandum of Counsel for the Applicant dated 28 July 2022. I addressed matters related to that Memorandum and how I proposed to deal with the APAs which had been

provided. By Minute No 3 dated 29 July 2022 I addressed issues of witness attendance and particularly by way of AVL.

8. The hearing commenced at 9.00am on Tuesday 2 August 2022 and adjourned on Thursday 4 August 2022.
9. I issued Minute No 4 on 5 August 2022 addressing the written reply and site visit. This recorded Ms Booker anticipated that a final set of proposed conditions would be provided within seven days. I directed that the written reply be provided no later than 5.00pm on Friday 19 August 2022. I addressed the intended site visit.
10. By Minute No 5 of 29 August 2022 I provided an opportunity for the Applicant and any submitter who had raised the issue in submissions to provide any submissions or comments on the relevance of precedent and/or plan integrity to the application. I indicated in that Minute that I did not consider I would benefit from additional submissions in relation to Variation 1.
11. I closed the hearing by Minute No 6 on 6 September 2022. On commencing my deliberations, I identified that it would be appropriate to raise the issue of what effect, if any, the notification of Variation 1 has on my consideration of the relevant objectives and policies and set out the reasons for that (by Minute No 7 dated 15 September 2022). I directed the reporting officer, the Applicant and any submitter who wished to do so provide a brief memorandum on the matters identified. I received responses from the reporting officer, the Applicant and BTW on behalf of submitters 43 and 44.
12. Finally, in terms of the procedural matters, I issued Minute No 8 on 27 September 2022 addressing the further information received and the timing of the decision. I extended the time for issuing my decision by two working days and advised that my decision would therefore be released on or before Friday 30 September 2022.

### **Site Visit**

13. I undertook a site visit on Thursday 11 August 2022. I viewed the site and the surrounding area, drove around the local road network, identifying the location of a number of submitters' properties which assisted in my understanding of the relationship of those properties to the site and the site accessways. I visited a number of the residential areas surrounding the site.
14. I also went to the New World site in the Rolleston Town Centre and also took the opportunity to view the IZone and associated industrial areas to the west of State Highway 1. This was identified by a number of submitters as an alternative and more appropriate site.
15. I note that I am also very familiar with the application site and its immediate surrounds from my previous site visits undertaken in my role as Commissioner on private plan changes.

## The Proposal

16. The proposal was summarised by Ms Anderson in her s42A Report and in Appendix 1 to Mr Allan's planning evidence. By way of summary, the Applicant proposes to establish and operate a PAK'nSAVE supermarket with a click and collect facility, loading, carparking, signage, earthworks and landscaping on a site which is approximately 4.14 hectares. This is part of a 7.18 hectare property at 157 Levi Road.
17. The supermarket has a building footprint of approximately 7,232 m<sup>2</sup> with a gross floor area of approximately 8,108 m<sup>2</sup> and a maximum height of approximately 12.5m above existing ground level.
18. There are five new vehicle accesses proposed. These are identified as Accesses A – E. Access A, on Lincoln Rolleston Road, is the main access onto that road frontage. It enables an ingress/egress for all movements and is available for delivery vehicles, excluding semi-trailers, and for after-hours staff access. Access B on Lincoln Rolleston Road is an ingress/egress left in and left out only. Access C on Levi Road is left out egress only. Access D on Levi Road is the main access on that frontage, and provides for ingress/egress for all movements with an integrated pedestrian refuge. Access E on Levi Road is left in ingress only and is available for semi-trailer and other delivery vehicles.
19. Delivery and servicing is to be through Access A and Access E only, with semi-trailers restricted to Access E for ingress and Access A for egress. The proposal is for up to four large truck or truck and trailer deliveries per day, of which three will occur between 4.30am and 7.00am daily. Those vehicles remain on site for approximately 30 minutes.
20. There are over 500 onsite parking spaces available including 10 accessible, 14 dedicated staff spaces, and 8 click and collect spaces. 24 cycle parking spaces are provided, with 10 of those available to customers and 14 for staff.
21. 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 are proposed. These provide for connections to an internal pedestrian network throughout the carparking area.
22. It is anticipated that when operating the supermarket will employ up to 260 part and full-time staff with the opening hours being between 7.00am and 10.00pm seven days a week.
23. Again as notified, a total of 94.75 m<sup>2</sup> of signage was proposed which comprised two 8m high freestanding pylon signs adjacent to Access A and Access D, with each having a face area of approximately 12 m<sup>2</sup>, two 1.5m high freestanding welcome signs adjacent to Access B and Access E, one 1.5m high freestanding exit sign located adjacent to Access C, two 1.5m high freestanding goods only signs located adjacent to the staff parking and service lane, one PAK'nSAVE façade sign on the north-west building elevation with a face area of approximately 22 m<sup>2</sup> being 10m long and 2.2m high, and a PAK'nSAVE façade sign on the south-west building elevation, with a face area of approximately 39.75 m<sup>2</sup> being 13.25m long and 3m high.

24. The proposal will involve considerable earthworks in terms of excavation and fill. A comprehensive landscape treatment was proposed, and a stormwater management system identified.
25. A number of changes were made post-notification, and indeed through the hearing and in the conditions provided with the reply. These included the yellow corporate branding on the south side elevation being reduced by 8.4m either side of the façade signage. This is a reduction to 15.49 m<sup>2</sup> from 84.45 m<sup>2</sup>. Cladding changes on the south-west elevation were made reducing the façade sign in area to 38.29 m<sup>2</sup> being 13m long and 2.945m high. The corporate colours were removed from the north-west and south-east elevations and a number of other minor changes were made for the various elevations including to provide additional modulation.
26. A number of changes were also proposed to the landscape plan including an amended mix of native and exotic trees in the north-west green space, a “meandering” gravel path, footpath thresholds added to the Lincoln Rolleston Road at the ends of the harbour structures and a third footpath threshold included, an additional pergola structure with climbers, changes of species to provide for faster growth, and a more formal specimen tree planting along Lincoln Rolleston Road. The pylon signs were reduced in height from 8m to 6m and some other minor changes in relation to the entry and exit and goods service vehicle only freestanding signs which were all reduced. Two additional accessible carparking spaces were included, eight additional cycle parks added immediately adjacent to the store entrance, bollards were added for each parking space along the pedestrian routes, and a carpark lighting plan was prepared and provided.
27. Mr Mitchell summarised the changes in his summary statement of 2 August 2022 and in discussions at the hearing.

## Scope

28. I have considered whether the amendments are in scope of the original application. Ms Booker addressed this in her opening, identifying *Atkins v Napier City Council*<sup>1</sup> where the Court described the test for scope as whether the activity for which consent is sought is significantly different in scope or ambit from that originally applied for and notified in terms of:
  - The scale and intensity of the proposed activity; or
  - The altered character or effects/impacts of the proposal.
29. The High Court also noted that whether there might have been other submitters had the activity ultimately proposed been applied for and notified is a means of addressing the test, but it is not the test itself.
30. I have carefully considered this issue and I am satisfied that the amendments made are within scope. They respond to issues raised by submitters and/or the Council officers, do not alter

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<sup>1</sup> *Atkins v Napier City Council* [2009] NZRMA 429

the scale or intensity of the proposal or the character or effects of the proposal, and do not lead to any further non-compliances. I accept Ms Booker's submissions on this issue.<sup>2</sup>

### **Description of the Existing Environment**

31. The site and its surrounds were described in Section 3 of the AEE.<sup>3</sup> The site itself is situated at the corner of Levi Road, Lincoln Rolleston Road, Masefield Drive and Lowes Road in Rolleston. It is a triangular shaped greenfield allotment of approximately 7.1831 hectares with the proposal to occupy approximately 4.14 hectares in the northern portion. It is generally flat, largely in pasture, with a residential dwelling and accessory sheds. There are significant shelterbelt plantings along the boundaries up to 5-6m in height along the north-west and south-west boundaries. It has a frontage of approximately 260m to Levi Road and approximately 604m to Lincoln Rolleston Road.
32. The surrounding environment was described in the AEE as comprising of residential, rural, rural lifestyle and commercial land use activities noting that residential activities are established directly north of the site on the northern side of Levi Road and Lowes Road and lifestyle activities are located directly west of the site on the western side of Lincoln Rolleston Road. It notes that the Falcon's Landing residential development is currently being established to the south of the site, again on the western side of Lincoln Rolleston Road and that the built form of the surrounding residential activities is predominantly residential low-rise and low density topologies with a variety of residential area types including Living 1 and 1B and new urban growth areas (Living Z).
33. Levi Road is a two-lane road with a large grass berm on the southern side, and a footpath, grass berm and kerb and channel on the northern side. It is an arterial road and is the key connection between the Rolleston Township and CSM2 for travel to and from Christchurch and further north. Lincoln Rolleston Road is again a two-lane two-way road with a large grass berm on its eastern side and a sealed shared footpath separated by a narrow grass verge on the western side. It is an arterial road and is a key link between the Rolleston Town Centre and Prebbleton and Lincoln and other outlying areas to the south.
34. Ms Anderson provided a description of the existing environment in paragraphs [21] – [26] of her s42A Report. She noted that residential activities have been established to the north of the site in accordance with the Living 1B and Living Z zones of the area. She advised that the area to the west and south of the site is zoned Living Z and is currently predominantly characterised by lower density developments with large open spaces surrounding each dwelling. She advised that higher density development is increasingly occurring in accordance with the Living Z rules. She described the area immediately surrounding the subject site as being in a residential environment that is "intact" without commercial activities, signage or any non-residential activities anticipated in the residential zone.

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<sup>2</sup> Legal Submissions on Behalf of Foodstuffs (South Island) Properties Limited 2 August 2022 at para [26]

<sup>3</sup> Resource Consent Application and Assessment of Environmental Effects Revision 1 2021-12-17 at pages 6-11

35. Ms Anderson also identified that the land to the north-east of the site is, at the time of her Report, zoned Rural Inner Plains and is characterised by rural activities. She advised that the land is subject to PC71 seeking to rezone the land to Living Z. I note that the application site was included in PC71 in order to undertake changes to the ODP for that site to provide connections between the existing township and the proposed residential zoning and the land to the east. At the time of Ms Anderson's Report an interim recommendation that PC71 be approved had been provided. Prior to the hearing the final recommendation was issued recommending Council approve PC71. On 10 August 2022 the Council resolved to accept that recommendation as its formal decision.<sup>4</sup>
36. Ms Booker spent some time in her legal submissions addressing the relevant environment. She submitted that it includes the environment as it currently stands and as it would exist with activities allowed under the SDP as permitted activities and/or unimplemented resource consents. She submitted that these factors provide context for assessing the appropriateness of the application, citing *Queenstown Lakes District Council v Hawthorn*.<sup>5</sup>
37. Ms Booker confirmed that the Applicant holds resource consent RC185461 which was granted in January 2019 and authorises the establishment and operation of a PAK'nSAVE supermarket which would replace the existing New World Rolleston in the Town Centre. She confirmed that the Applicant will surrender RC185461 should the application be granted. She submitted that this consent did not form part of the existing environment from which to assess effects but is referred to as it provides context and comparison of the possible alternative site within the existing Rolleston Town Centre, being the only one which has been identified by the Applicant in its last 12 year search.
38. Ms Booker also identified what was described as an alternative residential development scenario arising from the NPSUD and RMA EHS Act noting that the Council must apply the MDRS to existing residential areas by 20 August 2022 and that Council was preparing a variation to the PDP to do so. She submitted that in effect this meant the application site can be intensified through a development of up to three residential units per site, with development up to a height of 11m, setbacks of 1-1.5m depth, with 50% coverage without the need for a resource consent. She further advised that associated subdivision would be a controlled activity. She advised that pursuant to s86BA of the RMA, any rules within plans or plan changes giving effect to the MDRS will have immediate legal effect upon notification. She submitted that the objectives and policies that the RMA EHS Act require a consent authority to include in the PDP are enabling and encouraging but are not directive or discouraging of other non-residential uses.
39. The Applicant modelled a reasonable (i.e. not fanciful) alternative residential development on the site. This was put forward to demonstrate the degree of change which could be enabled

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<sup>4</sup> As the parties are aware, I was the Independent Commissioner on PC71

<sup>5</sup> *Queenstown Lakes District Council v Hawthorn Estate Limited* [2006] NZRMA 425, at [84]

by the MDRS but was not relied on as a permitted baseline and had been prepared and provided in response to the reporting officer's consideration of the character of the area.<sup>6</sup>

40. In her summary presented at the hearing, Ms Anderson acknowledged that her Report did not provide a detailed assessment of the future built environment provided for by the NPSUD and the RMA EHS Act but they were considered as part of Ms Wolfer's and her assessment.
41. She agreed with Mr Allan that the planning framework provided by these planning directives will provide the opportunity for intensification of the Rolleston urban environment and the future environment is likely to be one characterised by a higher density, and may include an increased scale of buildings with consequentially increased residential activity.
42. Overall she considered that the 'non-fanciful' alternative residential development provided a useful reference in considering the potential built environment that is anticipated by the relevant planning framework. She considered this would 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 the medium density residential developments.
43. I will return to the issue of the relevant receiving environment when addressing effects.

### **Summary of Evidence**

44. **Ms Alex Booker** provided the legal submissions on behalf of the Applicant. Her submissions addressed the legal tests pursuant to s104 and 104B of the RMA; addressed actual and potential effects including positive effects and potential adverse effects. Ms Booker identified that the status was discretionary and in relation to planning provisions, submitted that pursuant to s104 even where there is a conflict with the relative objectives and policies the proposal may be granted. Ms Booker addressed the weighting of the relevant planning provisions. She submitted that the objectives and policies in the SDP and the CRPS allowed for commercial development to locate out of centre, in residential zones, where appropriate and where the proposal will not give rise to significant distribution or urban form effects. In relation to weighting, she noted that no decisions had been released on the PDP. She considered that as the PDP had not yet implemented the directions of the NPSUD and the RMA EHS Act, limited weight can be given to it. She submitted that when the variation to the PDP is notified, weight can and should properly be given to the MDRS rules and those objectives and policies required to be included by the RMA EHS Act.
45. Ms Booker commented on matters raised in submissions from a legal perspective, and addressed the conditions of consent. She submitted that the application was for a well considered and comprehensively assessed project which prioritises compatibility with the existing and future planning environment, and was deserving of consent. I will address the key issues raised by Ms Booker in more detail when I return to those in this decision.

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<sup>6</sup> Legal Submissions on Behalf of Foodstuffs (South Island) Properties Limited 2 August 2022 at para [43]

46. **Ms Rebecca Parish** advised that Foodstuffs had analysed the grocery markets in the Selwyn catchment and was mindful of the current and future growth and the importance of providing a neighbourhood shopping experience to the local catchment. She advised that Foodstuffs identified there is a need for and the community would benefit from a low-cost PAK'nSAVE offering. She advised that Foodstuffs had been investigating suitable sites for a PAK'nSAVE in Selwyn for the last 12 years and no suitable sites large enough had been identified in the Town Centre or commercially zoned areas. She discussed the consent held for the New World Rolleston site but it is now planned to be "more appropriately relocated" to the application site as the New World site would not effectively cater for future needs, its configuration and shape would not operationally work well, and overall the design was "compromised and operationally flawed". She expressed concern that the PAK'nSAVE on the consented site would exacerbate congestion and confirmed that Foodstuffs would retain and upgrade the New World Rolleston and surrender the PAK'nSAVE consent for that site if this consent is granted. She discussed matters of competition, the design layout and location requirements and how these were met, the positive effects of the application in relation to various matters including employment of staff and generation of incomes, and the steps taken to mitigate effects for future residential amenity to ensure the activities are compatible, while operating efficiently as a supermarket.
47. **Mr Matthew Mitchell** was the architect responsible for the design of the PAK'nSAVE Rolleston supermarket and provided advice in relation to architecture and design. He addressed the process that had been undertaken to get to the final proposal. These included consideration of effects on residential amenity being a key consideration and the level of collaboration with urban design, landscape, transport and acoustic consultants to test, develop and ultimately agree on the most suitable site layout in conjunction with the building's functional aspects. He advised that a number of arrangements had been considered to determine the building location within the application site. He addressed scale and form (bulk and location) and the design approach taken to respond to the current and anticipated future residential context. He also addressed matters raised by submitters and in the s42A Report and provided, and spoke to, revised architectural drawings.
48. **Mr Tony Milne** provided a written brief of evidence. He described his role in the application as having been to provide advice in relation to landscape design and potential landscape and visual effects. He provided a peer review of the landscape assessment report prepared by his colleague. He noted there had been a number of communications with Mr Ross, landscape architect for SDC, and as a result amendments had been made. He considered that the final layout and design of the site was the result of a multi-disciplinary and iterative design approach. It was his opinion that the resulting overall site design and landscape outcome resulting from the application would sit comfortably and is compatible with its surrounds in this location at an intersection of increasingly busy roads. Again, I will address Mr Milne's evidence in more detail later.
49. **Mr Andrew Burns** provided the expert urban design advice and evidence. He noted there was a level of agreement between himself and Ms Wolfer in terms of the general approach



and methodology for the urban design assessment of the proposal. He advised that was informed by urban design good practice, analysis of local and contextual conditions, and the planning provisions of the SDP. He identified a number of topics being: Topic 1: Town-wide urban structure; Topic 2: Site planning, character and urban form; Topic 3: Amenity effects on residential neighbours; Topic 4: Architectural concept and design; Topic 5: Streets and spaces; Topic 6: Safety; and Topic 7: Signage. He also addressed matters raised in submissions. He considered that the proposal could be supported from an urban design perspective.

50. **Mr David Smith** provided the transportation assessment and evidence including an update of steps taken. He advised that a Joint Witness Statement had been prepared dated 1 August 2022 and he addressed that in his summary evidence. Mr Smith concluded that the proposed supermarket development integrates well with the transportation networks and future growth of Rolleston Township. He considered the design of the supermarket and transport conditions that he recommended deliver positive benefits to all road users and that the application can be fully supported on transportation grounds.
51. **Mr Rob Hay** provided expert acoustic evidence. He described the application site and broader area as typical of a “peri-urban” area dominated by traffic on arterial roads. He considered the existing ambient noise level in the area can be expected to increase due to both vehicle noise and general residential noise. He did not consider the noise environment to be quiet at present and expected it to become even less so in the future based on future permitted residential intensification. He concluded that the noise related effects of the application are acceptable, and that the surrounding residential amenity will be maintained at an appropriate level should consent be granted.
52. **Mr Fraser Colegrave** provided economic evidence. He had assessed the likely economic effects of the proposal in the report provided with the AEE. He discussed his methodology and the economic rationale for the proposal. He addressed the growth of Selwyn and Rolleston in particular. He concluded that growth in the district food retailing demand could support an extra 26,000 m<sup>2</sup> of GFA under the medium scenario and 36,500 m<sup>2</sup> under the high, with an average of 31,000 m<sup>2</sup>. This equated to around eight to ten additional supermarkets.
53. He addressed the economic impacts of redeveloping the existing New World Rolleston site to accommodate a PAK’nSAVE (as consented) and advised that it would offer limited spill over benefits for other town centre businesses while limiting the new store’s size and leading to a reduction in the breadth and depth of product range relative to establishing on the application site.
54. He summarised the economic rationale including future growth demand; fit with local criteria, noting there were no in-centre locations currently available that meet all operational requirements (which the application site did); and customer proximity which he described as essential as customers are generally attracted to the nearest store that meets their needs.

55. He also addressed the retail distribution effects and again outlined the methodology undertaken in that assessment. He concluded that the estimated post-entry turnovers of the two existing Rolleston supermarkets was sufficient to remain viable, and there was little (if any) risk of stores closing as a result. This significantly reduced the likelihood of adverse retail distribution effects arising.
56. The exercise was limited to potential impacts on Rolleston Town Centre noting that the Rolleston KAC is much more than a shopping destination. He considered that the proposal would not significantly alter the role and function of the Rolleston Town Centre, nor create an alternative centre nearby. He reviewed the impacts of the recently-opened PAK'nSAVE Rangiora and found that the new store had no discernible impacts on the town centre's economic health and vitality but had triggered notable reductions in the value of district food retail spending leaking out to Christchurch City.
57. He addressed the potential economic benefits of the proposal including economic stimulus of store construction which he estimated would create full-time employment for 100 people for two years, and generate up to \$10 million in household incomes. He advised that once operational the new store would employ approximately 260 people. He identified other economic benefits including supporting a New Zealand owned and operated business; net benefits to customers; and benefits in increased competition.
58. He addressed the costs and benefits of the proposal versus residential use. He addressed matters raised by submitters, particularly in relation to those relating to alternative locations in the IZone area.
59. **Mr Mark Allan** provided planning evidence. He considered the application was well suited for the site in its location with strategic road corridors contributing to a compact consolidated urban form as well as providing the community with a wider supermarket offering.
60. He considered the application will introduce change to the setting but considered the extent of change is appropriate in the context of the existing and future receiving environment. As a whole he considered the effects would be no more than minor and it would not be inconsistent with the objectives and policies of the SDP, particularly when read in the context of the higher planning framework established by the NPSUD and the CRPS. He noted the level of agreement between experts on effects from ancillary activities, and general agreement on substantive matters concerning urban design and landscape. Based on that consensus he was of the opinion that the urban design, locational and scale aspects of the application, and adverse visual effects have been satisfactorily addressed. He considered that transport related effects had been well traversed. Given the level of agreement between the experts on that issue, and from the acoustic experts on noise effects, he was satisfied those had been appropriately addressed. He acknowledged that the proposal will have some localised adverse effects on the character and amenity of the immediately surrounding properties and will introduce change to the site and its setting. It did not consider that that, of itself, was not

an adverse effect when assessed in the context of the existing and reasonably anticipated environment.

61. Mr Allan addressed the relevant statutory planning framework. Overall it was his opinion that the extent of the change was appropriate in the context of the existing and future receiving environment and that any adverse effects, on the whole, would be no more than minor. He considered it would not be inconsistent with the objectives and policies of the SDP, particularly when read in the context of the higher order planning framework established by the NPSUD, the CRPS and the RMA EHS Act.

#### **Written Statements of Evidence Provided**

62. **Mr Keegan Brogden** provided a written brief of expert evidence in relation to the existing environment, the serviceability of the proposed development for stormwater and sewage infrastructure and potential flooding in a 1:200 year flood event. He noted that an overland flow path for the 1:200 year flood event crosses the site but this proposal would result in a minor change to a secondary flow coming from Beaumont Drive across Levi Road and through the site. He considered the anticipated risk to the supermarket and operations in a 1:200 year flooding event would be low for reasons which he expanded upon. Mr Brogden had looked closely at potential changes due to the proposal on secondary flow paths and their impact on surrounding properties. In terms of properties on Levi Road, he considered there would be little to no change to the levels and route of the existing modelled 1:200 flooding event. Overall he concluded that there would be no increased risk of flooding on Levi Road as a result of the proposal. In relation to effects on properties on Lincoln Rolleston Road, it was his assessment that they would also not be impacted by the proposal. He recommended a condition of consent to ensure that the development would not increase the extent of the secondary flow path for the 1:200 year flood event on any residential property from the proposal.
63. He also addressed erosion and sediment control and the measures that would be required. He addressed stormwater and infrastructural capacity. Overall, he concluded that the site was well serviced for sewer and water; stormwater could be adequately managed on site; proposed erosion and sediment control measures would adequately mitigate effects; and minor changes to the 1:200 flood secondary flow path would not increase any risk to neighbours of increased flooding. He was satisfied there was no impediment to the grant of consent.
64. I received a written statement of evidence from **Ms Fiona Ambury**. Ms Ambury is a consulting engineer. She addressed matters in relation to regional consents and her role in assisting to determine suitable stormwater treatment and disposal from the site. Her evidence outlined the existing environment and the steps undertaken by her in considering issues. She identified activities which would require CRC consent. These included discharge of construction phase and developed phase stormwater; stormwater from hardstand areas; earthworks; fuel storage (during construction phase); and air discharge for fugitive dust during construction works.

65. I was provided with a written statement of evidence from **Mr Guy Knoyle** in relation to contaminated land. Mr Knoyle had managed and overseen the preparation of the report entitled *Preliminary Site Investigation – 157 Levi Road, Rolleston, Selwyn District* which formed Appendix D of the AEE. His evidence addressed the existing environment and his methodology used. This was primarily based on a review of a series of historical aerial photographs and a review of the Environment Canterbury Listed Land Use Register, SDC property files and certificates of title. On the available information, he considered there was nothing to suggest any hazardous activities or industries had occurred at the application site. He was satisfied that he had a sufficient foundation on which to form his conclusions in relation to the NES. He noted that the contaminated land officer at Environment Canterbury had reviewed the resource consent application and the Preliminary Site Investigation which had been prepared and he provided proposed resource consent conditions to address matters raised, including the completion of a Detailed Site Investigation. He provided consent conditions requiring a site management plan and/or remedial action plan to ensure any areas identified as contaminated were appropriately remediated.
66. **Mr Gregory Kitto** provided a written statement of evidence addressing lighting. He noted that the proposed artificial outdoor lighting installation associated with the application included carpark, security, pedestrian entry, delivery area and bike parking lighting as well as illuminated signage. He advised that the proposed artificial outdoor lighting was designed to be in accordance with current AS/NZS Standards for lighting of public spaces in conformance with the requirements of the SDP and with due regard to neighbouring residential properties. He considered any effects were less than minor and appropriate to the environment. He noted that the proposed carpark lighting was a permitted activity; the effect of the security lights would be less significant than the effect of security lights located on adjacent residential properties; the pedestrian entry lighting fittings and delivery lighting fittings would not contribute to any light spill glare on adjacent properties; and that although four of the proposed external signs would be illuminated, he was of the opinion they would not be a source of glare, nor would they contribute significantly to any spill lighting and therefore have minimal adverse effects (if any) on adjoining residential properties.
67. While I did not have any questions for these last four witnesses, and I did not require their appearance, I have still considered their evidence carefully.

### **Submitters**

68. **Mr Jason Brooks** spoke to his submission. He submitted the proposed supermarket was in the wrong location and would be better placed in IZone, if it is necessary. He discussed small retailers which he considered have value and should be encouraged. He was concerned that they may be impacted on. He noted there were a number of small retail outlets which remained empty. He was concerned that the Town Centre was being elongated. He discussed concerns in relation to the construction period and also in relation to roading. He considered Levi Road in particular was very busy following its connection to the CSM2. He was concerned that it

would simply not cope with additional traffic. He identified the morning and evening peaks and the congestion which had increased considerably in Rolleston. I took the opportunity to speak to him about matters which he valued in the environment at present. He advised that it was the residential nature of the environment with children on bikes and similar. He also expressed a concern about precedent with other businesses that would come alongside the PAK'nSAVE.

69. **A and K Haylock** spoke to their submission. They discussed the purchase of their property for retirement and the due diligence they had undertaken before purchasing it. They discussed the consented PAK'nSAVE at the existing New World site. They considered that building there would ensure the Town Centre remained reasonably compact rather than extending it another 500m. They were concerned that the supermarket, once in place, would lead to other retail following. They also expressed a concern in relation to the non-compliance with the current zoning, and noted that there were other areas zoned for this type of activity and referenced a large outdoor mall possibly being built in IZone, which they considered to be a more appropriate location.
70. They discussed the increase in traffic there had been on Levi and Lincoln Rolleston Roads and their concerns that the PAK'nSAVE would further increase that volume substantially. They advised that even currently the road forms large potholes almost daily. They advised that they are able to turn right from their property and then left into Lincoln Rolleston Road, which they do frequently. They were concerned that this would be difficult to do if Access C was constructed and were concerned that a raised median would directly impact on their ability to exit their property. They also identified that they considered having three access points on a short length of Levi Road, being a main arterial road, with one close to the roundabout, was not in the interests of road/pedestrian safety particularly given the number of students walking to school.
71. They also expressed concerns in relation to noise, particularly in summer when the windows are open and living tends to be outdoors. They advised that their house was a modern construction with double glazing and similar but they were concerned in relation to deliveries, the use of forklifts and particularly reversing beepers. Their other concerns included accumulation of rubbish and maintenance of vegetation on the site. They expressed a concern in relation to potential flooding although in discussions at the hearing they advised that they had not had any issues with such since they had been at the property. They also identified concerns in relation to the proposed area at the corner of Levi and Lincoln Rolleston Road which they considered would invite delinquents to congregate there. Shading was another concern.
72. **Mr Nicholas Brown** spoke to the submission lodged by Nicholas and Glenda Brown. He went through his main concerns. He submitted that the SDP is something that SDC and residents agree on that sets aside areas specifically for business and for residential. He stated that this is an established residential area. For an activity such as this to come in, he considered there needs to be significant benefits from it. He considered there to be no such benefits for the

surrounding area. He also considered that if proposals such as this are to go into a residential area, they should be into new residential development where everybody knows what is there when they sign up. He helpfully described the surrounding area and what they valued, describing it as peaceful, not high density and quiet at night, kids walking and scooting to school. In discussions about the existing environment, Mr Brown described the number of school children and a play centre nearby and concerns about the danger to those children from the increased traffic. He also expressed a concern about surrounding street parking given the 260 staff, and also the carbon footprint of the proposal. He identified a concern with noise from delivery vehicles. He discussed issues in relation to the amendments to the design, noting that there had been a number of them but he did not consider that they made it any better. He considered that any benefits in terms of lower grocery prices could be achieved elsewhere.

73. **Ms Shona Robb** provided comment on her submission. She noted that her property was directly opposite the proposed PAK'nSAVE site. It was zoned Living Z and while it looks rural at present, it was her intention, and that of the surrounding neighbours, to allow the properties to be subdivided at some stage into medium density housing. She was concerned that development of that property would be compromised if the PAK'nSAVE occurs. She advised that she was grateful to have listened to the experts and had a better understanding of the proposal. She considered that the changes made to the original design and landscaping were a huge improvement but still considered the development would have a very negative impact on the surrounding properties.
74. She advised that her property was approximately 100m from the entrance and the location of her property was surrounded by high-quality urban housing and subdivisions and considered to be some of the most desirable homes in Rolleston. She was of the view that there are better locations including IZone which had easy access from West Melton, Darfield, Lincoln and north and south bound traffic and still easily accessible from Rolleston. Ms Robb had visited a number of PAK'nSAVE supermarkets since the development had been suggested. She noted that many of the stores were destinations including the Queenstown one, the one in Moorhouse Avenue and the Hornby stores which were accessed across main roads and railway tracks and had commercial properties on the boundaries. She also confirmed that she had visited the Wainoni PAK'nSAVE at 5pm on a Sunday and she considered that development was everything she would be concerned about in Rolleston.
75. She had concerns in relation to the car-centric nature of the proposal and identified congestion as a major issue in Rolleston at peak times. She was concerned this would be added to by people buying groceries on the way home from work. She identified concerns in relation to noise from operation and construction and she was concerned about the changes to the environment which she described as presently a lovely place to live.
76. **Mr Shane Webb** spoke to the submission by himself and Donna Webb. He outlined his concerns and uncertainties including as to how much of the traffic generated by the

supermarket would come from the wider region. He discussed the daytime traffic and the increases that had been experienced. He advised that there was also increased foot traffic with more children on the road. He identified concerns in relation to heavy traffic and the additional effects of adding this to the present congestion particularly at peak hours. He was concerned that the accessways could be used as a shortcut to avoid congestion at the corner of Levi and Lincoln Rolleston Roads.

77. He also expressed concerns that this may be the start of a development. He noted a fuel station had been included in the original application and was also concerned in relation to potential future development of a Henry's Bottle Store. He also addressed alternative locations and suggested matters which needed to be addressed if the supermarket were to be approved. They were firmly against any restrictions on residents parking.
78. I then heard from representatives of BTW Company on behalf of Harbour Building Partnership Limited and Harbour Building Partnership Limited and others (Group submission). **Mr Lee Bradcock** discussed the Harbour Building Partnership and that it had recently decided to branch out into housing. While based in Hamilton, they had come down to Selwyn and had purchased 431 Lincoln Rolleston Road. He advised that they had been told before confirmation that the supermarket was proposed and he expressed concerns in relation to roading and the impact it would have on the proposed development of the site. He advised that they intended to build a nice environment for children and generally look at one section—one house proposals. The company does not wish to build to a higher density. He considered the supermarket would encourage a different type of development than they proposed. It would change the typology of housing. At present they were planning a 13 lot subdivision but noted that it was on hold depending on the outcome of this proposal and land purchase issues. He also advised of concerns in relation to access to and from the site and Access A in particular.
79. **Ms Morgan Laird** provided planning evidence for these submitters. She discussed the changes which had been made and advised that they were positive. She addressed amenity issues, concerns in relation to the scale of the proposal, addressed the relevant policy framework and remained of the view that the development was of a scale that was inappropriate. In her view, even applying the RMA EHS Act permitted activity rules, the scale of this proposal was still not appropriate. She noted that under the RMA EHS Act, despite the ability to intensify, it would still remain as residential. She also discussed matters arising from the relevant objectives and policies of the statutory documents noting that it was not in accordance with the ODP for the site. She considered the objective and policy framework to be reasonably directive and ultimately considered the proposal to be contrary to the objectives and policies and what is anticipated by them.
80. **Mr Brendan Shefford** spoke to his submission. He is a landowner in the PC71 site. He discussed destination shopping, Levi Road and the need to get traffic right given its congestion. He considered that Levi Road needed to be four lanes. He noted the issues

which had arisen in relation to the West Melton supermarket with trucks coming in and out of the properties. He queried whether Rolleston needed a third supermarket.

#### **s42A Officers**

81. **Ms Gabi Wolfer** provided urban design input into the s42A Report and presented evidence at the hearing. She was largely satisfied that the Applicant had addressed outstanding issues from an urban design perspective and had followed recommendations she had made. She had some outstanding matters of concern in relation to façade treatment along the north-west façade and the mitigation measures at the eastern boundary. She summarised her key findings, addressed outstanding matters, and concluded that the proposal could be supported from an urban design perspective if measures to improve pedestrian safety and residential outlook can be achieved.
82. **Mr Gabriel Ross** provided a peer review of the Applicant's proposed landscape plan and accompanying landscape and visual effects assessment, and the matters identified through submissions. From an overall landscape and visual effects assessment perspective, he considered that the main concerns outlined in his peer review and primary evidence have now been satisfactorily addressed other than two minor issues which he considered could be resolved by suitable conditions of consent. Again Mr Ross summarised his key findings. He considered that the proposal would unavoidably result in a different landscape character when compared to the anticipated residential use under the SDP or PDP. It was his view that from a landscape and visual effects perspective, with the proposed landscaping, planting and site layout, this is not an adverse outcome and the development would be compatible with the current and future residential context. He made some further recommendations in relation to outstanding matters. He recommended the planting density along the eastern boundary be increased to achieve a more continuous canopy coverage to further increase the level of visual filtering, and that the Applicant prioritises planting that boundary as soon as practicable in the first planting season following site earthworks to achieve as much growth as possible before the adjacent land is developed. He addressed the functional issues in relation to planting details and minimum available soil volumes for trees and vines, which he considered necessary to achieve a satisfactory long-term level of growth and plant health and thereby achieving the associated desired visual effects mitigation.
83. **Mr William Reeve** discussed the level of agreement between himself and Mr Hay. He considered that the change in traffic noise effects would be acceptable but there remained a disagreement in relation to whether the changes would be perceptible. He considered that the locations of the new accesses relative to residential sites (including the service lane) and distribution of supermarket traffic and servicing movements over the day, when combined with the increase in traffic volumes, may be sufficient to lead to observable changes in the character of noise for nearby residents.
84. **Mr Andrew Carr** provided a peer review of the Applicant's Integrated Transportation Assessment and provided his comments as appendices to the s42A Report. He noted that



there had been a lot of transport related data presented and some of the information in earlier reports had been superseded by later reports. He considered it helpful that I initially focus on the Joint Witness Statement. He was overall satisfied that the transportation related effects of the proposal have been appropriately identified and evaluated. He remained of the view that Access C should not be constructed due to safety issues, but subject to that comment, and conditions of consent, he considered the proposal could be supported from a transportation perspective.

85. I heard from **Mr Tim Heath** who had provided a peer review of the economic assessment. Mr Heath appeared by AVL. He listened to the discussions I had with Mr Colegrave. Overall he considered that the development would provide a net benefit for Rolleston and that it was in an appropriate location. He considered the Town Centre not to be appropriate for better outcomes. He commented on locational issues and the efficiency of the alternative locations suggested by submitters. He had a different view than Mr Colegrave in relation to the likelihood of MDRS development in this location given it was close to the Town Centre and may be more attractive for intensification.
86. **Ms Jane Anderson** spoke to her Report and provided a written summary. She identified that there had been a number of changes post-notification and that as a result of those changes there was a high level of agreement between the Applicant's and Council's experts. Her evidence at the hearing focused on the remaining matters. These included the assessment of effects and the existing and future built environment; the scale of the activity; and the policy framework. She remained of the view that there was inconsistency with the objectives and policies of the SDP. She considered the PDP provided a stronger framework to manage the development of non-residential activity and noted this had non-complying activity status. Overall she considered that the extent of mitigation measures proposed by the Applicant meant that the majority of the issues could be managed and that the supermarket development would not, overall, be inconsistent with the objectives and policies of the SDP and PDP. She acknowledged the enabling nature of the NPSUD and that the proposal would meet the general directive of that. Overall she considered the application to be finely balanced and changed her recommendation from decline to neutral.

### **Joint Witness Statements**

87. In addition to the evidence summarised above, I received two Joint Witness Statements, from Mr Hay and Mr Reeve in terms of acoustics and from Mr Smith and Mr Carr in relation to transportation issues. I will address those further in my effects assessment.

### **Further Information and Closing**

88. Following receipt of the Applicant's reply, I issued a further Minute dated 29 August 2022.<sup>7</sup> I noted in that Minute that I had considered whether I should receive further submissions in

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<sup>7</sup> Minute No 5 of Hearing Commissioner David Caldwell Regarding Further Information dated 29 August 2022

relation to the Intensification Planning Instrument – Variation 1 which had now been notified. I noted that I did not consider I would benefit from additional submissions as that variation had, to a large degree, been anticipated by the experts and Counsel.

89. I also identified that the issue of precedent and/or plan integrity had not been addressed in any detail by the planners or legal submissions. To ensure that I was fully informed, I provided an opportunity for the Applicant and any submitter who had raised the issue in their submission, to provide further submission or comment on that matter.
90. In response to that Minute I received supplementary legal submissions for the Applicant and email comment from Mr Steve Roche, a submitter. I also received a video clip from Mr Brendan Shefford. That did not relate to the matters raised in my Minute. I advised that I would not consider that video as part of my deliberations, but did record, for the avoidance of doubt, that the issues raised by Mr Shefford were still live and would be considered.
91. After considering the information, I considered that I had sufficient information and I issued a Minute formally closing the hearing as at 6 September 2022.<sup>8</sup> As noted earlier, during my deliberations, I formed a preliminary view as to how the objectives and policies should be considered given the notification of Variation 1. That was really raised as a matter of fairness to ensure parties had an opportunity to comment on it. I received and considered responses to that.

### **Principal Issues in Contention**

92. The principal issues requiring determination were identified by Ms Booker in her opening submissions.<sup>9</sup> She identified preliminary issues, including APAs, PC71 and the scope of the application; the relevant legal test to be applied involving a consideration of the existing environment, permitted baseline and an alternative residential development scenario; actual and potential effects on the environment; planning provisions and key objectives and policies and the issue of weight in relation to the PDP, CRPS and NPSUD; matters raised in submissions (primarily effects) and ultimately whether the proposal meets the purpose of the RMA.

### **Assessment**

93. I confirm that in assessing this application I have considered the application documentation and assessment of environmental effects, the request for further information and responses, the s42A Report, and all of the matters raised in the submissions lodged. I confirm that I have also carefully considered all of the evidence provided to me, together with the legal submissions for the Applicant, the proposed conditions of consent, and all of the associated documentation provided.

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<sup>8</sup> Minute No 6 of Hearing Commissioner David Caldwell Closing Hearing dated 29 August 2022

<sup>9</sup> Legal Submissions on Behalf of Foodstuffs (South Island) Properties Limited 2 August 2022 at [9]

94. While my assessment does not specifically address each and every point raised, I confirm that they have all been considered.

## **Statutory Considerations**

### **Activity status**

95. It was agreed by all of the planners, and Counsel for the Applicant, that the application is to be assessed overall as a discretionary activity. As identified by Ms Anderson, the application is zoned Living Z within the Townships Volume of the SDP. It is also subject to Rolleston ODP Area 4. It is zoned General Residential Zone in the PDP within Development Area DEV-R01. It is a non-complying activity under the PDP. As noted by the planning witnesses and Ms Booker, no decisions have been made on the PDP and there are no rules with immediate legal effect in that plan.
96. In terms of the NES the proposal is a discretionary activity.

### **Effects on the Environment – s104(1)(a)**

97. Before embarking on the assessment of the effects on the environment, I address issues of written approval and the permitted baseline.

### Written Approvals

98. Pursuant to s104(3)(a)(ii), I am not to have regard to any effect on a person who has given written approval to the application.
99. Prior to the commencement of the hearing, I was provided with APAs from:
- (a) The current landowners and current occupiers of 131, 139 Levi Road being Mark Purdon and Natalie Rasmussen. This land immediately adjoins the eastern boundary of the proposed site. They were signed and dated by both owners on 20 July 2022. A plan of the supermarket was attached. The written approvals included a description of the activity and a reference to the notified consent application assessment of environmental effects on the SDC website, with a link provided;
  - (b) Four Stars Development Limited also provided written approval. Four Stars Development Limited is one of the proponents of PC71 on the neighbouring site. In her opening submissions, Ms Booker advised that Mr Purdon and Ms Rasmussen own 25% of the shares in Four Stars Development Limited through a company of which they are the only directors and shareholders being Levi Holdings 2019 Limited. She noted that Gould Developments Limited owns 75% of the shareholding. Ms Booker advised that the APA from this party was gained as a precaution in case the ownership of 131 and 139 Levi Road changed during the course of the application process;

- (c) Gould Developments Limited, described by Ms Booker as the second of the two proponents to PC71, is also a shareholder of Four Stars Development Limited and the current landowner of 232 Lincoln Rolleston Road and 5 Nobeline Drive. Ms Booker advised that this was also a precaution if 131, 139 Levi Road changed hands during the course of the application process. She noted that additional properties owned by the developer which were some distance from the proposal were included in the APA.
100. Ms Booker advised that Foodstuffs owns the 7.2 hectare application site and the effects on Foodstuffs are not off-site and are to be disregarded.
101. For completeness, she advised that beyond the shared eastern boundary of the site, land is subject to PC71 and owned by J & T Whittaker (15 and 25 Nobeline Drive), N & S Chapman (294 Lincoln Rolleston Road), and 2 Degrees Real Estate (271 Lincoln Rolleston Road). She advised that no submissions were made by those parties but the effects, if any, must not be disregarded on these properties as they have not provided APAs.
102. Ms Anderson expressed some disquiet in relation to the APAs and whether they provided sufficient information, particularly by providing a link to the SDC website rather than providing the documents themselves.
103. During discussions at the hearing, Ms Anderson acknowledged that where the landowner and occupier were legally represented, this situation was somewhat different than those unrepresented who have previously had problems with linking to the websites.
104. For completeness, Ms Booker provided with her reply an email from Mr Gerard Cleary. That email confirmed that he acted for Mr Purdon, Ms Rasmussen, Gould Developments Limited and Four Stars Development Limited. The email advised that the written approvals provided formed part of an agreement between those parties and Foodstuffs. He advised that the process leading up to the development and execution of the agreement was comprehensive in nature, and involved a detailed review of the PAK'nSAVE application both in its original draft form and, more recently, the version which was publicly notified.
105. Mr Cleary advised that the review was carried out not only by himself, but by his clients and there was a full understanding of the nature and form of the development and all relevant non-compliances with the SDP. He noted that the development of the agreement also included a number of meetings and extensive correspondence between the parties regarding the amendments to the application which Foodstuffs now propose to address effects on the PC71 land noting that the effects would essentially be confined to a limited portion of the property at 139 Levi Road currently owned by Mr Purdon and Ms Rasmussen.
106. Overall, I accept Ms Booker's submission that the APAs can and should be accepted. This results in there being no immediately adjoining neighbour along the eastern boundary who has not provided written approval. I also accept Ms Booker's submission that the question of the

APA is largely moot as the Applicant's experts and evidence had all addressed the impacts on the adjoining land now and in the future (residentially zoned).

#### **Permitted Baseline – s104(2) RMA**

107. Ms Anderson addressed this in paragraph [54] of her Report noting that in the Living Z Zone, a non-residential activity, to form a permitted baseline, would have to meet a number of parameters. Given the scale of the proposal, which Ms Anderson described as being far greater than what is anticipated by the SDP, she considered there was no realistic baseline.

108. Ms Anderson identified that to be permitted, a proposal would need to:

- Have road boundary building setback of 4m from both roads with landscaping between the road and the boundary;
- Internal boundary building setback of 2m;
- Site coverage of 40%;
- Building height of 8m that meets the Recession Plane A requirements;
- A maximum of two staff employed on site;
- Building gross floor area maximum of 300 m<sup>2</sup>;
- A maximum of two signs, not exceeding 1 m<sup>2</sup> in size;
- 40 vehicle movements per day plus 4 heavy vehicle movements per day;
- Hours of operation between 7am to 10pm; and
- Compliance with the noise rules.

109. In her summary of evidence, Ms Anderson agreed with Mr Allan that the planning framework provided by the national planning directives would provide the opportunity for intensification of the Rolleston urban environment and that the future built environment was likely to be one characterised by a higher density, which may include an increased scale of buildings and consequentially increased residential activity. She considered that the alternative residential development of the site presented by the Applicant was non-fanciful but recorded her view that she considered any future residential development of the site and surrounds would include a high degree of articulation within and between dwellings, with each dwelling provided with its own relatively small green open space which is reflective of the medium density residential developments. She considered it a useful reference in considering the potential built environment that is anticipated.

110. Ms Booker addressed the permitted baseline issue in paragraphs [38] and [39] of her opening submissions noting that whether or not the permitted activity is fanciful may have a bearing on

the decision of whether or not to exercise my discretion. Ms Booker then addressed an alternative residential development scenario under the RMA EHS Act in particular. She submitted that the Applicant had modelled a reasonable (i.e. not fanciful) alternative residential development on the site to demonstrate the degree of change which could be enabled by the MDRS. She advised that this was not relied on as a permitted baseline, but rather was prepared and provided in response to the reporting officer's consideration of the character of the area.

111. In discussions, Mr Allan confirmed that the alternative residential development scenario was not being put forward as a baseline, rather it was to illustrate the extent to which change could be anticipated in the environment. Mr Allan was not putting it forward on the basis of effects being discounted.
112. Overall, I agree that there is no relevant permitted baseline which would assist me in my decision-making. As this was the position of all planners, and indeed the Applicant through legal submissions, there is little value in addressing this in greater detail.

### **Assessment of Effects**

113. Ms Anderson considered, having regard to the planning framework, that the adverse effects of the proposal broadly related to:
- Character and amenity;
  - Transport effects;
  - Soil contamination;
  - Retail distribution / economic effects;
  - Infrastructure management; and
  - Construction effects.
114. I agree that those broad topics identify the relevant adverse effects. Mr Allan's evidence in relation to effects was largely structured by reference to Ms Anderson's headings. Ms Laird noted that the actual and potential effects of the proposal had been assessed in detail by SDC and the Applicant's experts. She confirmed that her assessment relied on the findings of the experts outside of planning matters and noted that where there was dispute there was uncertainty as to whether the particular adverse effects would be appropriately remedied or mitigated.
115. I will use Ms Anderson's headings in the following assessment.

## Character and Amenity

116. Ms Anderson considered that the character and amenity of the area as a whole would be influenced by various aspects, including street scene, visual amenity, interaction with the street, pedestrian connectivity, passive surveillance and perceptions of safety noise and disturbance, scale of activity, hours of operation, signage and outdoor storage.<sup>10</sup>
117. Ms Anderson noted that the area was adjacent to Levi Road, an arterial road, and that in this location, that functions as a gateway to the Rolleston Township from the east via the Weedons interchange from State Highway 1. She described the surrounding environment as being characterised by a variety of living environments, with those to the north and south-east of the subject site being characterised by higher density residential environments, constructed in accordance with the Living 1B and Living Z zoning provisions. She advised that to the south-west of the site the land is currently characterised by low density rural residential development with larger open spaces and extensive vegetation. She advised that the area is in the process of transitioning from the existing lower density environment to a residential area as anticipated by the Living Z zone together with the then potential rezoning associated with PC71. She described the area to the east of the site as rural in character and she considered that overall the existing environment was very much in keeping with the anticipated environmental outcomes for each of the zones identified.
118. Ms Booker submitted that an assessment of amenity values must start with an understanding of the subjective, based on articulation by those who enjoy the values but must be able to be tested objectively with reference to the relevant plans.<sup>11</sup> Ms Booker referred to *Schofield v Auckland Council*<sup>12</sup> where the Environment Court stated:

*The topic of amenity can be emotionally charged, as this case has revealed. People tend to feel very strongly about the amenity they perceive they enjoy. Whilst s7(c) of the RMA requires us to have particular regard to the maintenance and enhancement of amenity values, assessing amenity values can be difficult. The Plan itself provides some guidance, but at its most fundamental level the assessment of amenity value is a partly subjective one, which in our view must be able to be objectively scrutinised. In other words, the starting point for a discussion about amenity values will be articulated by those who enjoy them. This will often include people describing what an area means to them by expressing the activity they undertake there, and the emotion they experience undertaking that activity. Often these factors form part of the attachment people feel to an area or a place, but it can be difficult for people to separate the expression of emotional attachment associated from the activity enjoyed in the space, from the space itself. Accordingly, whilst the assessment of amenity values must, in our view, start with an understanding of the subjective, it must be able to be tested objectively.*

119. Ms Booker also referred to *Yaldhurst Quarries Joint Action Group v Christchurch City Council*<sup>13</sup> and submitted that the Environment Court observed that a change to amenity values does not

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<sup>10</sup> S42A Report at para [58]

<sup>11</sup> Opening Legal Submissions at para [66]

<sup>12</sup> *Schofield v Auckland Council* [2012] NZEnvC 68 at para [51]

<sup>13</sup> *Yaldhurst Quarries Joint Action Group v Christchurch City Council* [2017] NZEnvC 165

necessarily equate to a loss of rural character or an adverse effect on amenity values. To test the proposition that scale and intensity of effects will be adverse, experts need to first assess the baseline environment against which the effects are evaluated. Ms Booker outlined the Court's approach when assessing amenity values at paragraph [117].

120. Ms Booker also identified the Court of Appeal decision in *New Zealand Southern Rivers Society Incorporated v Gore District Council*.<sup>14</sup> She advised that the Court of Appeal reiterated that when considering amenity issues, it is important to note that what is to be assessed is those qualities and characteristics which contribute to the appreciation of the recreational attributes, not the appreciation itself. She advised that the Court of Appeal found that the subjective views of anglers was not necessary to assess the effects of the application. Ms Booker referenced the Court of Appeals finding that:

*What was necessary was that the Commissioner be informed about the characteristics of the area, and the effects of the proposed activity on those characteristics .... the subjective views of the anglers would not have added anything of value to his consideration of the application.*<sup>15</sup>

121. The issue of amenity was one which was clearly raised by a number of submitters and I took the opportunity to explore with those who appeared before me the attributes and characteristics of the environment that they valued.
122. There was a level of commonality in the matters which were identified. These included the family-friendly environment. Several of the submitters commented on the ability for children to walk and ride their bikes on the local streets to schools. A number of them discussed the quietness (apart from peak hour traffic). A number did comment on the considerable increase in traffic on Levi Road since installation of the Weedons interchange and the submitters S & D Webb identified road noise as a present concern. They considered this arose from a combination of chip seal and heavy traffic. They described that as causing noticeable and nuisance road noise from very early morning until late into the night. The submitters that appeared all valued what they saw as the attributes of a high-quality residential environment.
123. I considered the submitters who appeared provided helpful evidence on the amenity issues and also on the amenity value. They did not, in my view, apply a rose-tinted lens to the present environment and many commented on an increase in the overall busyness there had been in Rolleston given its significant and rapid growth. Safety in a family-focus came through as a common thread.

#### *Expert Evidence*

124. I received considerable subject specific expert evidence relevant to character and amenity from the Applicant and reporting officers. I also received expert planning evidence on behalf

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<sup>14</sup> *New Zealand Southern Rivers Society Incorporated v Gore District Council* [2021] NZCA 296

<sup>15</sup> At para [56]



of the Applicant, from Ms Anderson, and from Ms Laird for the submitters BTW Company and others.

### *Urban Design*

125. Mr Andrew Burns provided the urban design assessment of the proposal on behalf of the Applicant. He identified, as Topic 2, site planning, character and urban form. He considered that the character of the local context varies. While a typical low density setting exists along Levi Road, to the east and west the environment is rural or rural residential. He also identified that a future housing environment of far greater bulk and height (up to 12m) in a fully attached formation could occur as a permitted outcome pursuant to the MDRS. He addressed the measures to mitigate effects on existing and future residential settings and to promote contextual integration. He noted the deep, heavily landscaped setbacks. He considered the setbacks to be an appropriate approach which significantly reduced bulk and dominance. He considered that locating commercial frontages away from streets in preference to attractive landscaped edges to be more appropriate to the residential amenity values.
126. In terms of amenity effects on residential neighbours – his Topic 3 – he advised that he had assessed the effects of the proposal on the amenity values of potentially affected residential neighbours to the north (Levi Road) and west (Lincoln Rolleston Road). He identified that there had been APAs for the land directly adjacent to the south and east of the proposal. He considered the key amenity effects as bulk and visual dominance, overlooking and/or privacy, and sunlight shading. For the properties to the north along Levi Road, he considered the effects on residential amenity would be acceptable, noting that the configuration of those dwellings orientates living areas and outdoor spaces away from the site. That contributes to the protection of their amenity. He identified the proposed avenue tree planting which in his view would mitigate perception of the supermarket's bulk while allowing glimpsed views into the site.
127. In relation to the properties to the west of the site along Lincoln Rolleston Road, he considered privacy effects on existing properties and future intensification would be acceptable due to avoidance of any direct overlooking. Again, he considered the bulk and visual dominance effects were acceptable due to the proposal's deep setback, avenue planting, and additional façade and signage treatments. He identified that sunlight shading over properties occurs for a very limited duration at mid-winter, with no shading occurring in mid-summer and some minor autumnal equinox shading at 3 Lowes Road for approximately 25 minutes in the early morning. He addressed the adjacent PC71 land. He noted the APA, but advised that he had considered the effects on the wider area. Overall he was comfortable that the proposal would not inhibit residential development under PC71. It would support multi-modal connections between PC71, Lincoln Rolleston Road and Levi Road and promote walkable access to essential retail. Again he advised that the proposed building position and orientation of the supermarket was well-considered and it created a back-to-back arrangement along the eastern interface which would ensure an appropriate outcome for residential development.

128. He addressed as his Topic 4 the architectural concept and design and addressed the various frontages by reference to the SDP provisions for a Business 1 zoning. He considered those to be relevant to residential integration.
129. He considered there would be a good level of activation and glazing on the main façade. In terms of the north-west façade along Levi Road, he noted the setback was 50m from the street and 100m in length. It was his opinion that articulation of this length would be gratuitous and agreed with the use of an avenue of 15m tall deciduous trees and underplanting to enhance the street edge.
130. In his Topic 5 – streets and spaces, he noted that Levi Road and Lincoln Rolleston Road corridors are likely to fulfil urban connector roles with an emphasis on movement functions, but that the proposal would enhance the ‘place’ role of those streets improving the pedestrian environment for residents. He considered that the seven pedestrian street connections and three multi-modal connections provided a high level of local connectivity. Overall he considered the design and layout of the movement across the site and its context provided a safe and accessible environment. He referenced the provision of a quality publicly accessible open space at the important north-western corner of the site. He advised that it was relatively unusual for a supermarket development to invest in such spaces.
131. In terms of Topic 6 – safety, he noted that an assessment had been carried out against the CPTED guidelines and considered the appropriate balance had been struck between the need for planting that mitigates bulk while providing for openness, visibility and safety.
132. In terms of his Topic 7 – signage, he advised that consideration had been given to further integration of building signage into the overall composition of the south-west elevation and this included a reduction in sign size. He was comfortable that the signage was less dominant than originally proposed and his opinion aligned with the SDP provisions. He also noted that the pylon signage was proposed to be reduced in height.
133. In relation to the matters raised in submissions, he identified five common topics being: relocation to IZone; loss of residential character and amenity; sunlight shading; signage; and port hills vistas. He disagreed with the majority of those submissions with the exception of signage which he partly agreed with. Again he confirmed that the pylon signage height had been reduced to 6m and better integration of building signage had been achieved.
134. He disagreed that the area had a quality of quietness given that context was heavily influenced by the arterial urban connector roads that provide strategic access for Rolleston.
135. Ms Gabi Wolfer confirmed that she had reviewed the request and submissions. She also advised that she had reviewed the Applicant’s statements of evidence dated 18 July 2022 which included revised plans and amendments. As had Mr Burns, she used the Business 1 provisions in assessing the effects of the proposal on the adjacent properties and had considered the RMA EHS Act.

136. In her presentation at the hearing, Ms Wolfer outlined her key findings which included that in a town-wide context the site was suited to provide the township with the essential services of a supermarket at strategic road corridors leading into Rolleston Township. She considered the site's configuration was suited to accommodate a supermarket of the proposed scale and that it contributed to a compact and consolidated urban form within a location that was accessible for all modes of transport.
137. She agreed with the commercial activity as applied for, provided it occurred in isolation and that there were no other commercial activities on site or in the immediate vicinity. Of itself, it avoided an enlargement or fragmentation of the Town Centre.
138. She confirmed her agreement with the two main proposed mitigation measures being setbacks and landscaping. She further agreed with the reduction in proposed signage and the reduction of corporate colour along the south-west façade. She considered the pedestrian safety, legibility and amenity of those onsite was appropriately addressed, and that the open space in the north-west corner provided visual relief for the remainder of the site. She agreed with the proposal providing views into the site and supported the amended design along the Levi and Lincoln Rolleston Roads boundary which she considered in time would become part of the avenue planting which was envisaged in the Rolleston Structure Plan.
139. Overall she considered that the proposal addressed the challenge to provide an attractive, activated south-west façade that is modulated, relatable to the residential neighbourhood, and fitted within the internal layout of the building and its operational settings. She considered the north-west façade was one of two areas which required further improvements at ground floor level and that additional glazing needed to be provided along the north-west façade to meet CPTED principles.
140. She had some outstanding issues including effects at the eastern boundary. While she noted the APA, she considered the matter was relevant from an urban design perspective in terms of maintaining the character and amenity values of Selwyn townships. In her view, mitigation of the commercial/residential interface became particularly relevant. She noted the acoustic evidence in relation to amenity but in terms of the matters such as visual amenity and outlook, she considered the amenity effects of the supermarket would be instant and very much visible and therefore considered mitigation remained an issue. She noted the orientation of the PC71 site and it would be highly likely that the interface would be where people would place private outdoor living spaces so the bulk of the building remained visible despite landscape measures. For that reason she suggested that the landscape buffer needed to be effective in a shorter timeframe or additional measures such as façade articulation needed to be integrated. She also considered further glazing at eye level was required along the north-west elevation for purposes of pedestrian safety and legibility.
141. In discussions, Ms Wolfer addressed the submitter concerns re the scale of the development. She advised that the size, height and typology are different than residential. She advised that

change is always difficult even in terms of other residential development, including medium density.

142. The concerns expressed by Ms Wolfer were addressed in the Applicant's reply. In terms of the mitigation of the eastern boundary (PC71), the reply noted Ms Wolfer's concerns about an 85m length of wall and a shallow setback of 18.5m. It noted that the balance of the site was setback a further 29m and only the bulk store was 18.5m from the eastern boundary. In relation to the concern about growth rates, they were submitted to be not unreasonable particularly in the context of when PC71 housing might appear. The reply confirmed that the trees along the eastern boundary would be planted prior to the above ground construction works commencing on the site.
143. In relation to the façade treatment of the north-west façade, a number of changes were made to address Ms Wolfer's concerns. These included additional landscaping added to the front of the bulk store, additional full-height glazing to the north-west corner (internal stairwell) of the building, and indicative applied artwork has been added to the bulk store façade.

#### *Assessment*

144. Overall, there was a significant level of agreement between the urban design experts. The Applicant has responded to issues raised by Ms Wolfer both prior to the hearing, and in its reply. Overall I am satisfied that the urban design aspects of the proposal have been properly and thoroughly assessed and are acceptable. The context and location is, in my view, very relevant to this assessment. It is located on the corner of two arterial roads. That and the size of the site has enabled the Applicant to respond well to the surrounding residential environment. I consider the urban design effects are acceptable and appropriate to this context.

#### *Landscape*

145. The landscape assessment accompanying the application was provided by Rough & Milne Landscape Architects. This was peer reviewed by Mr Gabriel Ross at Boffa Miskell.
146. It was Mr Milne's opinion that the scale and nature of the activity would result in a different landscape character to the mixed residential character anticipated by the application site under both the SDP and PDP. From a landscape perspective he considered the resulting character would provide a pleasing level of amenity for a residential environment. As noted in the Landscape Assessment Report, Mr Milne considered the likely landscape and visual effects of the application relate to the scale of the building and carpark proposed and associated potential effects of changes to visual amenity and outlook. He considered this to be the general tenor of the submissions which had been received. He considered that those potential effects can be effectively mitigated and managed through the landscape approach for the proposal.

147. Those effects were addressed in the Landscape Assessment Report (**LAR**). This addressed the changing landscape character. While considering that the establishment of the supermarket on the site would create a significant change in landscape character, it was important to appreciate that a change in landscape character did not necessarily mean a loss of amenity. The LAR identified that the landscape character of the site would change from rural to commercial and in essence the greenery provided by the shelterbelt surrounding the site would be substituted for a large-scale building surrounded by hardstand carparking and landscaping. It stated that the degree of amenity would remain, and for some parts of the site will be improved such as the north-west open space in the north-west corner of the site. The LAR stated that while the large format supermarket and its associated commercial activities remains significantly dissimilar from the anticipated residential development within the site under its Living Z zoning, the triangular shaped site is disconnected from the surrounding residential areas to the north and east, Levi Road and Lincoln Rolleston Road, and is essentially a standalone area buffered from the wider emerging residential area. It also identified the RMA EHS Act amendments to the RMA.
148. The LAR included a comprehensive assessment of visibility and visual effects. These were addressed from the perspective of those travelling along the road and those living in the low density residential development to the north. The visual effects from Levi Road were assessed as low to moderate depending on the level of traffic coming and going from access points on Levi Road. In terms of Lincoln Rolleston Road, these were addressed in the assessment. It stated that residential development generally has higher amenity than commercial development, and again the effects from Lincoln Rolleston Road were assessed as low to moderate. Again visual effects were assessed as being low to moderate for residents living on Levi Road directly opposite the site, particularly those houses directly opposite access points. For the Lincoln Rolleston Road properties, the assessment identified that future residents who would potentially be most affected were those fronting Lincoln Rolleston Road directly opposite the southern half of the site where the supermarket was closest to the road but landscaping around the attenuation basin and along the road frontage strip would screen views and provide interface with the street. Again visual effects were assessed as being low to moderate. For the properties to the east (PC71), visual effects were assessed as being low.
149. Mr Milne's evidence was comprehensive and identified the planning framework including the SDP and PDP. It also identified the neighbouring PC71 and provided an assessment against the ODP for this site. He addressed the options for the boundary with PC71, and also provided a comparison between medium density housing and the supermarket building. He noted that the relevant ODP was seeking medium density housing in the north-east corner of the loop road on the site. He advised that the Living Z zoning provided for terraced housing at a height of up to 8m under the residential framework rules. He advised that was slightly taller than most of the exterior walls of the proposed supermarket building and 4.3m below the apex of the supermarket roof. He noted that while the supermarket building was significantly larger in scale, the ODP does anticipate larger semi-attached and attached residential buildings on that

part of the site. He also noted that these larger residential buildings may also be developed to three storeys (11m high max) in accordance with the “imminent” RMA EHS Act which would apply to the site.

150. He undertook an assessment against the MDRS in relation to a permitted residential development that could realistically occur on the site. It was his opinion that the landscape outcome afforded by the PAK’nSAVE proposal provided a greater level of amenity than a potential outcome enabled by the MDRS along the interface of the application site. He considered the alternative residential MDRS outcome would result in far greater bulk and height of built form immediately along the application site boundaries which would “present an outlook effect” for those residing opposite or adjacent to the application site. He considered that would also produce greater shading effects than those arising from the PAK’nSAVE proposal.
151. Mr Milne advised that the application had been primarily designed to provide an appropriate level of amenity within a current (and likely to be future intensified) residential area particularly along its site boundaries. From a landscape perspective, he considered the resulting character would provide a pleasing level of amenity for a residential environment.
152. I had some questions for Mr Milne in relation to landscape character. We had some useful discussions in that regard. He noted that the landscape proposed was not screening. Mr Milne advised that the focus in his evidence had been on visual effects because it was not a matter of the activity being hidden. He advised that amenity arises from different sources and here a high level of amenity was provided by the landscape treatment. He described it as a layered approach, with elements of interest and species and composition. He advised that with residential development, you tend to get a mix of treatments. Here there would be a consistent treatment and some may see that as a better outcome. He advised there would be greater openness, and larger trees than what would normally be found in a residential area. He considered that the landscape treatment settled the bulk of the building and discussed various changes that had developed to meet issues identified. He considered that screening would be visually inappropriate and would also raise issues in terms of CPTED.
153. We discussed the relevance of potential higher density residential and I explored with him the issue of, even at higher density, it remained residential – and may be different but still residential. He agreed but again was of the view that landscape quality in a residential development can also be varied.
154. Mr Ross had provided a peer review of the landscape assessment and plan. In Mr Ross’ evidence, he confirmed that he generally agreed that the Applicant’s proposed landscape treatments would contribute positively to the landscape amenity values of the development although he had some changes and additional conditions. He initially considered that the proposed landscaping along the Lincoln Rolleston Road boundary was inadequate in terms of numbers, placement and species to provide sufficient filtering and he noted that it did not

reflect the formal avenue planting anticipated by the Rolleston Structure Plan. He made several recommendations.

155. He provided a very useful summary at the hearing. He noted that the proposal would unavoidably result in a different landscape character when compared to the anticipated residential use under the SDP or PDP but considered that from a landscape and visual effects perspective with the proposed landscape planting and site layout, it was not an adverse outcome. He considered that the development would be compatible with current and future residential context. He agreed with Mr Milne's view in relation to the mature size of the trees and the numbers of them being substantially larger and greater than likely to be within a residential development. He confirmed that the concerns he had earlier expressed in relation to lighting had been addressed. The reduction in the size of the pylon signs addressed his previous concerns about those being out of character and scale to the residential landscape context. He considered that the inclusion of a mix of exotic and native trees in the small plaza and walkway connection through the open space on the intersection of Levi and Lincoln Rolleston Roads to be a positive change which would help activate the space. He considered that other changes made by the Applicant would provide a better outcome. He generally agreed with Mr Milne's findings that the proposal would result in no more than a low or low to moderate adverse effect and would expect that the effects would trend towards low to very low as the mitigation planting successfully establishes.
156. He expressly agreed with the changes which had been made particularly in relation to the east side of the 'click and collect' canopy and, when considered together with the setback of the main built form, the proposed landscape design, when successfully established, would provide effective mitigation of the landscape and visual effects of the development. In discussions, he confirmed that the proposal would contribute positively to the landscape amenity values of the development and that overall it would be compatible with the existing and future residential context.
157. He identified some outstanding concerns in relation to an increase in planting density on the eastern boundary and recommended that the Applicant prioritises planting that boundary as soon as practicable in the first planting season to achieve as much growth as possible before the adjacent land was developed.
158. His other remaining concern was more functional in nature. That involved a clarification of the planting details and the minimum available soil volumes. This was in relation to the trees and vines within the hardscape areas of the parking lot and was necessary to ensure a satisfactory long-term level of growth and plant health. He recommended minimum soil volumes.

#### *Assessment*

159. The landscape architects have reached a high level of agreement in relation to the potential adverse landscape and visual effects. They agree that both have been mitigated to an

appropriate level and, importantly, they both agree that the landscape and visual character would be compatible with the existing and evolving future residential landscape context.

160. On the basis of a careful consideration of the landscape experts' evidence, and having considered the matters raised by the submitters, I am satisfied that the landscape issues have been appropriately addressed, the effects appropriately considered, and the landscape effects are appropriate and acceptable in this location and context.

#### *Lighting*

161. A number of submitters identified concerns with extra lighting associated with the proposal and the impact that would have on their amenity. A brief of evidence was provided by Mr Kitto. I am satisfied that the lighting, in and of itself, is unlikely to have adverse effects which cannot be adequately managed.

#### *Noise*

162. An assessment of the noise effects by Marshall Day Acoustics was provided as part of the application. It identified the non-compliances with the SDP noise levels to dwellings closest to Accesses A and E. This related to the night-time permitted noise standards of the SDP. It was generated by delivery vehicles who are accessing the site during the night-time period and would occur four times per night. It determined that noise levels at the notional boundary of the rurally zoned 139 Levi Road would comply with the SDP noise limit and that the noise of mechanical plant could be addressed by design. The application proposed a number of conditions to address noise. This was peer reviewed by Mr William Reeve of Acoustic Engineering Services. He generally agreed with the predicted noise levels and SDP compliance assessment. He expressed some concern as to whether the potential for sleep disturbance had been adequately addressed for the closest residents. He also identified concerns in relation to refrigeration trucks and the effects on residents.
163. Prior to Mr Hay and Mr Reeve appearing at the hearing, they had taken the opportunity to conference. I was provided with a Joint Witness Statement. That was helpful in focussing the issues.
164. The Joint Witness Statement records that the conferencing took place on 27 July 2022. The witnesses confirmed the Code of Conduct for Expert Witnesses. They confirmed compliance with it.
165. The Joint Witness Statement noted the APAs from the PC71 land immediately adjacent. It set out the areas of agreement. They agreed that the existing noise environment was typical of a peri-urban area dominated by traffic on arterial roads and that the existing noise level can be expected to increase in line with intensifying new residential development to the west of the application site.



166. They agreed on the applicable noise standards in the SDP and PDP, and further agreed that the PDP residential and rural noise limits provided a more appropriate set of criteria for the project, with regard to the appropriate assessment of noise effects. It was agreed that construction noise should be managed and assessed in accordance with NZS 6803: 1999. They agreed that compliance with the proposed condition of consent requiring mechanical plant noise (excluding the generator) to meet 30 dB  $L_{Aeq}$  at night would ensure that the equipment is controlled to sufficiently well below the applicable night-time levels in both the PDP and SDP so that any cumulative noise increase would be inconsequential.
167. In terms of daytime transportation and servicing, it was agreed that those would comply with the relevant noise levels in the SDP and PDP. It was further agreed that vehicles permanently on site such as forklifts should be fitted with broadband reversing alarms and that the two heavy goods vehicles proposed for early morning deliveries were unlikely to cause additional sleep disturbance for occupants of dwellings on Levi and Lincoln Rolleston Roads. That was based on the conclusion of the recent traffic count conducted by Abley Transportation Consultants on 22 July 2022.
168. They agreed that the proposed noise related consent conditions were appropriate, although some greater clarity around the use of the generator would be ideal. To address that detail, it was noted that a further condition had been proposed in relation to the exemption for emergency purposes only with daytime testing and that if it was used for non-emergency use the noise level at the nearest site boundary would be no greater than 45 dB  $L_{Aeq}$  (15min).
169. The areas not agreed were very limited. Mr Reeve considered that based on the current traffic information available, the change in traffic noise compared to baseline was likely to be very small (less than 2 dB) and as that was below the 3 dB increase typically considered a just noticeable difference, Mr Reeve considered the noise effects to be acceptable but had reservations about describing the potential change in traffic noise as imperceptible. He considered that the locations of new accesses relative to residential sites (including the service lane) and the distribution of supermarket traffic and servicing movements over the day, when combined with the increase in traffic volumes, may be sufficient to lead to observable changes in character of noise for nearby residents.
170. Mr Hay considered there to be some noise character variation but considered this to be indistinguishable from the character of vehicles slowing/stopping/accelerating away from existing traffic queues, side streets and entrances. He considered the total noise level change of less than 2 dB to be imperceptible.

#### *Assessment*

171. Noise was a concern expressed by a number of submitters with some identifying concerns which had arisen in West Melton with establishment of the supermarket there. The bulk of the submissions which raised specific concerns related to noise arising from customer, service and delivery vehicles. Night-time delivery vehicle noise was a particular concern.

172. Mr Hay addressed those submissions in his evidence and in discussions before me. He advised that none of the supermarket developments or extensions with which he had been involved had caused non-compliances due to mechanical plant or other issues such as trolleys crashing. He addressed the concern expressed by AES regarding noise from refrigerated truck night-time delivery. He advised that the Applicant would be using specifically contracted trucks for this service with the refrigeration equipment mounted behind the driver's cab, rather than above it as was the concern identified by Mr Reeve. He noted that there was a potential for a brief exceedance to occur in some circumstances, and if such were to arise, the Applicant can provide a higher noise control fence within its own property and/or arrange for the refrigeration system to be turned off while on site. He considered that the trucks being under the control of the Applicant, there was a more secure assurance than a third party making daytime deliveries not under the Applicant's control.
173. Another issue identified by submitters was that in relation to reversing beepers. The Applicant has conditioned that broadband reversing alarms would be used for any forklifts on site and indeed any vehicle under the direct control of the Applicant.
174. I have received very comprehensive independent expert evidence in relation to noise and its effects. The acoustic experts have been through joint witness conferencing. While it was not facilitated, both Mr Hay and Mr Reeve are very experienced acoustic engineers and the Joint Witness Statement provided was clear and helpful. Again in this context and location, I consider that the noise effects generated by the proposal will be appropriate and minor at most.

#### *Transportation Amenity*

175. A number of submitters raised amenity effects in relation to transportation. These included noise and light from vehicles, and increases in congestion from increased traffic volumes. As noted earlier, a number of submitters raised the increased busyness of Levi Road in particular following its connection to the Weedons Road interchange. The concern expressed by a number of submitters was that the introduction of additional vehicles would only increase the difficulties being experienced at present in relation to peak hour congestion and associated impacts on residential amenity.
176. Concerns were also raised in relation to residents getting in to and out of their residential properties. This was particularly, but not exclusively, along Levi Road. There was a clear concern expressed that the supermarket and the proposed accesses would cause difficulties in relation to that. On-street parking was another matter which was raised. This included concerns in relation to staff parking on streets, and a concern that residents would no longer be able to park outside their properties.
177. The SDP recognises the potential impacts on residential amenity from transportation effects in Policy B3.4.18. That provides:

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

178. Policy B3.4.19(a) seeks to ensure that all activities have appropriate carparking facilities to avoid, remedy or mitigate any adverse effects of carparking on:
- *The amenity values of streets;*
  - *The privacy of residents; and*
  - *Safe and convenient access to sites.*
179. Clearly the generation of the additional vehicle movements on the adjacent roading network, particularly in peak hours, needs to be carefully considered from an amenity perspective.
180. Ms Anderson provided what is perhaps the most detailed assessment of this issue in her s42A Report particularly in paragraphs [109] – [116]. She noted that the SDP seeks to limit the number of vehicle movements for non-residential activities in the residential zone to 40 per day plus four heavy vehicle movements. She considered the intention of that rule was to ensure that the scale of activities were compatible with the surrounding residential environment. In her view, the number of traffic movements seek to reflect the anticipated residential amenity and are based on the scale and nature of effects normally associated with households and residential activities, and seek to manage the traffic amenity effects from non-residential activities. She identified the traffic amenity effects resulting from the number, scale, type and location of vehicle movements may include noise, glare, vibration, safety and access issues, and visual intrusion of vehicles at various times of the night and day and during the weekends.<sup>16</sup>
181. Mr Carr considered that in terms of peak hour vehicle movements there would be a further 675 vehicles on the adjacent roading network. Abley had advised that 36% of the trips were expected to pass through the intersection with 19% diverting to the north and 44% using routes to the south and east. Ms Anderson noted this would result in increased traffic being diverted onto adjacent local roads including the Broadlands Drive extension, Lincoln Rolleston Road south, the access to ODP Area 9/10, Beaumont Drive and Ruby Drive.
182. In reliance on Mr Carr's evidence, Ms Anderson noted that the supermarket would generate 274 west bound vehicles passing through the intersection, indicating 137 extra vehicles exiting the site and travelling west bound on Levi Road. She advised the Applicant's anticipated relocation of west bound vehicle trips would result in additional vehicles using alternative roads, including Beaumont Drive and Ruby Drive to avoid congestion of the Levi Road/Lincoln Rolleston Road intersection.

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<sup>16</sup> S42A Report at para [109]

183. She acknowledged the existing amenity of the application site and the immediately adjacent residential zoning is influenced by the proximity to the arterial roads. Overall she considered that the number, scale and type of vehicle movements to, from and within the site to be out of keeping with the existing residential character and amenity of the surrounding areas and would have a more than minor effect on the adjacent residential neighbours to the west and south of the site. She also concluded that the diversion of traffic into adjacent neighbourhoods would have a minor effect.<sup>17</sup>

#### *Assessment*

184. Levi Road and Lincoln Rolleston Road are of course arterial roads. They have the function of carrying traffic. Clearly the increase in traffic since the connection to the motorway has impacted on the residents, particularly in peak hours. In my view, the introduction of the supermarket will likely impact on the amenity of the local residents. It introduces traffic of a different nature. Rather than traffic simply driving past, it will be slowing down for, turning into, and departing from the supermarket site for a large part of the day. I am generally satisfied that the heavy vehicle movements, being limited, are unlikely to create anything more than minor adverse effects on residents in terms of their amenity, noting the APA for the directly adjoining PC71 land. Having considered all of the matters, including the views expressed by the submitters, it is my view that there will be minor, but localised, adverse effects on amenity resulting from the increased traffic, and the nature of that traffic.

#### *Overall Amenity Effects*

185. As identified by Ms Anderson, the SDP provides for non-residential activities in the Living zones, subject to the activity being of a scale that is consistent with the surrounding residential amenity. The phraseology used in the SDP is 'compatible' with the quality of the environment and amenity values of the zone. Again as noted by Ms Anderson, the rules are not 'limits', and the reasons for the rules indicate that larger scale activities can be appropriate if effects on the amenity and character of the receiving environment can be adequately mitigated.
186. I agree with Ms Anderson that the assessment of overall amenity effects required is not a compartmentalised assessment of noise, glare and what people can see from their dwellings, but an overall assessment of how the cumulative effects of the proposed activities are likely to impact on people's appreciation of the pleasantness and aesthetic coherence of the particular area. In essence, it is the combination of effects. I also agree it is the sum of the combination that is important. The assessment must be undertaken in the context of the surrounding environment and its existing characteristics and of course informed by the relevant objectives and policies. I add that the environment is not to be determined by simply adopting a snapshot approach as to what presently exists.

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<sup>17</sup> S42A Report at para [116]

187. Ms Anderson considered that in the context of the existing and future built environment, the scale of the commercial activities, including the hours of operation and the traffic generation, would result in cumulative adverse effects on the character of the environment through disturbance and a general level of commercial busyness. She considered that the scale of these commercial activities are significantly different from those activities that can be reasonably anticipated within a residential area, regardless of density, and will detract from the pleasantness and aesthetic coherence of the existing quality of the environment. Overall she considered that the proposal would 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 SDP to be residential in nature.
188. In her conclusion at the hearing, in the context of the existing and future receiving environment, she remained of the view that the scale of the proposal far exceeds what could reasonably be anticipated but did consider that given the extent of the mitigation measures proposed by the Applicant, the majority of those issues can be managed.
189. Mr Allan stated that the application would have some localised adverse effects on the environment. He considered that pursuant to s104(1)(a) of the RMA, it was therefore a matter of assessing the scale of such effects given that the RMA does not require there to be no adverse effects from activities.
190. He accepted that the application would have some adverse effects on the character and visual amenity of the site and its immediate surroundings. He considered that the SDP provides for non-residential activities in the Living zones where the effects on the amenity and character of the environment can be adequately managed. He considered that the implementation of design amendments as recommended by Ms Wolfer and Mr Ross, and based on the evidence of the appropriate experts, an appropriate level of amenity would be achieved on the site, at the site's interface and for the surrounding area.<sup>18</sup>

#### *Assessment*

191. Applying the approach of considering all of the effects in combination, I find that there will be adverse effects on residential character and amenity. I consider those effects are primarily localised. I consider however that in the context of this particular environment and location, including the presence of the arterial roads, and the size of site, that given the careful design, including reasonably significant amendments which have been made to avoid, remedy or mitigate effects, the effects on amenity are acceptable and appropriate. I note the significant level of agreement between the expert landscape, urban design and acoustic witnesses. It is clearly an activity of a significant scale; a scale not anticipated in the residential environment but through the careful design, I consider the character and amenity effects will be no more than minor.

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<sup>18</sup> Statement of Evidence of Mark David Allan 18 July 2022 at para [40]

192. I note of course the APAs in relation to the directly adjoining land.

#### Transport Effects

193. I have addressed the amenity related transportation effects above.

194. An Integrated Transport Assessment (**ITA**) prepared by Mr Smith formed part of the application. It was a comprehensive assessment. This was peer reviewed by Mr Carr and was subject to an RFI which again was responded to in a comprehensive manner.<sup>19</sup>

195. There was a further RFI and this was responded to by an Outstanding Transport Matters Response from Abley dated 14 June 2022.

196. Mr Carr's peer review was again comprehensive. He reviewed the ITA, the response to additional information requested dated 18 February 2022, the second response in relation to additional information requested dated 20 April 2022 and a third response to additional information requested dated 14 June 2022, together with attachments. At the time of Mr Carr's peer review (8 July 2022) he considered that there were a number of transportation matters outstanding and he was unable to fully identify the transportation effects of the proposal on the adjacent roading network and consequently could not make a robust assessment as to whether those effects would be minor or less than minor. He was however satisfied that sufficient detail had been provided to recommend that one of the accessways, Access C, should not be formed due to adverse road safety effects.

197. Mr Smith provided the expert transportation evidence on behalf of the Applicant. Again Mr Smith's evidence was comprehensive. He remained of the view that the application could be supported from a traffic and transportation perspective and that any transportation effects had been mitigated through design features or conditions of consent and were acceptable.

198. Mr Smith and Mr Carr caucused and produced a Joint Witness Statement dated 1 August 2022. Their evidence presented at the hearing focused largely on the outcomes of that Joint Witness Statement. The Joint Witness Statement that Mr Smith and Mr Carr prepared was helpful. The caucusing clearly had enabled Mr Carr and Mr Smith to discuss and identify issues within their area of expertise. One matter which was identified was an agreement that there was a lack of clarity as to the current (2022) performance of the Levi Road/Lincoln Rolleston Road/Lowes Road/Masefield Drive roundabout (**the roundabout**). Mr Smith arranged further traffic surveys to be undertaken and some further modelling. Those surveys and the modelling was addressed in detail in the Joint Witness Statement and Mr Smith provided a helpful overview in his summary evidence. A traffic survey was undertaken on Monday 25 July 2022 between 5.00pm and 6.00pm at the roundabout to capture intersection turning movement volumes on all roundabout approaches, as well as the vehicle queues on the Levi Road approach. As the weather conditions were adverse at that time, and to ensure

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<sup>19</sup> Transport RFI Response Issue Date 18 February 2022 - Abley

accuracy, a second survey was undertaken on Thursday 28 July 2022 between 4.30pm and 6.00pm.

199. Mr Smith explained that to further understand the traffic performance of the Levi Road approach, he extracted the travel time data along Levi Road from Tomtom analytics to calculate average delays to vehicles on the Levi Road approach. He explained the calculations and his methodology and reasoning for selecting the Tomtom information.
200. Mr Smith and Mr Carr agreed that the Levi Road approach to the roundabout would reach capacity within the next 2-3 years and if the supermarket opened prior to SDC's planned upgrade to signalise the roundabout, delays in queuing were likely to worsen.
201. In light of the uncertainty as to timing of SDC's upgrades and potential opening dates for the supermarket, it was agreed that there was merit in incorporating an interim upgrade to the Levi Road approach which would involve constructing a left-turn auxiliary lane from Levi Road into Lincoln Rolleston Road. Mr Smith considered this interim upgrade to be feasible and viable as it could be accommodated within the road reserve and Foodstuffs land. He advised it could be undertaken as part of the frontage upgrade if the signals were not operational or imminent at the time of the supermarket opening. Mr Smith provided details, in tabular form, of the interim upgrade layout results which, as recorded in the Joint Witness Statement, resulted in a significant decrease in queues and delays and the upgrade would accommodate a further 4-5 years of background traffic volumes. They clearly show substantial improvement in performance.
202. The only issue where there remained any disagreement was in relation to the formation of Access C. This was identified clearly in the Joint Witness Statement. Mr Smith was of the view that the access could be designed and managed safely. Mr Carr remained of the view that it should not be formed. His concern was that some drivers would attempt to undertake right-turn movements out of the accessway, despite it being for left out only. If such movements occurred, they would take place close to the Lincoln Rolleston Road/Levi Road intersection. He was also concerned that even if the drivers do turn left, they are likely to be looking towards their right only as they exit as that is the direction of the approaching traffic and consequently may be unaware of pedestrians and cyclists approaching from the left.
203. Mr Carr considered it would be difficult to mitigate this solely by measures within the application site itself. He considered that possible mitigation measures such as a raised median suggested by the Applicant would affect third parties, including the submitters Mr and Mrs Haylock. He remained of the view that Access C should not be permitted but if it were then monitoring provisions were set out in the Joint Witness Statement. Mr Smith and Mr Carr confirmed that if Access C was not constructed, or was constructed and subsequently closed, there would not be any consequential adverse effects arising from this as although it would result in increased traffic at other accesses, they had sufficient available capacity to absorb it without significant effects on queues or delays.

204. While the submitters did not call independent transportation evidence, their concerns were very clear. Their concerns related to network issues, intersection capacity, congestion, use of Beaumont Drive in essence as a rat-run, reduced residential access, pedestrian and road user safety, particularly in relation to school children, spill over parking onto Levi Road in particular and heavy vehicle movements. These concerns were properly addressed by both Mr Smith and Mr Carr.

#### *Assessment*

205. In terms of the network effects, I am satisfied, on the evidence of Mr Smith and Mr Carr, that those effects have been properly considered and addressed. Mr Smith and Mr Carr are both very experienced and highly qualified transportation experts. They are both very familiar with the Selwyn District and Rolleston in particular. The works required by the now proposed conditions will, in my view, improve the network, and particularly Levi Road. I accept that in its present state, Levi Road presents poorly and it is apparent that it is deteriorating from the increased traffic following the opening of the Weedons interchange.
206. In terms of staff parking, I consider that is unlikely to be an issue. The traffic experts consider there is sufficient parking for customers and staff on site. The Applicant has proffered conditions in relation to that.
207. In terms of the safety of pedestrians and cyclists, while there will be an increase in traffic and more accesses onto Levi Road and Lincoln Rolleston Road, a shared path has now been incorporated on Levi Road, and a formed footpath on Lincoln Rolleston Road. Pedestrian crossings and shelters will follow. The proposal could potentially lead to better safety outcomes for those users.

#### Soil Contamination

208. The Applicant provided a Preliminary Site Investigation (**PSI**) from Pattle Delamore Partners. No site inspection was undertaken. Ms Anderson confirmed that the PSI and application had been peer reviewed by a Contaminated Land Officer from Environment Canterbury and further clarification had been sought. Following expert discussions, the Applicant committed to undertaking a Detailed Site Investigation/soil sampling investigation and proposed conditions in relation to the same. Ms Anderson advised that the Contaminated Land Officer had confirmed acceptance of those conditions, subject to a Detailed Site Investigation being required as a condition of consent.
209. I agree that those recommendations are appropriate and accept that any adverse effects resulting from soil contamination will be less than minor.

#### Retail Distribution / Economic Effects

210. An economic assessment by Insight Economics was provided as part of the application. That was peer reviewed by Mr Heath of Property Economics. Both Mr Colegrave and Mr Heath



provided evidence and I was able to explore and clarify matters with both of them. There was a significant level of agreement. In discussions, Mr Colegrave explained the likely effect on other retailers. He noted that new stores are always “better” but there was clear agreement that there would be no retail distribution effects and that overall the development would provide a net benefit to Rolleston.

211. Both Mr Colegrave and Mr Heath considered that the Town Centre was not an appropriate location. Both agreed that the alternative locations identified by the submitters, including the IZone and surrounding areas, was less efficient. They also agreed that the District had substantial retail demand for the proposed development and that the proposed site fitted the locational requirement for supermarkets such as customer and transport accessibility. They both expected there to be temporary trade diversion impacts but noted that would be offset by the projected high demand growth in the foreseeable future. That high growth rate would offset any individual store trading losses within a reasonably short period of time. Both commented on the case study of the Rangiora Town Centre which suggested that there was no significant impact of the newly entered PAK’nSAVE supermarket on the surrounding centre. They also agreed the proposal would benefit the local employment market, support New Zealand owned and operated businesses, and better satisfy consumer demand through more competitive pricing and offerings. It would encourage benign competition in the local market.

#### *Assessment*

212. I accept the evidence of the experts. While there may be some trade competition effects on the other supermarkets and local specialist retailers, to the degree that I can take those into account (which is very limited), such effects are likely to be offset in a short timeframe due to high levels of growth anticipated in the market and unlikely to be of a scale that would lead to store closures and flow on into wider retail distribution effects.

#### Infrastructure Management

213. Some submitters raised concerns in relation to flooding in the 1:200 year flood event. They were concerned that there could potentially be impact on properties although none identified that the flooding had occurred to date.
214. I have received a written brief of evidence from Mr Brogden as a Civil Engineer. That evidence identified that an overland flood path for the 1:200 year flood event crosses the path and that there would be a minor change to the secondary flow route coming from Beaumont Drive across Levi Road and through the site. The anticipated risk to the supermarket and operations was considered low due to the location of the building being out of the zone of the modelled secondary flow path and the finished floor level. It noted that stormwater generated on the site would be fully managed for up to the 2% AEP and noted the underlying free-draining gravels and deep water table. The modelling showed that there was no increased risk of flooding on Levi Road as a result of the proposal, nor for properties on the Lincoln Rolleston Road. A condition of consent was proposed and is included to ensure that the development

will not increase the extent of the secondary flow path for the 1:200 year flood event on any residential property.

#### *Assessment*

215. I am satisfied that flood issues have been appropriately considered and conditioned. In terms of stormwater discharge, consent will be required from the Canterbury Regional Council as the SDC's Global Stormwater Consent does not include this site. A consent will be required to discharge construction phase and developed stormwater to land. I am satisfied that construction phase and operational stormwater can appropriately be dealt with.
216. In terms of infrastructure and servicing, both the reporting officer and the Applicant identified that there will be no difficulties in infrastructure provision.

#### Construction Effects

217. A proposal of this scale will produce construction effects. The application identified that once a contractor was appointed and prior to start of the main construction works, a Construction Management Plan would be prepared to set out the details of the proposed construction methodology and measures to be taken to minimise the potential effects of earthworks.
218. In terms of earthworks, the application noted that earthworks are an expected and inevitable component of development projects. The application acknowledged that noise, vibration and dust are the principal construction related effects and a number of mechanisms exist to attenuate or suppress such effects to acceptable levels. It noted that the general earthworks operation would be programmed to minimise the amount of ground being exposed during any one construction period and would ensure a better control of potential sediment and dust off the site. It identified that an Erosion and Sediment Control Plan would be developed under the guidance of the Environment Canterbury Erosion and Sediment Control Guidelines 2007 and the SDC Engineering Code of Practice. The minimum considerations included silt fences; stabilising to remove soil from truck tyres, secured loads and dampening; protection of all sumps and drain inlets; dust suppression by covering and dampening stockpiles and exposed soil; minimising the time excavations are open; and similar. It noted that a temporary retention pond is likely to be required to capture silt laden stormwater runoff.
219. In terms of construction traffic, a Construction Temporary Traffic Management Plan is to be prepared in accordance with Waka Kotahi's Code of Practice for Temporary Traffic Management Procedures. This is to be submitted to the SDC for review and approval at least three months prior to any construction works commencing.
220. The proposed conditions include Condition 23 which requires all construction to 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. The condition also records that a Construction Noise and Vibration Management Plan shall be

submitted to SDC for certification that it complies with NZS6803: 1999 Acoustics – Construction Noise at least 20 working days prior to commencing work on site.

221. Ms Anderson considered that in light of the proposed conditions, any adverse effects associated with dust and sediment could be adequately mitigated and that subject to the condition referred to, construction noise can be adequately managed. I agree and accept that opinion.

#### Property Values

222. A number of the submitters raised concerns in relation to potential devaluation of their properties. I acknowledge those concerns are genuine. There has been significant investment by the submitters in their homes. I have focused my assessment on the primary effects, rather than the concerns expressed in relation to property values. I note the Court's statement in *City Rail Link Limited* which stated that the adverse effects on land and property values are not of themselves a relevant consideration. It stated:

*If property values are reduced as a result of activities on adjoining land, the devaluation would reflect the effects of that activity on the environment. The correct approach is to consider those effects directly rather than market responses because the latter can be an imperfect measure of environmental effects.*<sup>20</sup>

223. I have adopted that approach. That avoids double-counting.

#### Positive Effects

224. A number of submitters identified positive effects. These included provision for local employment, potential for increased competition and choice, and the provision of a supermarket in a walkable location for residents. I have addressed these briefly in my discussion of retail distribution/economic effects. Mr Colegrave estimated that the construction would create full-time employment for 100 people for two years and would generate just over \$10 million in household incomes. He also advised, as was confirmed by Ms Parish, that the store would employ approximately 260 people permanently, being a mix of full-time and part-time positions.
225. In terms of the costs and benefits of the proposal versus residential development, Mr Colegrave considered this at a high level. It was his view that both would have similar one-off economic effects in terms of increased incomes, jobs and GDP during construction but noted that only the supermarket would provide enduring income and employment. He noted that the long term increase in onsite economic activity needed to be "pitted" against the forfeiture of approximately 60 dwellings which could have been developed on the site at 15 dwellings per hectare. He advised that while that may seem like a substantial loss, and he acknowledged that it was not trivial, it represented less than 0.5% of the additional housing capacity enabled

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<sup>20</sup> *City Rail Link Limited (CRRL) (Successor to Auckland Transport) & Ors v Auckland Council* [2017] NZEnvC 204

via the numerous private plan changes in and around Rolleston and the District's other main urban areas.

226. I discussed with Mr Colegrave the RMA EHS Act and how that had factored into his calculations. He was of the view that the intensification provisions are likely to affect the higher value areas but considered that in Rolleston there was unlikely to be demand for high density living. Mr Heath did consider there was a potential loss of dwellings in relation to the MDRS. He noted that this location was very close to the Town Centre and higher density typologies may be attractive to the market. He considered that the density could be at least double the 15 households per hectare.
227. In terms of the landscaping/urban design issues, potentially there is a benefit in comprehensive landscaping as compared to residential. It is not a matter I have put any weight on.
228. Overall, I consider that there are positive effects as identified by the economists and by those submitters submitting in support. I do not put any great weight on the construction benefits but of course the long term employment benefits are positive. The positive effects are, in my view, reasonably significant in a Selwyn District context. They are somewhat less so, but still relevant, in a Greater Christchurch context.

#### Overall Evaluation of Effects

229. Having considered all of the matters identified above, and for the reasons that I have outlined, I am satisfied that the effects are appropriate and acceptable. I consider that there will be some adverse amenity effects, particularly on the surrounding residents. These, in my view, will fall particularly on those located directly across Levi Road and, to a slightly lesser extent, Lincoln Rolleston Road. There may be some effects on the wider environment but in my view they are less than minor. There is no doubt that this proposal seeks the introduction of a large scale commercial activity into a residential zone. I have ignored the effects on those providing the APAs. There are a number of contextual and locational factors which are particularly relevant to this proposal and to my finding. These include the presence of the arterial roads, and the size of the site which enables significant setbacks and landscape treatment. There are positive effects which I have considered and as noted are reasonably significant in a Selwyn District context.
230. Overall I am satisfied that the effects will be no more than minor and are appropriate. The evidence from the various experts in the relevant fields, is notable for the level of agreement on the relevant effects. The Applicant has taken a responsive and iterative approach in addressing concerns identified. That assessment has taken into account the policy framework.

## Alternative Locations

231. As noted, a number of submitters raised alternative locations, including the IZone industrial area and surrounds. I have considered that. Overall, on the basis of the expert evidence, including that from the economists and on urban design, this location is appropriate. The Applicant provided significant evidence of the steps they had undertaken in relation to site identification. I am satisfied that the alternatives have been appropriately considered.

## Section 104(1)(b) of the RMA

232. Section 104(1)(b) of the RMA requires, subject to Part 2 of the RMA, that I have regard to the relevant provisions of:

- (i) *a national environmental standard:*
- (ii) *other regulations:*
- (iii) *a national policy statement:*
- (iv) *a New Zealand coastal policy statement:*
- (v) *a regional policy statement or proposed regional policy statement:*
- (vi) *a plan or proposed plan.*

233. By Minute of 15 September 2022 I raised the issue of the notification of the Intensification Planning Instrument – Variation 1 (IPI) to the PDP. I indicated my preliminary view was that the relevant objectives and policies of the SDP and the PDP, as identified in the application and evidence, remained matters to which I must have regard. I considered the same approach to be appropriate in relation to the CRPS. I also advised that I considered the objectives and policies of the IPI were provisions which I must have regard to. I directed that the reporting officer, the Applicant and any submitter who wished to do so to provide brief memoranda on the matters identified above and my preliminary view on the approach to be taken.

234. I received a response from Counsel for the Applicant.<sup>21</sup> Counsel agreed with the preliminary views expressed regarding the application of s77M of the RMA. Counsel agreed that the objectives and policies of the SDP and the PDP remained matters which I must have regard to. It also agreed that the same approach was appropriate to the CRPS. The Memorandum also agreed that I must have regard to the objectives and policies of the IPI as the definition of a proposed plan as set out in s43AAC RMA includes a variation to a proposed plan and a notified IPI. The Memorandum noted that during the hearing process the planning experts for both the Applicant and SDC agreed that limited weighting should be provided to the PDP due to no decisions being made, and that, given the infancy of the IPI, limited weighting would generally apply to its objectives and policies. It noted however that the mandatory provisions, particularly Objective 1 and Policy 3, were relevant and should be given weight.

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<sup>21</sup> Memorandum of Counsel Responding to Minute 7 of Hearing Commissioner dated 15 September 2022

235. The planner for submitters Harbour Building Partnership and the Group submitters, also agreed with the approach. Ms Anderson again agreed with the preliminary views expressed. She specifically agreed that the objectives and policies of the SDP and the PDP remain matters to which I must have regard to. She agreed that the same approach was appropriate to the CRPS. Ms Anderson also agreed that I must have regard to the objectives and policies of the IPI. She considered that given the infancy of the variation, limited weighting would generally apply to the objectives and policies of the IPI.

## NPSUD

236. The Applicant submitted that significant weighting should be given to the NPSUD. The legal submissions identified the NPSUD as of particular relevance given this was a planning decision affecting an urban environment. Regard must therefore be had to the relevant provisions. The submissions identified Objective 3 as having particular relevance. This is the enabling of 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; and Policy 1(b) and 1(d), being to achieve a well-functioning urban environment by having or enabling as a minimum a variety of sites that are suitable for different business sectors in terms of location and site size; and supporting the competitive operation of land and development markets.
237. Mr Allan's opinion was that the relevant objectives and policies of the SDP and the PDP must acknowledge their place in the evolving planning and policy landscape, and the strategic direction posed by the NPSUD, RMA EHS Act and MDRS. He noted that both the NPSUD and the RMA EHS Act direct SDC to provide for more housing and businesses to be built in places close to jobs, community services and public transport; and to respond to market demand. It was his opinion that 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.<sup>22</sup> He considered that the NPSUD aims to remove barriers to the supply of land and infrastructure and to make room for growth. He noted this applied to all planning decisions that affect an urban environment. He noted that it required 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*".<sup>23</sup>
238. He considered the NPSUD represents the Government's latest thinking on how to encourage well-functioning and liveable urban environments. It applied to planning decisions such as this and he considered that it therefore required a broader perspective, and greater consideration, of the urban environment than that which was presented in the s42A Report.<sup>24</sup> Based on the conclusions reached by the Applicant's and SDC's subject matter experts, he considered the

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<sup>22</sup> Statement of Evidence of Mark David Allan 18 July 2022 at para [51]

<sup>23</sup> Statement of Evidence of Mark David Allan 18 July 2022 at para [52]

<sup>24</sup> Statement of Evidence of Mark David Allan 18 July 2022 at para [55]

proposal contributed to a well-functioning urban environment and identified the reasons for that. He summarised those as being the location near a Centre Zone, is well serviced by existing public transport, and is within comfortable walking and cycling distance of existing and growing residential areas. He considered it notable that the urban design experts agreed 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 transport.<sup>25</sup>

239. He also identified that the economic experts agreed that the future district retail demand growth would support up to ten additional supermarkets across the Selwyn District in the next 25 years. He considered there to be 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 or the PDP. He considered that constraint in business land availability had the potential to result in loss of social and economic wellbeing for the growing Rolleston community and did not give effect to Policy 2 of the NPSUD. It was his view that the application represented an appropriate planning response to the development capacity directive of Policy 2.<sup>26</sup>
240. He considered the site is suitably located and the application having been appropriately planned in respect of planned transportation infrastructure, including the signalisation of the Levi Road/Lincoln Rolleston Road/Masefield Drive/Lowes Road intersection and the continued investment in walking and cycling infrastructure.
241. His opinion was that 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 well-being of people and communities now and into the future. This, in his opinion, required consideration of the urban environment more broadly than simply against the SDP.
242. Ms Anderson, in her summary evidence, acknowledged that her Report did not provide a detailed assessment of the future built environment provided for by the NPSUD, the RMA EHS Act and the MDRS but confirmed that those matters were considered as part of Ms Wolfer's and her assessment. She agreed with Mr Allan that the planning framework provided by those national planning directives would provide the opportunity for intensification of the Rolleston urban environment and that the future built environment was likely to be one characterised by a higher density and potentially increased scale of buildings with consequential increased residential activity. She remained of the view that in the context of the receiving residential environment, and any future built environment constructed in accordance with the NPSUD, RMA EHS Act and the MDRS, the scale of the commercial activities would result in cumulative adverse effects on the character of the environment through the disturbance and general level of commercial busyness and that the scale of these commercial activities were significantly different.

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<sup>25</sup> Statement of Evidence of Mark David Allan 18 July 2022 at para [56]

<sup>26</sup> Statement of Evidence of Mark David Allan 18 July 2022 at para [57]

243. Ms Anderson considered Objective 4 as particularly relevant to the resource consent decision-making process. She agreed that Policy 1 provided guidance on urban growth that, relevantly, have or enable a variety of sites that are suitable for different business sectors in terms of location and site size. She considered Policy 6 to be relevant and noted that the SDP would need to be amended to give effect to the NPSUD as soon as practicable but in the meantime, she considered Policy 6(c), (d) and (e) applied to the consideration of this consent; those being the benefits of urban development that is consistent with a well-functioning environment; any relevant contribution made to meeting the requirements of the NPS to provide and release development capacity; and the likely current and future effects of climate change. Ultimately she considered that with the changes made, the proposal would be consistent with a well-functioning urban environment and would meet the general directive of the NPSUD.
244. Ms Laird agreed that consideration of the overall direction of the NPSUD should be considered. It was her opinion that when looking at the proposal at a higher level and how the planning framework will change, the proposal was out of character and scale to a higher density residential environment.<sup>27</sup>

#### Assessment

245. Given my decision on this application is a planning decision, the NPSUD is clearly relevant to my decision-making. In a consenting process it is a document that I must have regard to. I am not required to give effect to it.
246. On the basis of the planning evidence, and particularly that of Mr Allan and Ms Anderson, and having considered the urban design, landscape and transportation evidence, I find that the proposal is consistent with a well-functioning urban environment. It will meet the general directive of the NPSUD. It provides development capacity.
247. The urban design evidence underlying the planning assessments was clear that the location of the proposal supported a compact and consolidated urban form for Rolleston, and one which was on a location which was readily accessible for all modes of transport.

#### **CRPS**

248. Mr Allan considered the broad assessment required to be whether the application is appropriate in the location. He considered that involved consideration of the specialist evidence which in his view collectively presents broad support for the application subject to refinement of some of the details and imposition of appropriate conditions. He considered overall the application to be consistent with the CRPS.<sup>28</sup> He identified that the CRPS provides for development in and around existing urban areas as the primary focus for accommodating the region's growth. He identified Objective 5.2.1 Location, Design and Function of Development, which seeks that new commercial centres be primarily directed to the central

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<sup>27</sup> Statement of Planning Evidence of Morgan Ashleigh Laird 25 July 2022 at para [32]

<sup>28</sup> Statement of Evidence of Mark David Allan 18 July 2022 at page 14



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)). He considered the CRPS expressly anticipates that some new commercial development will be appropriate outside of a centre subject to appropriate management of effects. He noted the explanation provides:

*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. (p75, CRPS)*

249. In terms of policies, he considered Policy 6.3.6 – Business Land – to be of particular relevance as 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)). He also identified Policy 6.3.6(7) requiring existing infrastructure availability, capacity and quality to be utilised; that reverse sensitivity effects and conflicts of incompatible activities be identified and avoided or mitigated (Policy 6.3.6(8)); that business land is in close proximity to labour supply, major transport hubs and passenger transport networks (Policy 6.3.6(9)); that self-sufficiency of employment and business activities within communities across Greater Christchurch is encouraged (Policy 6.3.6(10)); and finally that good urban design principles appropriate to the context of the development are incorporated into the development of new business activities (Policy 6.3.6(11)).
250. Mr Allan considered that any potential conflict between activities, including adjacent residential land, would be mitigated by the appropriate treatment of the site's interface with the frontage roads and neighbouring land; that 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 incorporates good urban design principles. He considered it to be consistent with Policy 6.3.6.<sup>29</sup>
251. He did acknowledge that the application challenges Policy 6.3.3 which requires that development occur in accordance with the ODP for the site. On a reading of the policy in its broader context, he did not consider it to be inconsistent and that it 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. He accepted it did not strictly accord with the ODP for the site. Given the experts' view that the application is appropriate in this location, and the fundamental purpose of ODPs to deliver integrated urban development, it meets the needs of incoming residents and businesses, he considered the application could be said to be, on balance, consistent with Chapter 6.
252. Ms Anderson identified Objective 5.2.1 – Location, design and function of development (Entire Region). She identified Policy 5.3.1 – Regional Growth (Wider Region) and Policy 5.3.2 –

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<sup>29</sup> Statement of Evidence of Mark David Allan 18 July 2022 at para [70]

Development conditions (Wider Region). She considered that Chapter 5 seeks to ensure that development occurs in a consolidated manner in existing urban areas, and that adverse effects of the development are adequately managed. She noted the location of the proposed supermarket is within the existing urban area and will therefore contribute to a compact, consolidated urban form, as well as promoting energy efficiency in terms of encouraging sustainable modes of transport. She remained of the view however that the sense of identity and character of the surrounding urban area can be defined as an intact residential area defined by the residential scale buildings and landscaping, and therefore, in the context of this receiving environment, she considered the scale of activities proposed would not maintain and enhance the amenity values.<sup>30</sup>

253. At the hearing, Ms Anderson reiterated her view that in the context of the receiving environment, the scale of the activities proposed would not maintain the character and quality of the existing built environment, or reflect the appropriateness of the development to its location. On that basis she considered the proposal was partially consistent with Chapters 5 and 6 of the CRPS.
254. Ms Laird agreed with Mr Allan that the Wider Region objectives and policies were not relevant. In terms of the relevant objectives and policies within Chapter 5, she considered these seek to provide for development in a way that achieves consolidated, well designed and sustainable growth in and around existing urban areas, and that any adverse effects of the development are adequately managed. She also identified Objective 5.2.1 which seeks to enable business activities in appropriate locations. She agreed with Ms Anderson's paragraphs [204] and [205] that the development was located within an existing urban environment and would therefore contribute to a compact consolidated urban form. She agreed with Ms Anderson that the scale of the activities would not maintain and enhance the amenity values of the intact residential area, and considered the application to be only partially consistent with the objectives and policies of Chapter 5.
255. In terms of Chapter 6 of the CRPS, Ms Laird was in agreement with Ms Anderson that the objectives and policies clearly direct commercial development to the central city and key activity areas, with provisions for a range of other business activities in appropriate locations. She considered the proposal found support in Policy 6.3.6 as discussed in Mr Allan's evidence, but was also inconsistent with Policy 6.3.3 which requires that development be in accordance with the ODP. She did not agree that policy should be looked at in a broader context as in her opinion it was directive in its intent. She agreed with Ms Anderson that the proposal is only partially consistent with Chapter 6 of the CRPS. She concluded on balance the proposal to be contrary to the objectives and policies of the CRPS.
256. Ms Booker in her opening submissions submitted that providing for business activities in appropriate locations, including outside of a centre, subject to appropriate management of

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<sup>30</sup> Report at para [205]

effects, is consistent with the CRPS. She considered it significant that CRC has not made a submission on the publicly notified application, particularly given its active involvement in urban growth processes in Selwyn.<sup>31</sup>

257. She submitted that the CRPS was prepared prior to the NPSUD and does not implement the direction for responsive planning. She identified that the recent Change 1 to the CRPS did not give effect to all provisions of the NPSUD noting that the report to the Minister on Change 1 confirmed that work was underway to progressively implement the new national direction set out through the NPSUD, including changes to the district plans, the completion of a new capacity assessment and future development strategy, and the CRPS review including those in Chapter 6.<sup>32</sup>

### Assessment

258. Overall, having carefully considered the evidence and submissions, I find that the proposal is largely consistent with the relevant objectives and policies in Chapter 5 and Chapter 6 of the CRPS. As noted earlier, it achieves consolidated, well designed, and in my view a sustainable, growth in and around existing urban areas. It enables people and communities to provide for their social and cultural wellbeing and health safety.
259. In terms of Chapter 6, the evidence is clear that in regards to Policy 6.2.5 the development would avoid significant adverse effects on the function and viability of the central city, key activity centres and neighbourhood centres. Policy 6.2.6(4) recognises that a range of other business activities are provided for in appropriate locations, although new commercial activities are primarily directed to the central city, key activity centres and neighbourhood centres.
260. Overall I consider the proposal is consistent with Policy 6.3.2 but it is clearly inconsistent with Policy 6.3.3. This proposal is clearly not in accordance with the provisions of the ODP for this site. It is only partly consistent with Policy 6.3.6. It does not give rise to significant adverse distributional or urban form effect. It does not promote the utilisation of existing business land but I acknowledge the detailed evidence from the Applicant in relation to availability of the same. That consistency or otherwise is somewhat muddled by the consent for the redevelopment of the present New World site for a PAK'nSAVE. The evidence was however clear that if this proposal is granted consent, the existing New World will be redeveloped and enhanced.

### **SDP**

261. The application included a comprehensive assessment of the relevant provisions of the SDP.

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<sup>31</sup> Opening Legal Submissions at para [58]

<sup>32</sup> Opening Legal Submissions at para [59]

262. Mr Allan, in his evidence, identified what he considered to be the most relevant objectives and policies as being 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. He identified 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.<sup>33</sup> He considered that ultimately the application's consistency or otherwise with the objectives and policies of the SDP was dependent on conclusions made in respect of adverse effects. He considered that the SDP provided support for a carefully considered change within townships where that change considers residential amenity values and the ability to avoid, remedy or mitigate any adverse effects on the same. He considered that that needed to be considered in the context of the existing and anticipated future environment and as such regard must be had to the NPSUD and the RMA EHS Act.
263. In discussions, Mr Allan noted that under the policy framework anything can be established provided the effects were compatible. He identified that on a small site, in a more local roading environment, an activity such as this would not meet the relevant objectives and policies. He considered that here the design team were presented with a site that was large enough to avoid and mitigate a number of the effects. That allowed for appropriate setbacks, landscaping etc to "settle it in". He noted that the technical evidence collectively acknowledged that while the building was large, it can settle into the site without compromising compatibility. He noted that compatible does not need to be the same.
264. In terms of the ODP related policies, he considered the ODP did not take precedence over the zone provisions and noted that the ODP rules were triggered by subdivision. He also considered that a number of aspects of the ODP had been brought through in the application including the "park".
265. The issue of compatibility was, rightly, a feature of his evidence. He reiterated his opinion that compatible does not mean the same and that it was possible for two different land uses to exist or occur together without problems or conflict. He considered that the SDP recognises this by providing for non-residential activities in residential areas as a discretionary activity and allowing the appropriateness of an activity to be assessed on a case-by-case basis. In the case of this application, he considered the site to be appropriately located on two arterial roads along the southern approach to Rolleston. He again considered the site was of an appropriate size to be able to provide for the operational and functional requirements of the supermarket while being compatible with neighbouring properties and integrating with Rolleston's rapidly changing urban environment.
266. In terms of B3 Health, Safety and Values, he noted that a number of objectives and policies were included which related to maintaining the quality of the environment and amenity values.

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<sup>33</sup> Statement of Evidence of Mark David Allan 18 July 2022 at para [74]

He considered it to be consistent with the noise related policies given that noise generated from the supermarket during construction and operation would be appropriately managed to ensure it does not adversely affect the health or wellbeing of people, and maintains a sound level appropriate to the quality of the environment and amenity values.

267. In terms of the hours of operation, he noted that the supermarket would be open to customers during the hours of 7.00am to 10.00pm seven days a week, and outside of those hours there would be a small number of visits by staff as they arrive for early and late shifts, and there would also be a small number of delivery movements outside of the supermarket opening hours. In his opinion, the nature and scale of those, the location of two arterial roads, and how they will be mitigated through design and proposed conditions, would ensure that they did not disturb surrounding allotments, consistent with what he considered to be the intent of Policy B3.4.16 – that is, that non-residential activities in Living zones do not disturb surrounding residential activities, particularly at night.
268. In terms of Policy B3.4.23 to B3.4.27 relating to building design, he considered those seek to ensure that building designs avoid, remedy or mitigate adverse effects on adjoining sites. He identified B3.4.27 specifically which seeks to ensure that buildings and structures in the Living zones used for non-residential activities, are of a size and a bulk and in a setting compatible with the quality of the environment and amenity values of a residential area. On the basis of the architectural, urban design and landscape evidence for both Foodstuffs and SDC, he considered the application to be consistent with those policies.
269. Ms Anderson identified essentially the same objectives and policies as Mr Allan. She also considered that the objectives and policies were essentially effects based in the SDP. She considered that some of the policies were directive to a degree, particularly by the use of the word 'ensure'. She considered those policies mandated a detailed assessment. She considered that the objectives and policies all anticipate that there will be a weighing; they were not encouraging of non-residential activities, but nor were they prohibiting. At the time of her Report, Ms Anderson considered the proposal to be contrary to the objectives and policies of the SDP.
270. She also identified the focus on 'compatible' and noted the dictionary definition is essentially that they can exist together without conflict and in harmony.
271. In Ms Anderson's summary evidence, she advised that subject to conditions of consent, the proposal was consistent with a number of objectives and policies. These included the transportation policies, the noise policies (subject to mitigation measures and proposed conditions of consent) and signage. She considered, in light of the changes to the proposed signage, that was more in keeping with the amenity and not inconsistent with the relevant policies.
272. She addressed the policy framework in relation to the quality of the environment. She concluded that the SDP 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 the particular zones. She remained of the view that 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.

273. In terms of Policy B3.4.27, which seeks to ensure that commercial buildings are of a scale that is compatible with the quality of the environment, she noted Ms Wolfer had concluded the scale of the building was acceptable within both the existing receiving environment and the future built environment. She accepted that assessment and considered the proposal to be not inconsistent with that policy.
274. In her written summary she stated that in response to the significant number of changes to the proposal and the proposed conditions of consent that, on balance, the proposal was inconsistent with the objectives and policies of the SDP.<sup>34</sup> I note her ultimate conclusion on the objectives and policies of both the SDP and PDP was that it was not inconsistent.<sup>35</sup> This reflected her conclusion that in the context of the existing and future receiving environment, while she 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, the majority of those issues can be managed.<sup>36</sup>
275. Ms Laird also provided a comprehensive assessment of the relevant objectives and policies of the SDP. She considered that the objectives and policies within B3.4 were centred around “preserving” the quality of the environment. She again noted Objective B3.4.1 seeks to ensure townships are pleasant places to live and work, and Objective B3.4.2 provides for a variety of activities provided they maintain the character and amenity values of the zone. In relation to Objective B3.4.2, she considered this recognises that the small scale of many activities means this mixing can occur without creating adverse effects. She considered the emphasis to be on “small” and that directs the intent of the objective. She considered the establishment of a supermarket at the scale proposed would not be consistent with that.
276. Ms Laird agreed with Mr Allan that ‘compatible’ does not mean ‘the same’ but in her opinion there was a difference between an activity that is small in scale compared to what is proposed. Again, in her opinion, the proposal sought to construct a large commercial activity in an environment that primarily consists of low density residential buildings and activities. She acknowledged the increase in housing density that would likely occur but in her view this simply “solidified” the residential character and use of the existing and future environment, albeit at a higher density. She remained of the view that the scale of the proposed development inclusive of the scale of the building, vehicle movements, operating hours, signage and staff numbers

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<sup>34</sup> Summary of Planning Evidence Jane Anderson 4 August 2022 at para [4.9]

<sup>35</sup> Summary of Planning Evidence Jane Anderson 4 August 2022 at para [5.2]

<sup>36</sup> Summary of Planning Evidence Jane Anderson 4 August 2022 at para [5.1]

was inconsistent with Objectives B3.4.1 and B3.4.2 and Policy B3.4.2. She agreed with Ms Anderson that it created a large highly visible and overtly commercial development on the land and agreed with her initial opinion that it was contrary to the relevant objectives and policies.

277. Overall she considered that the issue of whether a commercial activity can appropriately operate in the residential environment was very dependent on the scale. In her opinion that should be reflective of the character. She considered the objectives and policies did not anticipate changes at this scale. For completeness, she did not consider the policy framework to be entirely effects based.

#### Assessment

278. I have considered the relevant objectives and policies in their entirety. I accept that the significant changes made by the Applicant have addressed a number of those objectives and policies and is not inconsistent with them.
279. The consistency or otherwise with the relevant objectives and policies overall, in my view, depends on the combined effects of the scale of the activities associated with this proposal. These include the size of the building, the large area of carparking, the number of staff members, the vehicle movements and associated impacts. These are clearly of a much greater scale than anticipated by the SDP. In my view, that remains the position even taking into account the potential for residential intensification. As discussed with a number of witnesses, even with a potentially high level of intensification, if that were to occur, the environment and its qualities would remain residential.
280. In my view, there is a very clear theme running through the relevant objectives and policies. Objective B3.4.1 – *“The District’s townships are pleasant places to live and work in”* and Objective B3.4.2 – *“A variety of activities are provided for in township, while maintaining the character and amenity values of each zone”* clearly illustrate what the SDP is seeking to achieve – that is that townships are pleasant places to live and work in and that a variety of activities are provided for but the character and amenity values of each zone is maintained.
281. The theme again comes through quite clearly in Policy B3.4.2 which has a clear focus on providing for the activity but provided it has effects which are compatible with the character, quality of the environment and amenity values of that zone.
282. Policy B3.4.3 provides, relevantly:

*To provide Living zones which:*

- *are pleasant places to live in and provide for the health and safety of people and their communities;*
- *are less busy and more spacious than residential areas in metropolitan centres.*

283. Clearly the maintenance of residential amenity is given some considerable importance.

284. Having considered all of the evidence and the submissions and following on from my effects assessment, while it is not entirely consistent with the objectives and policies overall, it does not, in my view, offend them. The proposal of course remains a large scale commercial activity in an evolving residential area. It is an activity of a size and scale which one would not anticipate in the zone. However, with a combination of the locational matters that I have identified earlier, the nature of the site, the careful and iterative design, any inconsistencies are not such to render it inappropriate.

## **PDP**

285. Again there was considerable agreement amongst the planning experts as to relevant objectives and policies. Of particular relevance RESZ-06 provides:

*The role, function and predominant character of the residential zones is not compromised by non-residential activities.*

286. Policy RESZ-P3 provides:

*Maintain and enhance the character and amenity values of residential zones by ensuring that all new buildings are:*

1. *Of a scale appropriate to the locality;*
2. *Sites in a location to enable privacy and retain open space and access to sunlight and daylight;*
3. *Designed to enable ancillary activities such as accessory buildings, manoeuvring and landscaping to be accommodated on the site.*

287. Policy RESZ-P15 is:

*Provide for non-residential activities and community facilities that:*

1. *Are of a nature and scale that meet the needs of the local community;*
2. *Are consistent with the amenity values and character of the locality;*
3. *Encourage co-location and share use of community facilities where practicable; and*
4. *Do not undermine the viability of commercial centres.*

288. The relevant objectives and policies in the PDP, including the specific Residential policies and the Town Centres policies, which seek to enable commercial developments within the Town Centres, do, in my view, send a reasonably strong signal.

289. I discussed Policy RESZ-P15 with all of the planners, and particularly in relation to the inclusion in subparagraph (2) – “are consistent with the amenity values and character of the locality”. The planners agreed that that was a stronger directive than “compatible”.



290. I note commercial activities within the Residential zones are non-complying under the PDP. The rules of course have no effect at this stage.
291. Again, given the changes and improvements that have been made throughout the process, and my findings on effects, I find by a fine margin that it is not inconsistent with the key Residential objectives and policies. I agree with the planning witnesses that given the early stages of the PDP, only limited weighting can be given.

### **IPI Objectives and Policies**

292. IPI Objective SD-UFD-01 states:

*Selwyn has a well-functioning urban environment that enables all people and communities to provide for their social, economic and cultural wellbeing, and their health and safety, now and into the future.*

293. IPI Policy RESZ-PA provides:

*Encourage the development to achieve attractive and safe streets and open public spaces, including providing for passive surveillance.*

294. Both Ms Anderson and Mr Allan consider the proposal would contribute to a well-functioning urban environment and is consistent with the NPSUD. The urban design, landscape and transport experts have addressed the relevant matters. Again in this particular context, I consider the proposal is consistent with the IPI objectives and policies.

### **Precedent / Plan Integrity**

295. The issue of precedent and plan integrity was not a matter which was addressed in the Applicant's legal submissions nor the officer's Report. I sought, by Minute 5, legal submissions or comment on that issue. As noted in the introduction, Mr Roche addressed it by way of email and Ms Booker filed supplementary legal submissions. She identified that precedent effect is one factor that is potentially to be weighed under s104(1)(c) RMA in appropriate cases, but it does not always apply and should not be given primacy over the other factors in conducting a balancing exercise of competing considerations. Ms Booker's submissions acknowledged that it was possible that a grant of consent for a discretionary activity could have adverse precedent effects but it would be unusual. She noted that each application must be considered on its merits citing the Court of Appeal of *Dye*<sup>37</sup> and *Auckland Regional Council v Roman Catholic Diocese of Auckland*.<sup>38</sup>
296. While identifying any future supermarkets seeking to establish in residential areas would be assessed on a case-by-case basis, the precedent effects are not an issue in the present case due to the distinguishing features of the proposal. This identified the site is "unique, strategically located within the township boundary, on a large corner site on two arterial roads

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<sup>37</sup> *Dye v Auckland Regional Council* [2001] 1 NZRMA 513

<sup>38</sup> *Auckland Regional Council v Roman Catholic Diocese of Auckland* [2008] NZRMA 409, at [89]

which provide access to Rolleston Town Centre". She noted that the iterative design process with input from submitters and SDC had resulted in a bespoke PAK'nSAVE supermarket designed specifically to be compatible with the residential environment surrounding the site. She submitted further the site size enables necessary operational and functional requirements to be met while providing high-quality architectural design, significant setbacks and landscaping to absorb the scale of the activity. She submitted these aspects were distinguishing, and no adverse risk of precedent would arise. She considered it significant that the reporting officer had not raised it.

297. In terms of plan integrity, she submitted that the proposal would not impact on public confidence in the SDP to such an extent that plan integrity is at stake. Again she submitted that even if I were to determine that an element of plan integrity was at stake, the weight to be given to any effect on that integrity is a matter for judgement. Questions of plan integrity are for my discretion as any other matter under s104(1)(c) RMA which is then to be weighed.

298. Ms Booker also identified that the proposal's inconsistency or otherwise with the SDP provisions goes to the issue of what weight the effects based evidence should be given, noting that the SDP allows for non-residential activities in a residential area as a discretionary activity, allowing the appropriateness of that activity to be assessed on a case-by-case basis. She cited the Environment Court in *Progressive Enterprises v North Shore City Council*.<sup>39</sup>

### Assessment

299. Precedent can be a relevant issue in a discretionary activity application. I agree that a resource consent has no precedent effect in a strict legal sense.<sup>40</sup> Overall, in the context of this particular application in this particular location, and given my findings in relation to the objectives and policies and effects, I do not consider precedent and plan integrity to be a matter that should be given any weight in my overall decision-making .

## **Part 2**

300. Ms Booker submitted that s104(1) provides for consideration of Part 2 in a particular way. She submitted that I may have recourse to Part 2 when considering the application and submissions under s104(1). The circumstances where this may be done are, she submitted:

- (a) Where there is invalidity, incomplete coverage or uncertainty of meaning within the planning instruments;<sup>41</sup> or
- (b) Where, after careful analysis, the matters in subsection 104(1)(a), (b) and (c) are found to be in conflict.<sup>42</sup>

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<sup>39</sup> *Progressive Enterprises v North Shore City Council* [2009] NZRMA 386 at [82]

<sup>40</sup> *Dye v Auckland Regional Council* [2002] 1 NZLR 337

<sup>41</sup> *RJ Davidson Family Trust v Marlborough District Council* [2017] NZHC 52 at [75]-[76]

<sup>42</sup> *McGuire v Hastings District Council* [2002] UKPC 43 [2002] 2 NZLR 577; considered in *Royal Forest and Bird Protection Society of New Zealand Inc v New Zealand Transport Agency* [2021] NZHC 390, [2021] NZRMA 303 at [30]

301. She submitted further, that in the event those circumstances arose, then I should look first at the higher order plans, for example the CRPS and the NPSUD, and she submitted the RMA EHS Act in this particular situation, and where possible the provisions of the SDP could be read in a manner consistent with these documents. She noted that neither the SDP or PDP as notified or the CRPS have been prepared pursuant to the NPSUD and there was incomplete coverage of the NPS under those documents. She submitted that the NPSUD, as a recent document and expression, should be accepted as promoting Part 2. It should be given appropriate weight and there is no need to have general recourse to Part 2 of the RMA if the proposal is consistent with the NPSUD, which the evidence of Mr Allan considered it is.<sup>43</sup>
302. For completeness, Ms Anderson provided a brief assessment against Part 2 identifying s6 and noting that there were no matters of national importance affected by the proposal and s7. She identified in particular ss7(b), (c) and (f). She considered that the proposed supermarket could be considered to be an efficient use and development of the natural and physical resources, given that it seeks to develop land that has been identified as appropriate for urban development but she did not consider the proposal would adequately maintain and enhance the existing amenity values of the area as the scale of the activities will have adverse effects on the amenity values for the surrounding residential environment. She also considered that it would fail to maintain the quality of the environment in a manner that was not contemplated by the plan, and this may not promote the purpose of the RMA. She identified s8 and concluded that the proposal was inconsistent with Part 2 of the RMA. Ultimately, given the changes that had been made, she considered the assessment to be finely balanced. She was neutral on whether or not it should be granted but it was capable of grant.
303. Mr Allan in his primary evidence considered Part 2 of the RMA was relevant for consideration given the age of the SDP which does not give effect to the NPSUD requirements that district plans must contribute to a well-functioning urban environment which, at 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, he considered the SDP and the PDP unduly limit the opportunity for a supermarket operator to secure sufficient land in a centre (particularly the Rolleston Town Centre zone) to enable a functional large-scale modern supermarket and this will lead to the loss of social and economic wellbeing and not give effect to the NPSUD.
304. He agreed with Ms Anderson that the application could be considered an efficient use and development of natural and physical resources under s7(b) and that there were no s6 or s8 matters at play. He differed in terms of her conclusion in relation to the alignment with ss7(c) and 7(f). He considered it would maintain and enhance both amenity values and the quality of the environment through the considerate design and layout of the application including the use of appropriate materials, colours, architectural design and landscaping, combined with the

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<sup>43</sup> Opening Legal Submissions at para [33]

generous road and internal boundary setbacks and location at the corner of two arterial roads and near the Rolleston Town Centre.<sup>44</sup>

305. While he considered that a supermarket of the scale proposed may not have been contemplated by the SDP, he could not conclude that this means that the application does not promote the purpose of the RMA. His reasoning for this was because the application is consistent and aligned with the NPSUD, the higher order planning document which specifically seeks to enable suitable sites for business activities to be realised and supported.<sup>45</sup> Overall he considered the application to be consistent with the sustainable management purpose of the RMA.
306. Ms Laird agreed that the proposal presented an efficient use and development of natural and physical resources but that it did not maintain and enhance amenity values or the quality of the environment and indeed considered it compromised amenity values and the quality of the environment in a manner not anticipated by the SDP.

#### Assessment

307. Overall, I accept and agree with Mr Allan's evidence in relation to the purpose of the RMA. While there is some tension with ss7(c) and (f) as there will be some localised impact on the quality of the environment and amenity values, s7 matters are not a veto. I accept that the application is consistent and aligned with the NPSUD which is both the latest and the highest order planning document relevant to this application.

#### **Overall Finding**

308. I have carefully considered all the submissions, documents, evidence and legal submissions presented to me. There are minor localised effects in relation to amenity and character and there is some tension with the relevant objectives and policies. The significant amendments made by the Applicant throughout this process substantially address those issues. There are also significant positive effects. These were identified and supported not only by the economic evidence, but indeed by other relevant experts.
309. Overall, I consider that through the careful and iterative design process, and given the significant level of agreement between the experts in the various disciplines, the effects have been appropriately avoided, remedied or mitigated. The site is unusual in terms of both its size and its location. That size and the location has enabled the key adverse effects to be appropriately addressed. I note the commonality of the opinions of the expert landscape, urban design, acoustic and traffic witnesses. It assists in meeting the demand for business land and capacity issues in a manner which contributes to a well-functioning urban environment. Overall I consider it does meet the sustainable management purpose of the RMA. I consider the purpose of the RMA is better met by the grant of consent.

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<sup>44</sup> Statement of Evidence of Mark David Allan 18 July 2022 at para [107]

<sup>45</sup> Statement of Evidence of Mark David Allan 18 July 2022 at para [108]

## Conditions

310. I was helpfully provided with draft conditions of consent with the Applicant's reply. These included, as Appendix 2, the draft conditions with SDC feedback, and comments on the same from the Applicant. Appendix 3 was a clean copy of the Applicant's preferred conditions. Overall there was little disagreement.
311. In relation to condition 3, which provides for the surrender of RC185461, the proposed condition required surrender within one month of the inaugural opening of the supermarket. Ms Anderson was concerned in relation to uncertainties relating to the inaugural opening as there was uncertainty in relation to that issue. The Applicant wished to retain RC185461 for a longer duration to enable it sufficient time to carry out necessary detailed design, costings, feasibility, etc to confirm construction. It proposed the surrender occur upon construction works commencing. I am satisfied that is appropriate.
312. In terms of Landscape condition 4, this relates to the retention of the existing hedge for as long as possible. Mr Reeve identified that the hedge would not reduce construction noise and the Applicant accepted that 'noise' should be deleted from that condition.
313. In relation to certification of the landscape management plan and specification, Ms Anderson sought an extra week to provide SDC sufficient time to respond. That was accepted by the Applicant and in my view is appropriate.
314. In relation to condition 6, which relates to the establishment of the proposed landscaping, and also conditions 30-32, 36 and 47, Ms Anderson sought a change from the wording "the inaugural opening" to be replaced with "any retail activity commencing". That change was accepted by the Applicant and again I consider that appropriate.
315. In relation to lighting, Ms Anderson sought the addition of a reference to Mr Kitto's evidence as she noted that the conditions and lighting plan did not specify operational controls such as auto dimming. The Applicant noted that it would be unusual to refer to a statement of evidence in a condition and its preference was to refer to the lighting plan with additional reference to operational controls as appropriate. The addition of the following wording was preferred by the Applicant: "and with appropriate operational controls associated with dimming and motion sensors". I accept that change of wording is appropriate and addresses Ms Anderson's concerns.
316. Other minor changes suggested by Ms Anderson included the inclusion of the word 'independent' in relation to the auditing by a traffic engineer in condition 33. Again that is appropriate.
317. The only issue which remained in dispute related to Ms Anderson's suggestion of additional conditions 53 – 57. These provide for a range of general requirements. The Applicant considered those not to be reasonable or necessary as they were covered by a separate process (Building Code and building consent obligations) and that is more appropriately

referenced as an Advice Note. Mr Allan also noted that the Advice Notes f), g) h) and i) already alert the consent holder to the majority of those matters.

318. I consider that it is appropriate to retain, in a more general condition, the engineering requirements. Advice Notes have a limited role. I have amended condition 53 so that it now reads:

*The engineering design plans and specifications for all works shall be submitted to the Development Engineering Manager for engineering approval. No work shall commence until engineering approval has been confirmed in writing. Any subsequent amendments to the plans and specifications shall be submitted to the Development Engineering Manager for approval.*

319. The other matters identified in conditions 53 – 57 as proposed, can, in my view, be more appropriately addressed by way of Advice Notes.

### **Overall Decision**

320. For all of the reasons outlined above, the consents are **granted**, pursuant to ss104, 104B, 108 and 108AA of the Resource Management Act 1991, and the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulation 2011, subject to the **attached** conditions.



**David Caldwell**  
Independent Commissioner

Dated: 29 September 2022

## General Conditions

1. Except as required by subsequent conditions [if the conditions go beyond what is proposed in the resource consent application], the development shall proceed in general accordance with the information and plans submitted with the application, including the further information/amended plans submitted. The Approved Plans have been entered into Council records as RC216016 (X pages) and include the following:
  - (i) Location Plan, Site Plan, Floor Plans, Elevations, Recession Planes & Signage, and Exterior Materials (McCoy Wixon Architects, Project Number 5798, Sheets RC01 to RC08 and RC11, dated 17 August 2022);
  - (ii) Landscape Resource Consent Package 17 August 2022 (Rough Milne Mitchell Landscape Architects: Landscape Plan Drawing No. RCL 1.0 Revision A, Cross Sections and Tree Species, 17 August 2022);
  - (iii) Carpark Lighting Layout (Pedersen Read, Job No. 5381, 12 July 2022);
  - (iv) Erosion and Sediment Control Plan (Powell Fenwick, Job No. 211298/C/2, Sheet No. SK7, 2 December 2021); and
  - (v) Levi Road and Lincoln Rolleston Road Frontage – Roundabout Scheme Indicative Concept Design (Abley, Project No. FSIL-J085, Drawing No. S102, 19 August 2022).
2. The Consent Holder, and all persons exercising this consent, shall ensure that all personnel undertaking activities authorised by this consent are made aware of, and have access to, the contents of this consent decision and accompanying plans, prior to the commencement of the works. A copy of these documents shall also remain on-site.
3. The Consent Holder shall surrender RC185461 (84-92 Rolleston Drive) in whole by giving written notice to Selwyn District Council within one month of construction authorised by the consent commencing on the Site.

## Landscape

4. The existing hedge along the Levi Road and Lincoln Rolleston Road frontages of the Site shall be retained as long as practicable during the construction period, as a means to mitigate construction dust and visual effects.
5. Prior to construction commencing on the Site, the Consent Holder shall submit a detailed landscape plan and specification to the Selwyn District Council for certification of the following:
  - (i) it is in general accordance with the Landscape Plan (Condition 1(ii));
  - (ii) tree and large shrub planting to achieve a density of one plant/1.5m<sup>2</sup> within the 10m-wide biodiversity planting strip along the eastern boundary of the Site if the adjoining land to the east is developed under a residential scenario;
  - (iii) a detailed planting schedule identifying the grade of trees by height and calliper, and all landscape plants that are to visually soften the building by grade, botanical name, quantity and spacings;
  - (iv) details of tree pit design, landscape irrigation, and tree protection measures from vehicles, pedestrians, and shopping trolleys; and
  - (v) a landscape management plan identifying:
    - (a) landscape maintenance plan for the first three years of establishment from date of planting to ensure landscape planting is well established after three years, and provides adequate coverage, plant health and vigour; and

- (b) ongoing landscape maintenance to ensure all trees are maintained to reach their full height and form.

If no response is received from Selwyn District Council after 15 working days of submission, the detailed landscape plan and specification shall be treated as certified.

6. Prior to any retail activity commencing at the Site, the proposed landscaping shall be established in general accordance with the detailed landscape plan and specification certified under Condition 5, except as required by Condition 7.
7. The 10m-wide biodiversity planting strip along the eastern boundary of the Site shall be planted prior to aboveground construction works commencing on the Site.
8. All specimen trees identified on the Tree Species list (Condition 1(ii)) shall be a minimum 2m in height at the time of planting, with the exception of the Mexican Alder and Oriental Plane which shall be a minimum 2.5m in height at the time of planting. Once established, the trees shall be allowed to grow to their full natural height, except as required by Condition 9.
9. Trees within the 10m-wide biodiversity planting strip along the eastern boundary of the Site shall be maintained at a height no greater than 8m if the adjoining land is zoned for residential purposes.
10. All trees to be planted within the car parking area (excluding road frontage trees) shall be planted with a minimum uncompacted available soil volume based on the expected future size of the tree, as follows:
  - (i) Small tree (<7m in height): 5-15m<sup>3</sup>
  - (ii) Medium tree (7-15m in height): 20-40m<sup>3</sup>
  - (iii) Large tree (>15m in height): 40m<sup>3</sup>

*Advice Note: 'uncompacted available soil volume' for the purpose of this condition means the volume of soil excluding aggregate should a structural soil mix be used.*

11. All required landscaping shall be maintained. Any dead, diseased or damaged landscaping shall be replaced immediately with plants of similar species. If any tree dies within the first three years they shall be replaced with the same species and grade within the next available planting season in accordance with the approved Landscape Plan. If any tree dies after the first three years then replacement trees shall be as follows:
  - (i) Mexican Alder (*Alnus jorullensis*) planted at 4m height;
  - (ii) Oriental Plane (*Platanus orientalis* var. *insularis* 'Autumn Glory') planted at 3.5m height; and
  - (iii) All other trees within the road frontage to be planted at no less than 3m height.

#### *Lighting*

12. Lighting shall be installed and operated in general accordance with the Carpark Lighting Layout (Condition 1(iii)) and with appropriate operational controls associated with dimming and motion sensors. The Carpark Lighting Layout shall ensure an inviting and well-lit interface is achieved where internal pedestrian paths intersect with external footpaths.
13. 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 6000 hours to 2200 hours and less than 1 lux during the period from 2200 hours to 0600 hours.
14. Illumination of all signs shall be restricted to between 0700 hours and 2200 hours.
15. All security lights shall be directed into the Site and away from neighbouring properties.



## Noise

16. Noise from supermarket operations (excluding heavy vehicle deliveries at night) shall comply with the following noise limits:

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)	0730 to 2000 hrs 2000 to 0730 hrs	55 dB $L_{Aeq(15min)}$	45 dB $L_{Aeq(15min)}$ 75 dB $L_{Amax}$

17. Deliveries shall be in accordance with the consent application, with no more than two large goods vehicles arriving between 2000 hours and 0730 hours (resulting in a total of four vehicle movements), seven days per week.
18. 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 timber acoustic fence on top of a 0.6m-high retaining wall erected on the boundary; or
  - where the adjoining land is zoned residential, a minimum 2m-high acoustic fence erected on the boundary and a minimum 2.5m-high timber acoustic fence setback approximately 6m from the boundary.
19. The noise barrier/s required by Condition 18 shall be of durable construction, free from gaps, cracks or holes and have a surface mass of at least 8kg/m<sup>2</sup>. The location and extent of the noise barrier/s is indicated as Options A and B on the Landscape Plan (Condition 1(ii)).
20. Waste collection shall only occur between 0700 hours and 1900 hours.
21. Noise from mechanical services plant (except the generator under Condition 24) shall be designed to meet a night-time noise limit of 30 dB  $L_{Aeq(15 min)}$ , 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 supermarket comply with a noise limit of 30 dB  $L_{Aeq(15 min)}$ , assessed at the boundary of neighbouring residential zoned properties and the notional boundary of any rural zoned dwellings.
22. Any forklifts on the Site shall be fitted with broadband reversing alarms.

23. 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 Selwyn District Council for certification that it complies with NZS6803:1999 Acoustics – Construction Noise, at least 20 working days prior to commencing work on site.
24. Noise from the generator shall be exempt from the limits specified in Condition 16 when used for emergency electricity generation or during routine maintenance testing (the latter being limited to daylight hours only). At any other time, the noise level from the generator shall be no greater than 45 dB  $L_{Aeq}(15 \text{ min})$  when measured at the nearest site boundary.

*Advice Note: 'emergency electricity generation' for the purpose of this condition shall mean the use of the generator to generate electricity at times when national grid electricity supply is not available due to a failure of either the national grid or the local distribution network.*

#### *Transport*

25. Car parking and access shall be established in general accordance with the Site Plan (Condition 1(i)).
26. A minimum of 513 car parking spaces shall be provided on-site, including a minimum of 12 mobility impaired car parking spaces.
27. Bollards shall be installed in all parking spaces that adjoin and are perpendicular to internal pedestrian pathways.
28. All mobility impaired car parking spaces shall be clearly signed for use by people whose mobility is restricted.
29. The Consent Holder shall not do anything that prohibits or otherwise discourages staff from parking on-site.
30. Prior to any retail activity commencing at the Site, the Consent Holder shall, at its own cost:
- (i) design and construct a pathway along the southern side of Levi Road suitable for shared use by pedestrians and cyclists, over the full length of the Site's frontage;
  - (ii) design and construct a pathway along the eastern side of Lincoln Rolleston Road suitable for use by pedestrians only, over the full length of the Site's frontage;
  - (iii) provide kerb and channel along the southern side of Levi Road and Lincoln Rolleston Road over the full length of each Site frontage;
  - (iv) provide a formed pedestrian crossing point across Levi Road located to the east of Access D as shown on the Levi Road and Lincoln Rolleston Road Frontage – Roundabout Scheme Indicative Concept Design (Condition 1(v)); and
  - (v) provide a formed pedestrian and cyclist crossing point across Lincoln Rolleston Road located to the south of Access B as shown on the Levi Road and Lincoln Rolleston Road Frontage – Roundabout Scheme Indicative Concept Design (Condition 1(v)).
31. In the event that any retail activity commencing at the Site occurs prior to Selwyn District Council's planned signalisation of the Levi Road / Lincoln Rolleston Road / Lowes Road / Masfield Drive intersection, the Consent Holder shall at its own cost:
- (i) install a temporary pedestrian and cyclist crossing point across Lincoln-Rolleston Road, as shown on the Levi Road and Lincoln Rolleston Road Frontage – Roundabout Scheme Indicative Concept Design (Condition 1(v)), to provide connectivity between the new shared

use path on Levi Road and the existing shared use path on the western side of Lincoln Rolleston Road; and

- (ii) construct a left turn auxiliary lane on the Levi Road approach to the Levi Road / Lincoln Rolleston Road / Lowes Road / Masfield Drive roundabout of at least 40m in length, as shown on the Levi Road and Lincoln Rolleston Road Frontage – Roundabout Scheme Indicative Concept Design (Condition 1(v)).
32. Prior to any retail activity commencing at the Site, the Consent Holder shall install signage as follows:
- (i) signs as per signface RG-7 and/or RG-12 of the Manual of Traffic Signs and Markings to show that only left-turn movements into and left-turn movements out of the northernmost Lincoln-Rolleston Road access (Access B on the Site Plan, Condition 1(i)) are permitted to be carried out by drivers;
  - (ii) signs as per signface RG-7 and/or RG-12 of the Manual of Traffic Signs and Markings to show that only left-turn movements out of the easternmost Levi Road access (Access C on the Site Plan, Condition 1(i)) are permitted to be carried out by drivers;
  - (iii) signs as per signface RG-7 and/or RG-12 of the Manual of Traffic Signs and Markings to show that only left-turn movements out of the easternmost Levi Road access (Access E on the Site Plan, Condition 1(i)) are permitted to be carried out by drivers;
  - (iv) speed limit signs as per signface RG-1 of the Manual of Traffic Signs and Markings at each entry location (Accesses A, B, D and E on the Site Plan, Condition 1(i)) and facing vehicles entering the Site. These signs shall display a maximum permitted speed of 10km/h; and
  - (v) at the internal entrance to the staff parking area near the service yard with 'No Public Access' or words to that effect to advise that the public should not seek to gain access to this area.
33. The Consent Holder shall arrange for a concept design and detailed design road safety audit to be carried out for all works in the road reserve (including, but not limited to, the formation of vehicle crossings). These audits shall be carried out by an independent, suitably-qualified and experienced traffic engineer in accordance with the Waka Kotahi 'Road Safety Audit Procedures for Projects' guideline. The safety audit reports shall be issued to the Selwyn District Council for completion of the 'Client' comments. The completed safety audit reports shall be appended to any request for Engineering Approval.
34. The Consent Holder shall inform all delivery drivers under its direct control that access for semi-trailers is restricted to entering the Site via a left-turn movement at the easternmost access on Levi Road (Access E on the Site Plan, Condition 1(i)) and egressing the Site via the southernmost access on Lincoln Rolleston Road (Access A on the Site Plan, Condition 1(i)).
35. The Consent Holder shall ensure that no obstruction of more than 1m in height is located within a 2m-wide x 5m-long visibility splay at each vehicle access in order to ensure drivers and pedestrians have suitable intervisibility of one another.
36. Following retail activity commencing at the Site, the Consent Holder shall undertake monitoring as follows:
- (i) at the northernmost access on Lincoln Rolleston Road (Access B on the Site Plan, Condition 1(i)) to identify whether vehicles are undertaking right-turn entry movements or right-turn exit movements;
  - (ii) at the westernmost access on Levi Road (Access C on the Site Plan, Condition 1(i)) to identify whether vehicles are undertaking entry movements or right-turn exit movements;

- (iii) at the easternmost access on Levi Road (Access E on the Site Plan, Condition 1(i)) to identify whether vehicles are undertaking right-turn entry movements or any exit movements; and
  - (iv) at the easternmost access on Levi Road (Access E on the Site Plan, Condition 1(i)) to identify whether movements turning left into the Site are impeding westbound 'through' traffic on Levi Road.
37. All monitoring shall be undertaken by an independent, suitably-qualified traffic engineer. The first monitoring shall be carried out no earlier than 3 months, and no later than 6 months, after retail activity commencing at the Site, and annually thereafter for the first two years of operation (three monitoring exercises in total). Each monitoring report shall as a minimum:
- (i) review the crash records within the Waka Kotahi Crash Analysis System to identify whether any reported crashes have occurred at the access since the last monitoring exercise was carried out;
  - (ii) include observations on a single weekday from 5-6pm and a single Saturday from 12-1pm at the access to identify unlawful movements, sudden braking and/or swerving manoeuvres associated with the access;
  - (iii) set out whether, in the opinion of the traffic engineer, the operation of the access is giving rise to adverse road safety effects and, if so, the measures that will be implemented by the Consent Holder to address those adverse effects and the timeframe for implementation; and
  - (iv) be provided to the Selwyn District Council within one calendar month of the monitoring being undertaken.

*Advice Note: A range of measures can be considered as mitigation for the purpose of Condition 37(iii) such as additional signage, modifications to kerblines, and other design treatments as determined to be appropriate by the traffic engineer. In the case of more serious safety concerns it may be necessary to consider restricting the usage of an access to specific vehicles or closing an access.*

38. Additional monitoring may also be requested by the Selwyn District Council in response to a specific road safety concern arising, such as an injury crash occurring or repeated complaints from members of the public. Where additional monitoring is requested, this shall be undertaken in accordance with Condition 37.

#### *Contaminated Land*

39. Prior to earthworks occurring on the Site, a soil sampling investigation/Detailed Site Investigation (DSI) shall be undertaken by a suitably qualified and experienced practitioner (SQEP) 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)*. The result of this shall be provided to Team Leader Compliance, Selwyn District Council.
40. In the event that the soil sampling investigation/DSI recommends 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 Selwyn District Council (Attn: 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:

- (i) details of validation sampling to be undertaken, including the sampling rationale, and analyses to be undertaken;
- (ii) details of how remediation will be undertaken if soils do not comply with the applicable Soil Contaminant Standard in the context of commercial/industrial land use;
- (iii) details of where soil will be disposed of if disposal off-site is required; and
- (iv) details of how the soil retained on site shall be managed.

*Advice Note: Should the Consent Holder seek to retain any contaminated soils on site, a discharge consent from Environment Canterbury may be required to discharge contaminants to land.*

- 41. Within three months of the completion of validation sampling at the Site, a site validation report shall be provided to the Selwyn District Council (Attn: Team Leader Compliance), to demonstrate that the 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)*.
- 42. 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 10m 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*

- 43. 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 (Condition 1(iv)). For clarity, the Erosion and Sediment Control Plan shall include:
  - (i) minimising the amount of disturbed material and open ground;
  - (ii) controlling run-off water from flowing across the site and disturbed open earthworks where practical;
  - (iii) separating clean run-off water from adjacent road and properties from on-site run-off;
  - (iv) avoiding surface erosion by protecting any exposed areas from overland run-off, effect of heavy rain events and wind blow;
  - (v) preventing sediment from leaving the Site by directing water to remain on-site and avoiding run-off and loose sediment from reaching adjoining properties;
  - (vi) covering stockpiles and open ground with appropriate material when exposed for a length of time and / or is prone to wind erosion;
  - (vii) 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;
  - (viii) covering excavated access formation with a running course as soon as possible to reduce potential erosion; and
  - (ix) inspection and monitoring of control measures, and rectification works as necessary.
- 44. 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 boundaries of the Site.
- 45. The Consent Holder shall implement best practicable option measures to avoid or mitigate the discharge of sediment laden runoff beyond the boundaries of the Site.

46. The Consent Holder shall ensure that a Construction Temporary Traffic Management Plan (TTMP) is prepared in accord with Waka Kotahi's Code of Practice for Temporary Traffic Management procedures. This shall be submitted to the Selwyn District Council for review and approval at least three months prior to any construction works commencing that affect the normal operating conditions on the roading network.

#### *Stormwater*

47. The Consent Holder shall install stormwater reticulation treatment and disposal systems to service the proposed development in accordance with the requirements of any resource consent issued by Canterbury Regional Council.
48. 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.
49. The proposed development shall not increase the extent of the secondary flow path for the 1:200-year flood event (as modelled in Selwyn District's flooding and coastal hazards ([canterburymaps.govt.nz](http://canterburymaps.govt.nz)) as at July 2022) on any residential property.
50. The proposed development shall not discharge run off onto adjacent properties unless via a controlled outlet approved as part of the Engineering Design Approval.
51. In the event that an adjacent neighbour's historical stormwater drainage was onto the Site, the proposed development shall maintain or mitigate the historical discharge.

#### *Waste Management*

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

#### *General Engineering Requirements*

53. The engineering design plans and specifications for all works shall be submitted to the Development Engineering Manager for engineering approval. No work shall commence until engineering approval has been confirmed in writing. Any subsequent amendments to the plans and specifications shall be submitted to the Development Engineering Manager for approval.

### **Development Contributions (Land Use)**

Development contributions are not conditions of this resource consent and there is no right of objection or appeal under the Resource Management Act 1991. Objections and applications for reconsideration can be made under the Local Government Act 2002.

The consent holder is advised that pursuant to the Local Government Act 2002 and the Council's Development Contribution Policy the following contributions are to be paid in respect of this development before the issue of a code compliance certificate under section 95 of the Building Act 2004.

Note: The amounts set out in the attached table are applicable at the time of the granting of this consent. If the time between the date the resource consent is granted and the time which the Council would normally invoice for the development contributions (usually the time an application is made for the issue of a code compliance certificate under section 95 of the Building Act 2004) is more than 24 months, the development contributions will be reassessed in accordance with the development

contributions policy in force at the time the consent was submitted. To avoid delays, the consent holder should seek the reassessed amounts prior to the application for the code compliance certificate. Please contact our Development Contributions Assessor on 03 347 2800 or at [development.contributions@selwyn.govt.nz](mailto:development.contributions@selwyn.govt.nz).



**Development Contributions estimate for -  
RC216016 - 92 Rolleston Drive, Rolleston  
Description - Pak n Save (GFA 8,108m<sup>2</sup>)**

The following should be noted with regard to the calculations below:

- 1 All \$ totals are GST inclusive and are subject to annual PPI adjustments.
- 2 The Activity Based HUE Equivalent is as per the Development Contributions Policy included in the 2018-2028 Long Term Plan.
- 3 The total HUE is calculated as per the Development Contributions Policy and is applied based on actual land use.

Water Contributions								
GFA (m <sup>2</sup> )	HUE conversion factor	Total HUE	Development Contribution per HUE (GST excl)	Total for category	HUE Credit Available	Total credit available	Total (GST Excl)	Total (GST Incl)
8108	0.0035	28.38	\$2,037.00	\$57,805.99		\$0.00	\$57,805.99	\$66,476.88

Wastewater Contributions								
GFA (m <sup>2</sup> )	HUE conversion factor	Total HUE	Development Contribution per HUE (GST excl)	Total for category	HUE Credit Available	Total credit available	Total (GST Excl)	Total (GST Incl)
8108	0.0035	28.38	\$4,809.00	\$136,469.80		\$0.00	\$136,469.80	\$156,940.27

Transportation Contributions								
GFA (m <sup>2</sup> )	HUE conversion factor	Total HUE	Development Contribution per HUE (GST excl)	Total for category	HUE Credits Available	Total Credit Available	Total (GST Excl)	Total (GST Incl)
8108	0.0278	225.40	\$1,204.00	\$271,384.49		\$1,204.00	\$270,180.49	\$310,707.56

<b>Total including GST</b>								<b>\$534,124.72</b>
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**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](mailto: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.
- g) All construction works and signage within the legal road reserve are to meet the requirements of the Selwyn District Council Subdivision Code of Practice Part 8 (February 2012) or successor and are subject to Engineering Approvals.

#### *Vehicle Crossings*

- h) Any new or upgraded vehicle crossing requires a vehicle crossing application from Selwyn District Council's Assets Department prior to installation. For any questions regarding this process please contact [transportation@selwyn.govt.nz](mailto:transportation@selwyn.govt.nz). The following link can be used 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*

- i) 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*

- j) Backflow prevention shall be supplied in accordance with Selwyn District Council's backflow policy W213. This shall be installed as part of the building consent.
- k) 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*

- l) 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*

- m) 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*

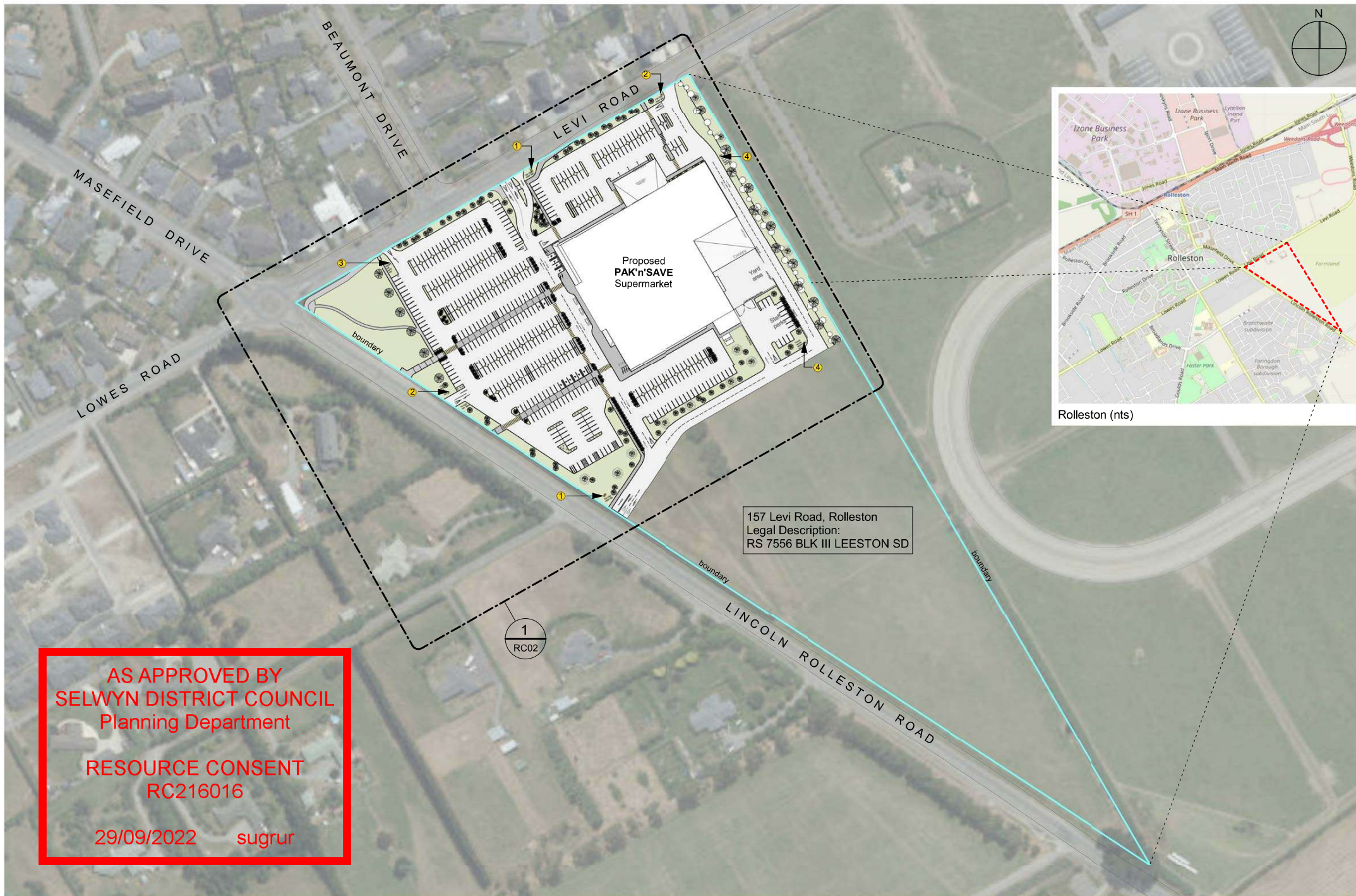
- n) Any damage to fixtures or features within the Council road reserve that is caused as a result of construction or demolition on the Site shall be repaired or reinstated at the expense of the Consent Holder.

#### *General Engineering Requirements*

- o) The Consent Holder is advised of the requirements and obligations under the Building Act and Building Consent process, including:



- engineering design plans and specifications for all works will need to be submitted to the Development Engineering Manager for approval including, but not limited to:
  - Water supply
  - Sewerage
  - Stormwater
  - Roding, including streetlighting and entrance structures
  - Upgrade of existing road frontages
  - Shared accessways
  - Landscaping and irrigation.
- no work can commence until Engineering Approval has been confirmed in writing. Any subsequent amendments to the plans and specifications will need to be submitted to the Development Engineering Manager for approval;
- all work will need to comply with the conditions set out in the Engineering Approval and be constructed in accordance with the approved engineering plans;
- all work will need to comply with the Engineering Code of Practice, except as agreed in the Engineering Approval;
- copies of any other consents required and granted in respect of the development authorised by this consent, including any certificate of compliance or consent required by Canterbury Regional Council, will need to be included with the engineering plans and specifications submitted for Engineering Approval;
- accurate 'as built' plans of all services will need to be provided to the satisfaction of the Development Engineering Manager, including a comprehensive electronic schedule of any assets to be vested in the Council to the satisfaction of the Development Engineering Manager. The schedule will need to include, but not be limited to, installed material unit costs, type, diameter, class, quantity and include summary details. Any costs involved in provision and transfer of this data to Council's systems will be borne by the Consent Holder.



# PAK'nSAVE ROLLESTON NEW BUILD

Location Plan

scale 1 : 2000  
project number 5798  
printed 17/08/2022 12:32:11 pm  
status RESOURCE CONSENT

2	Shared Path Location Updated	17.08.2022
1	SitePath, Corp.Colour, Pylon & Shading	21.02.2022
0	Issued for Resource Consent	15.12.2021
no.	revision	date

**FOODSTUFFS**  
South Island

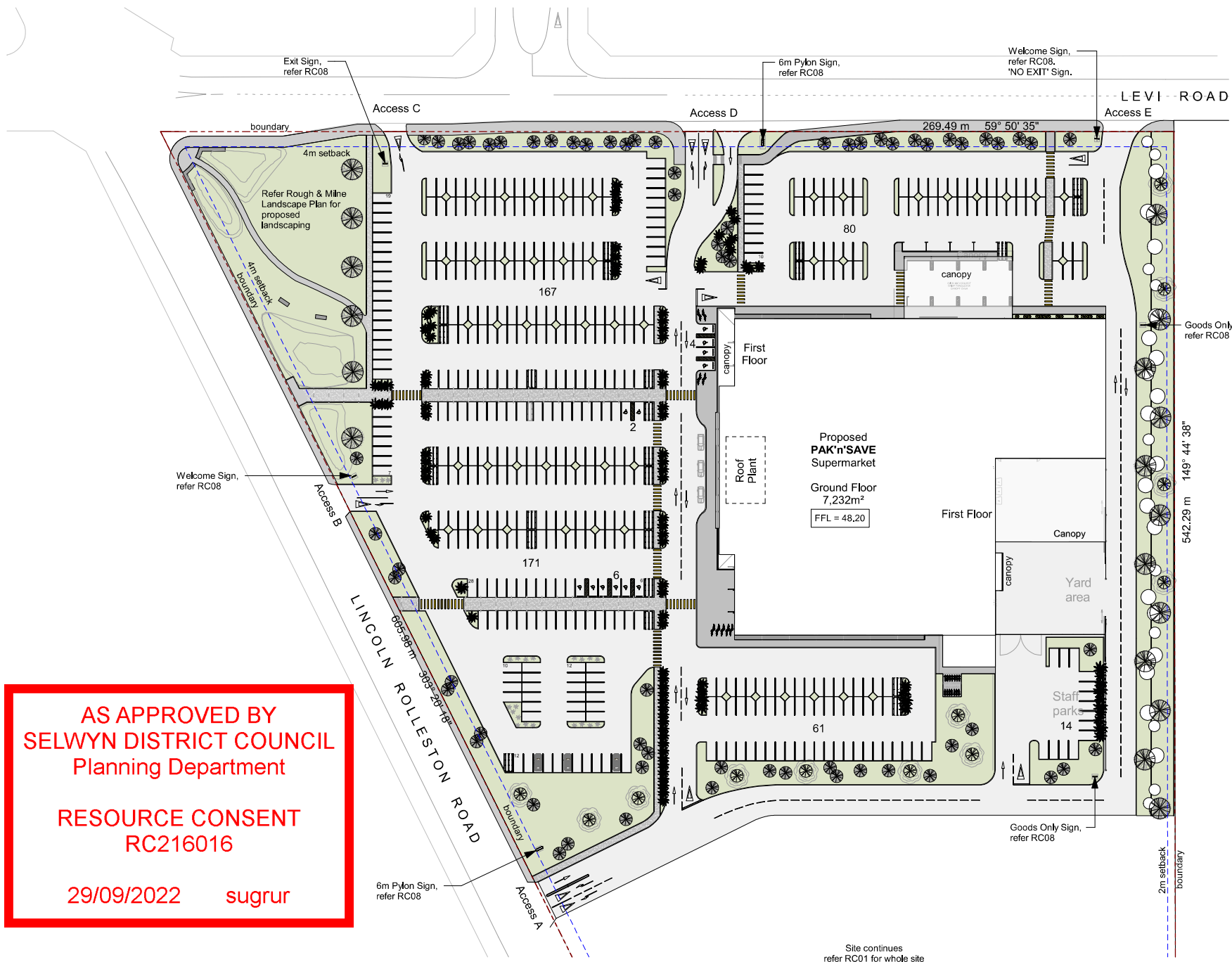
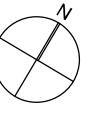
50mm (A3)  
page scale

**McCOY WIXON**  
ARCHITECTS

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mccoywixon.co.nz

RC01  
rev. 2





**SITE INFO:**

157 Levi Road  
Rolleston, Selwyn District, Canterbury

Legal Description:  
RS 7556 BLK III LEESTON SD

Building footprint area	7,232m²
Mezzanine	876m²
<b>TOTAL</b>	<b>8,108m²</b>

Site Area	71,831m²
Site Coverage	11.3%

**PROPOSED CARPARKING NUMBERS:**

Carparks	479
Click & Collect	8
Accessible Carparks	12
Staff Carparks	14
<b>TOTAL</b>	<b>513</b>

**PROPOSED CYCLE PARK NUMBERS:**

Cycle parks	18
Staff Cycle parks	14

**SITE FENCES:**

During construction site fences are to comply with NZBC F5/AS1 Construction and Demolition Hazards

**BUILDING SIGNAGE AREAS:**

South West Building Elevation		
Sign 1	38.29m²	3.6%
North West Building Elevation		
Sign 2	22.00m²	2.8%
<b>TOTAL</b>	<b>60.29m²</b>	

**CORPORATE COLOUR AREA:**  
Pak'n Save Yellow

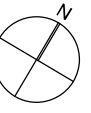
South West Building Entry:		
South West face	15.49m²	1.5%
<b>TOTAL</b>	<b>15.49m²</b>	

**AS APPROVED BY  
SELWYN DISTRICT COUNCIL  
Planning Department**

**RESOURCE CONSENT  
RC216016**

**29/09/2022    sugrur**

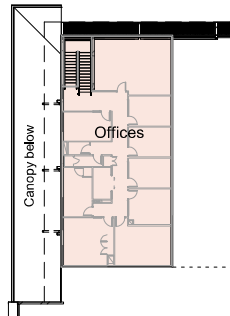
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refer RC01 for whole site



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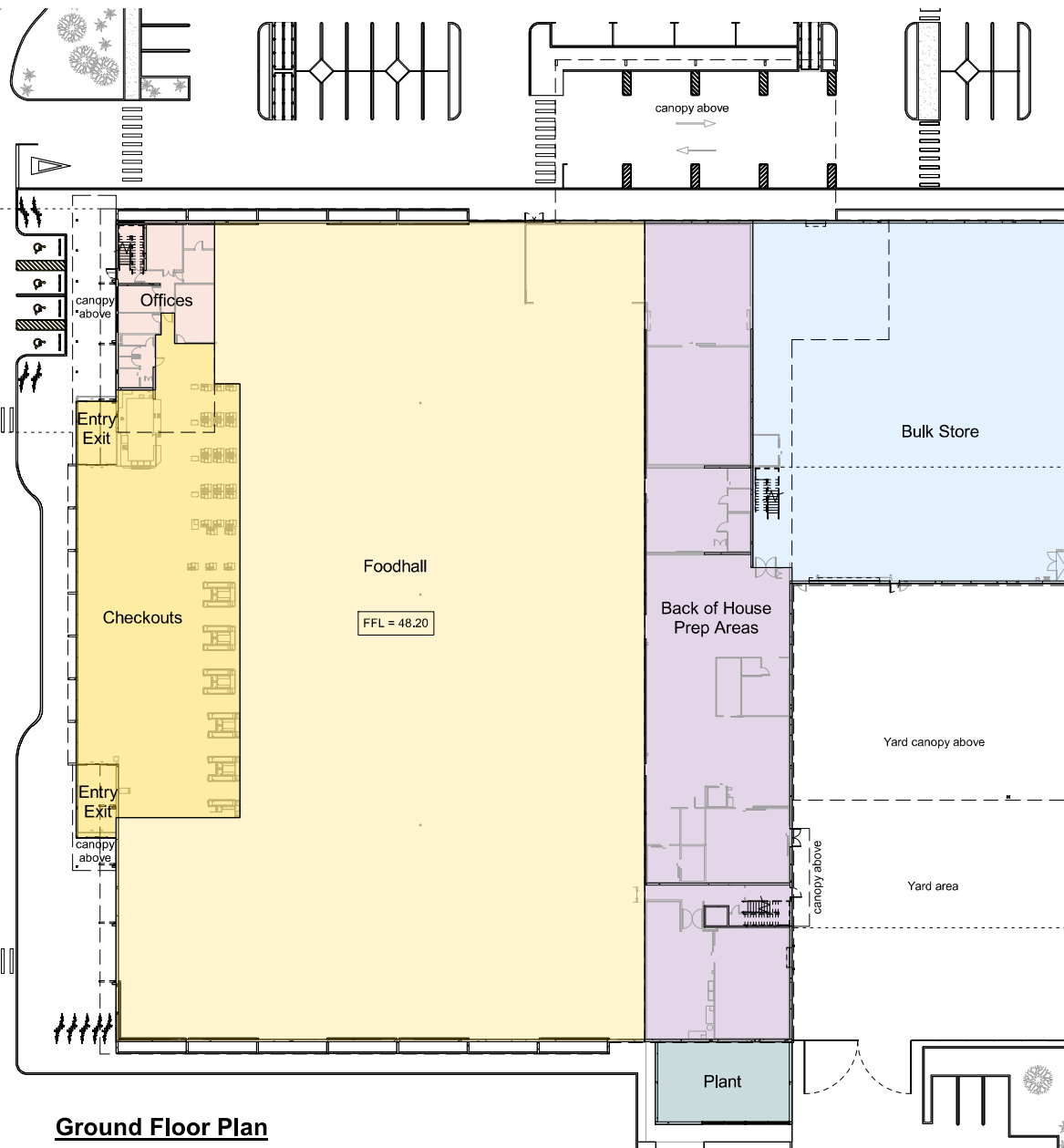
RESOURCE CONSENT  
RC216016

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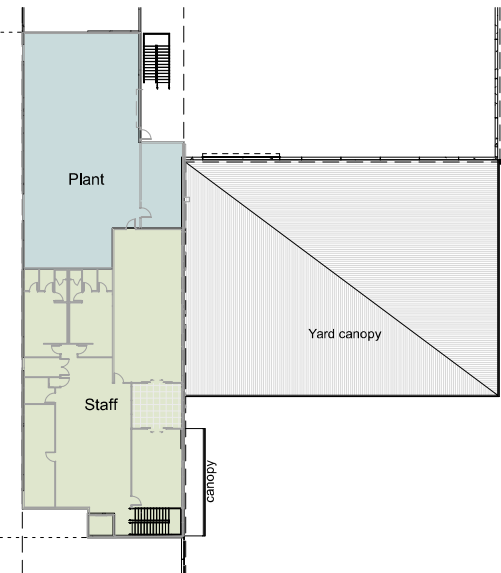
### Mezzanine West

Scale 1 : 500 @ A3



### Ground Floor Plan

Scale 1 : 500 @ A3



### Mezzanine East

Scale 1 : 500 @ A3

## PAK'nSAVE ROLLESTON NEW BUILD

### Floor Plans

scale 1 : 500  
project number 5798  
printed 17/08/2022 12:35:29 pm  
status **RESOURCE CONSENT**

3	Landscaping added to Click & Collect	29.07.2022
2	RC Updates for Hearing	18.07.2022
1	SitePath, Corp.Colour, Pylon & Shading	21.02.2022
0	Issued for Resource Consent	15.12.2021
no.	revision	date

**FOODSTUFFS**  
South Island

50mm (A3)  
page scale

**McCOY WIXON**  
ARCHITECTS

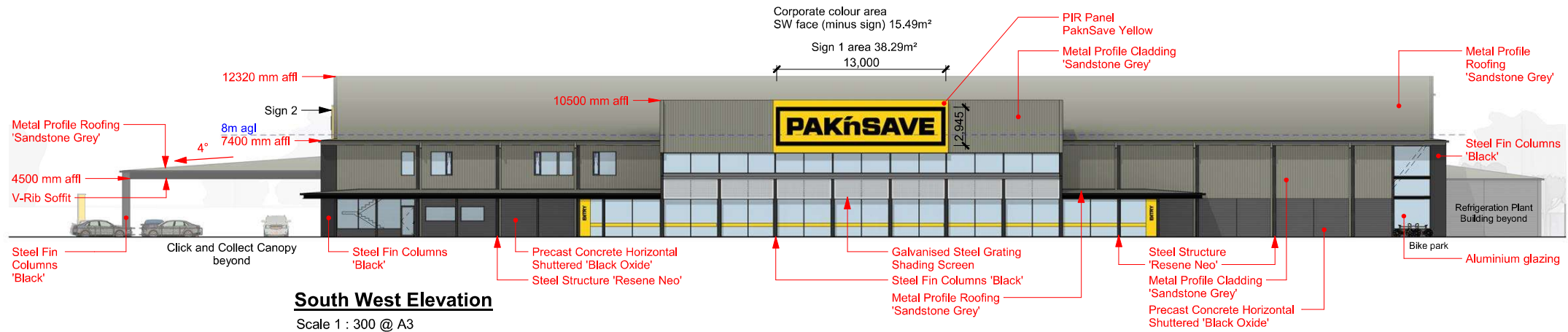
742 Stuart St, PO Box 1456 DUNEDIN  
03 477 9000  
ced@mc coywix on.co.nz  
mccoywix on.co.nz

**RC03**  
rev. 3



**South West Perspective Elevation**

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COUNCIL  
Planning Department  
  
RESOURCE CONSENT  
RC216016



**PAK'nSAVE ROLLESTON NEW BUILD**

South West Elevation  
scale 1 : 300  
project number 5798  
printed 17/08/2022 4:58:21 pm  
status **RESOURCE CONSENT**

3	Added Art, Altered Glazing	17.08.2022
2	RC Updates for Hearing	18.07.2022
1	SitePath, Corp.Colour, Pylon & Shading	21.02.2022
0	Issued for Resource Consent	15.12.2021
no.	revision	date

**FOODSTUFFS**  
South Island

50mm (A3)  
page scale

**McCOY WIXON**  
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mccoywixon.co.nz  
**RC04**  
rev. 3

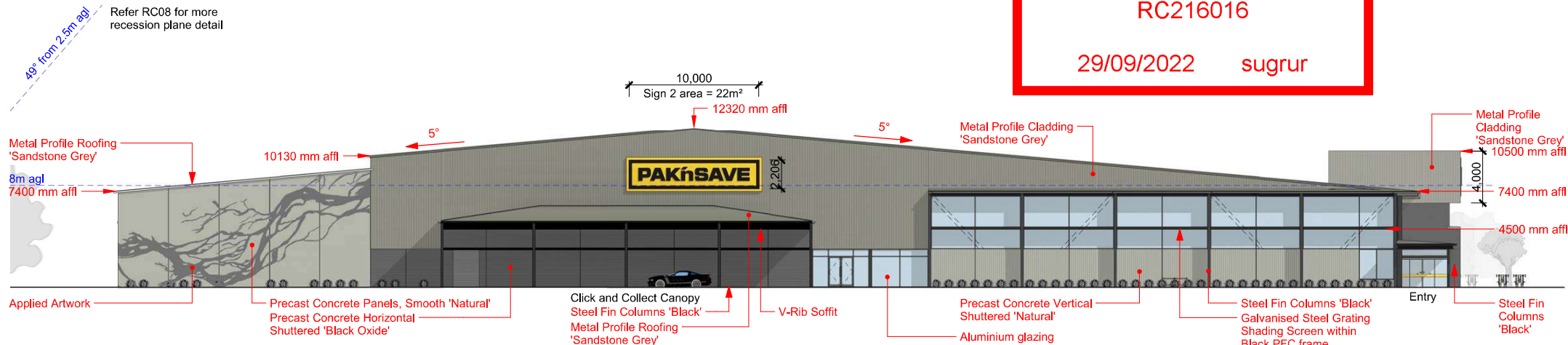


**North West Perspective Elevation**

**AS APPROVED BY  
SELWYN DISTRICT COUNCIL  
Planning Department**

**RESOURCE CONSENT  
RC216016**

**29/09/2022 sugrur**



**North West Elevation**

Scale 1 : 300 @ A3

**PAK'nSAVE ROLLESTON NEW BUILD**

North West Elevation

scale 1 : 300  
project number 5798  
printed 17/08/2022 4:59:26 pm  
status **RESOURCE CONSENT**

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3	Landscaping added to Click & Collect	29.07.2022
2	RC Updates for Hearing	18.07.2022
1	SitePath, Corp.Colour, Pylon & Shading	21.02.2022
0	Issued for Resource Consent	15.12.2021
no.	revision	date

**FOODSTUFFS**  
South Island

50mm (A3)  
page scale

**McCOY WIXON**  
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**RC05**  
rev. 4



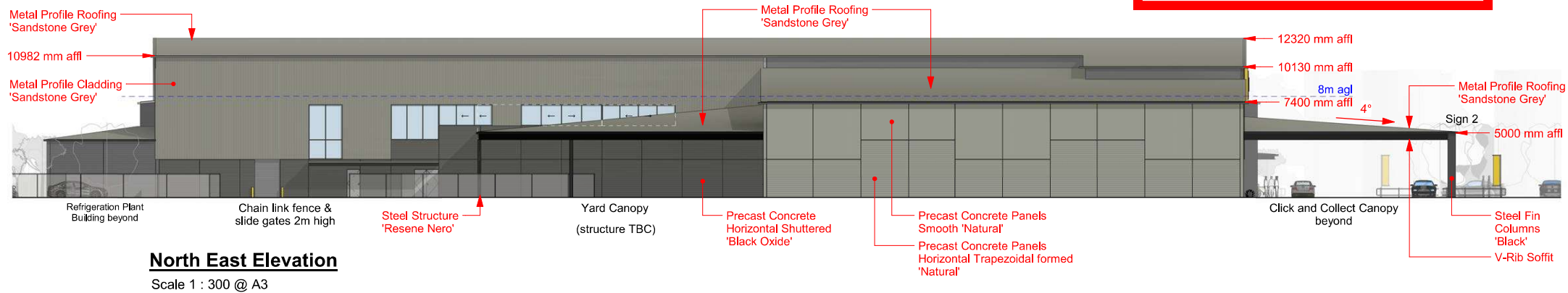


**North East Perspective Elevation**

**AS APPROVED BY  
SELWYN DISTRICT COUNCIL  
Planning Department**

**RESOURCE CONSENT  
RC216016**

**29/09/2022 sugrur**



**PAK'nSAVE ROLLESTON NEW BUILD**

North East Elevation

scale 1 : 300  
project number 5798  
printed 17/08/2022 12:36:32 pm  
status **RESOURCE CONSENT**

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1	RC Updates for Hearing	18.07.2022
0	Issued for Resource Consent	15.12.2021
no.	revision	date

**FOODSTUFFS**  
South Island

50mm (A3)  
page scale

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**RC06**  
rev. 2



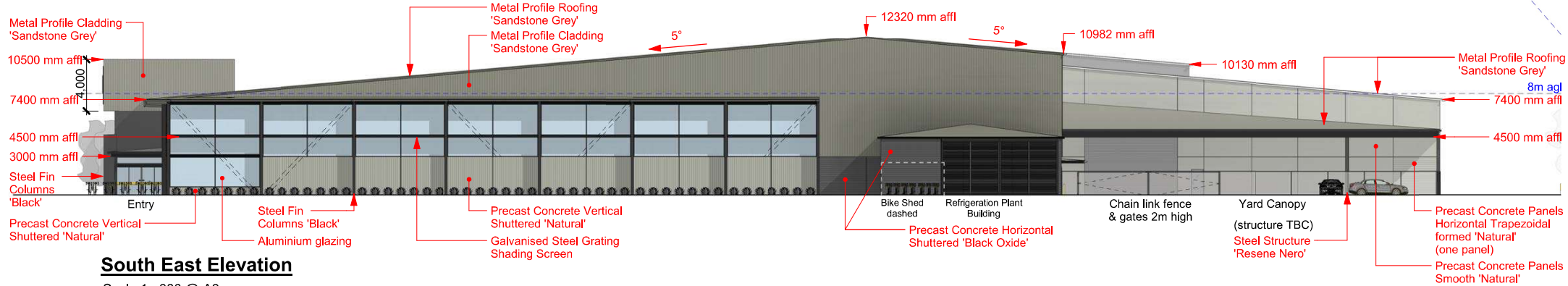
**South East Perspective Elevation**

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RC216016

29/09/2022 sugrur

Refer RC08 for more  
recession plane detail



**South East Elevation**

Scale 1 : 300 @ A3

**PAK'nSAVE ROLLESTON NEW BUILD**

South East Elevation

scale 1 : 300  
project number 5798  
printed 17/08/2022 12:37:31 pm  
status **RESOURCE CONSENT**

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1	SitePath, Corp.Colour, Pylon & Shading	21.02.2022
0	Issued for Resource Consent	15.12.2021
no.	revision	date

**FOODSTUFFS**  
South Island

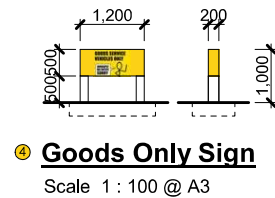
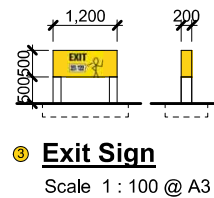
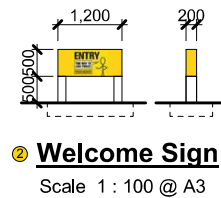
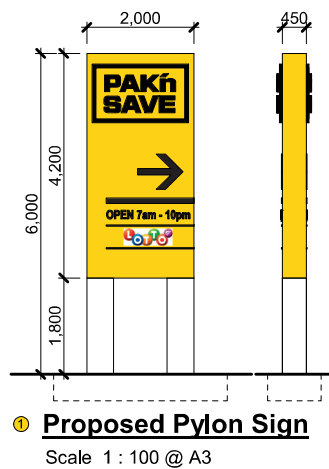
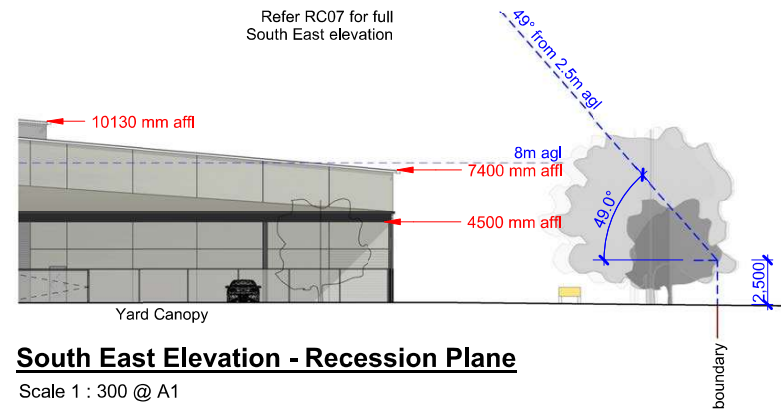
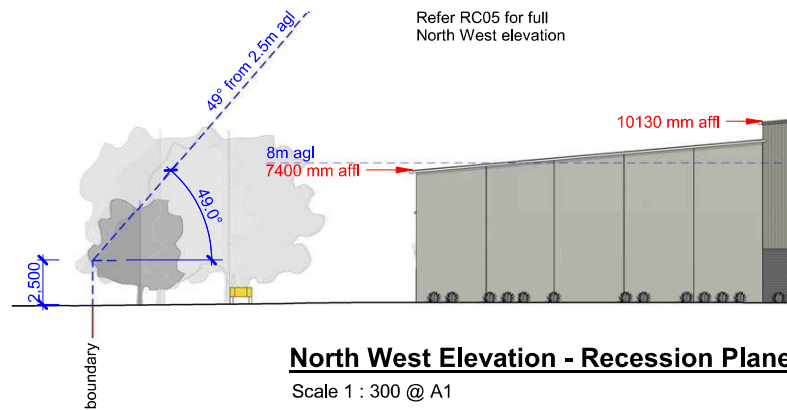
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**RC07**  
rev. 2





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Steel Fin Columns  
'Black'



Metal Profile Roofing & Cladding  
'Sandstone Grey'



Precast Concrete Panels  
Horizontal Trapezoidal formed 'Natural'



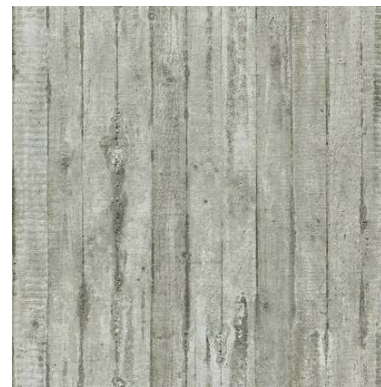
Metal grating screen  
Galvanised



Precast Concrete Panels  
Smooth 'Natural'



PAK'n SAVE Yellow



Precast Concrete Vertical  
Shuttered 'Natural'



Precast Concrete Horizontal  
Shuttered 'Black Oxide'

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**RESOURCE CONSENT**  
**RC216016**  
  
**29/09/2022**      **sugrur**

# RMM

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RC216016

29/09/2022    sugrur

ROUGH MILNE MITCHELL  
LANDSCAPE ARCHITECTS

[rmmla.co.nz](http://rmmla.co.nz)

Proposed Pak'nSave Supermarket

157 Levi Road, Rolleston (RC216016)

Rolleston PAKn'SAVE Landscape Resource  
Consent Package.

17 August 2022





# Landscape Plan

## Legend

- Boundary
- Select Paving
- Asphalt
- Low retaining wall / freestanding wall
- Pylon and welcome signs
- Evergreen & deciduous trees
- Car park trees in structural root cell modules / tree pits
- Cabbage & lancewood trees
- Low hedging adjacent to taller pleached hedging
- Mixed shrub planting
- Mixed tussock / grass planting
- Stormwater basin
- Arbor with climbing plants above pedestrian pathway (Refer to detail)
- Cycle parking
- Timber fence (1.8m high)
- Rock Boulders
- Seating

## Notes

The final Eastern boundary interface and positioning of the acoustic fence is dependant on the future zoning / development of the neighbouring land.

OPTION A will be implemented if the adjacent land remains Rural. OPTION B will be implemented if the land is developed for Residential purposes under PC71.

For graphic purposes, both Options A & B are displayed on this plan.

While the tree planting is the same for both options, the shrub planting differs. Option A includes a mix of tall and short shrub planting species, whereas Option B only includes short shrub planting species and therefore is more open and a more appropriate interface to PC71.

For road frontage signage details, refer to the architects documents.

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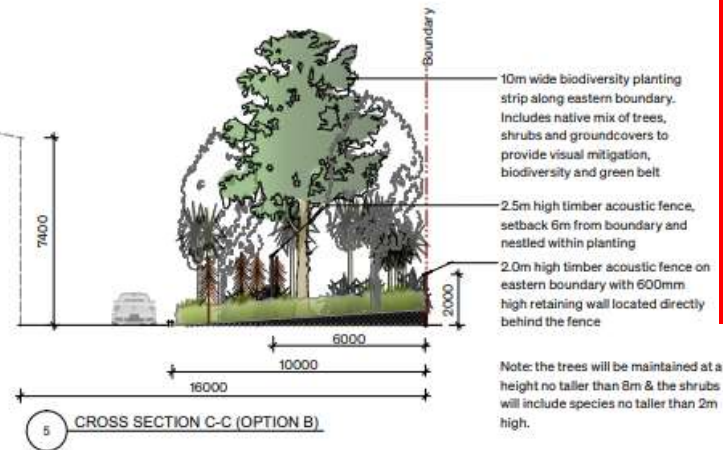
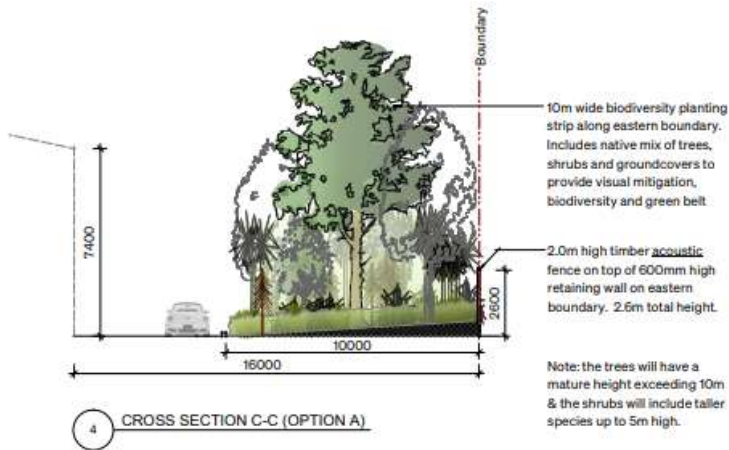
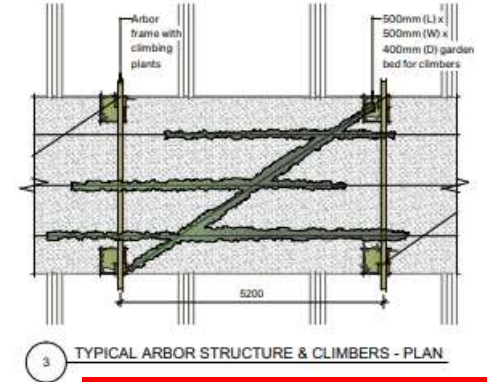
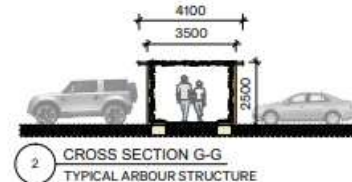
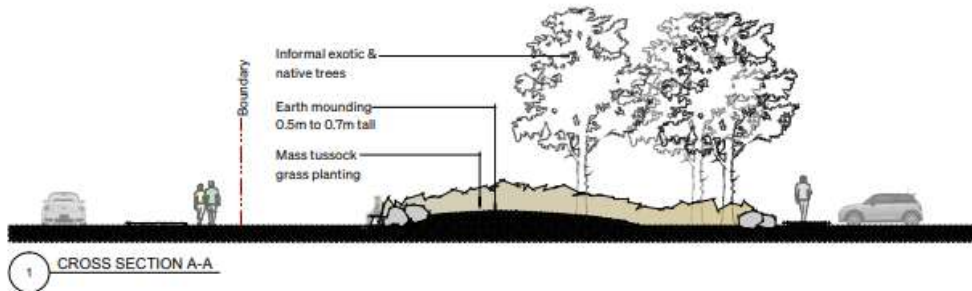
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REV	DATE	NOTES
O	02/08/2022	FOR HEARING
A	17/08/2022	POST HEARING ISSUES

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DATE	17/08/2022
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DRAWN	RG
CHECKED	RMM
STATUS	
DRAWING No.	REVISION
RCL 1.0	A
SERIES	
1 of 3	

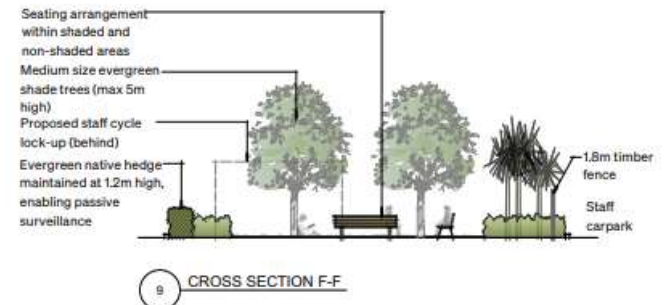
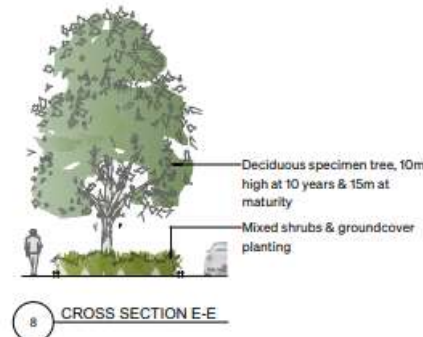
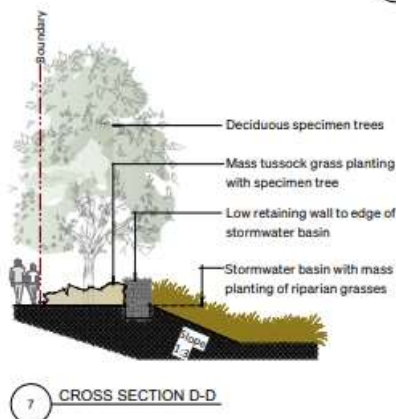
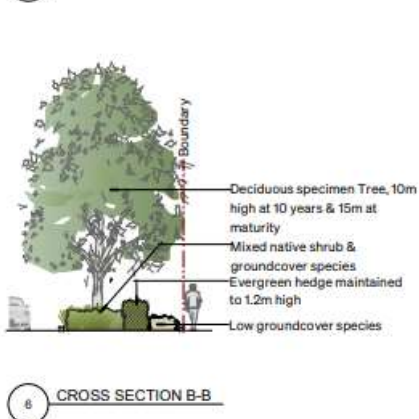
# Cross Sections



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# Tree Species

- A *Fuscopora cliffortioides* (Mountain beech)
- B *Alnus jorullensis* (Mexican Alder)
- C *Plagianthus regius* (Ribbonwood)
- D *Corokia 'Geentys Green'* (Green Corokia)
- E *Lireodendron tulipifera 'fastigiata'* (Upright Tulip Tree)
- F *Carpinus betulus* (Pleached Hornbeam)
- G *Sophora microphylla* (Kowhai)

## INDICATIVE PLANT SPECIES

### Levi Road Frontage

Trees - *Platanus 'Autumn Glory'*  
 Clipped hedge - *Coprosma Lobster* or *Corokia 'Geentys Green'*  
 Mixed shrub planting - *Arthrodium cirratum*, *Astelia 'Westland'*, *Dianella nigra*, *Echinacea 'White Swan'* etc.  
 Groundcover planting - *Muehlenbeckia axillaris*, *Coprosma acerosa*, *Carex testacea*, etc.

### Lincoln - Rolleston Road Frontage

Tree planting - *Alnus jorullensis* (Mexican Alder)  
 Mixed shrub planting - *Arthrodium cirratum*, *Astelia 'Westland'*, *Dianella nigra*, etc.  
 Low groundcover planting - *Phormium spp*, *Hebe spp*, *Astelia spp*, *Brachyglottis spp*, etc.

### Southern Access Road & Staff Seating Area

Tree Planting - *Platanus 'Autumn Glory'*, *Lireodendron tulipifera 'fastigiata'*, & *Sophora microphylla* (kowhai).  
 Pleached hedge - *Carpinus betulus* (Hornbeam).  
 Clipped hedge - *Griselinia littoralis* 'Broadway Mint'.  
 Mixed shrub planting - *Arthrodium cirratum*, *Astelia 'Westland'*, *Dianella nigra*, etc.  
 Low groundcover planting - *Phormium spp*, *Hebe spp*, *Astelia spp*, *Brachyglottis spp*, etc.

### Attenuation Basin

Informal tree planting - *Plagianthus regius* (Ribbonwood), *Cordylina australis* (Cabbage Tree) & *Pseudopanax crassifolius* (Lancewood).  
 Mixed flax, grasses, and sedges - *Carex secta* (pukio), *Carex virgata*, *Juncus spp*, *Chionochloa rubra*, *Apodasmia similis* (oiol), *Phormium cookianum*, *Carex flagellifera*, *Carex geminata*, *Eleocharis acuta*, etc.

### Car Parking Areas

Tree planting - *Alnus jorullensis* (Mexican Alder), *Platanus 'Autumn Glory'*, *Lireodendron tulipifera 'fastigiata'*, *Cordylina australis* (Cabbage Tree) & *Pseudopanax crassifolius* (Lancewood).  
 Low groundcover planting - *Dianella 'Tas Red'*, *Dianella 'Little Rev'*, *Muehlenbeckia axillaris*, *Coprosma acerosa*, *Carex testacea*, etc.

### Stormwater Basin/ Overland Flow Area

Informal tree planting - *Quercus coccinea* (Scarlet Oak), *Kunzea ericoides* (Kanuka), *Quercus coccinea* (Scarlet Oak), *Podocarpus totara* (Totara), & *Sophora microphylla* (kowhai).  
 Mixed tussock grass planting - *Poa cita* (tussock), *Chionochloa rubra*, *Chionochloa flavicans*, *Carex buchanani*, *Carex Testacea*, etc.

### Building Edges

Medium height groundcover planting (north) - *Hebe spp*, *Phormium spp*, & *Gaura spp*. (south), *Pseudowintera colorata* & *Dianella nigra*, etc.

### 10m wide Biodiversity Planting Strip

Mixed tree planting - *Fuscopora cliffortioides* (Mountain beech), *Plagianthus regius* (Ribbonwood), *Sophora microphylla* (kowhai), *Pittosporum eugenioides* (Lemonwood) & *Cordylina australis* (Cabbage Tree).  
 Mixed shrub planting - *Olearia paniculata*, *Griselinia spp*, *Pseudowintera colorata* (Horopito), *Pseudopanax lessonii*, *Coprosma robusta*, etc.  
 Understorey planting - *Anemanthe lessoniana*, *Dianella nigra*, *Astelia spp*, etc.



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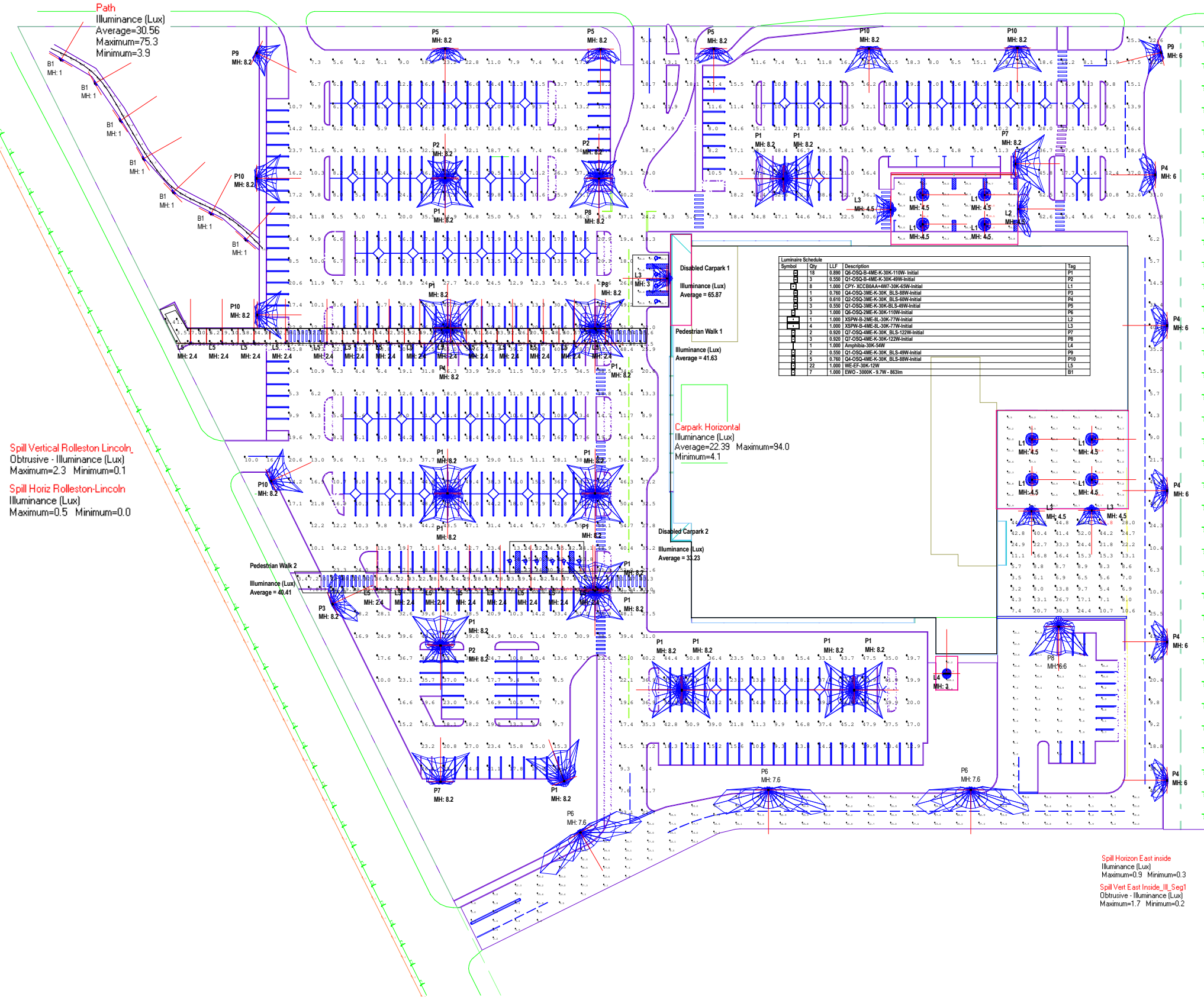
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Spill Vertical Levi Road-LZ\_Ill\_Seg1  
Obtrusive - Illuminance (Lux)  
Maximum=1.9 Minimum=0.1

Spill Horiz Levi Road-LZ  
Illuminance (Lux)  
Maximum=0.4 Minimum=0.0



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Spill Vert East Boundry\_Ill\_Seg1  
Obtrusive - Illuminance (Lux)  
Maximum=0.5 Minimum=0.0

Spill Horiz East Boundry  
Illuminance (Lux)  
Maximum=0.0 Minimum=0.0

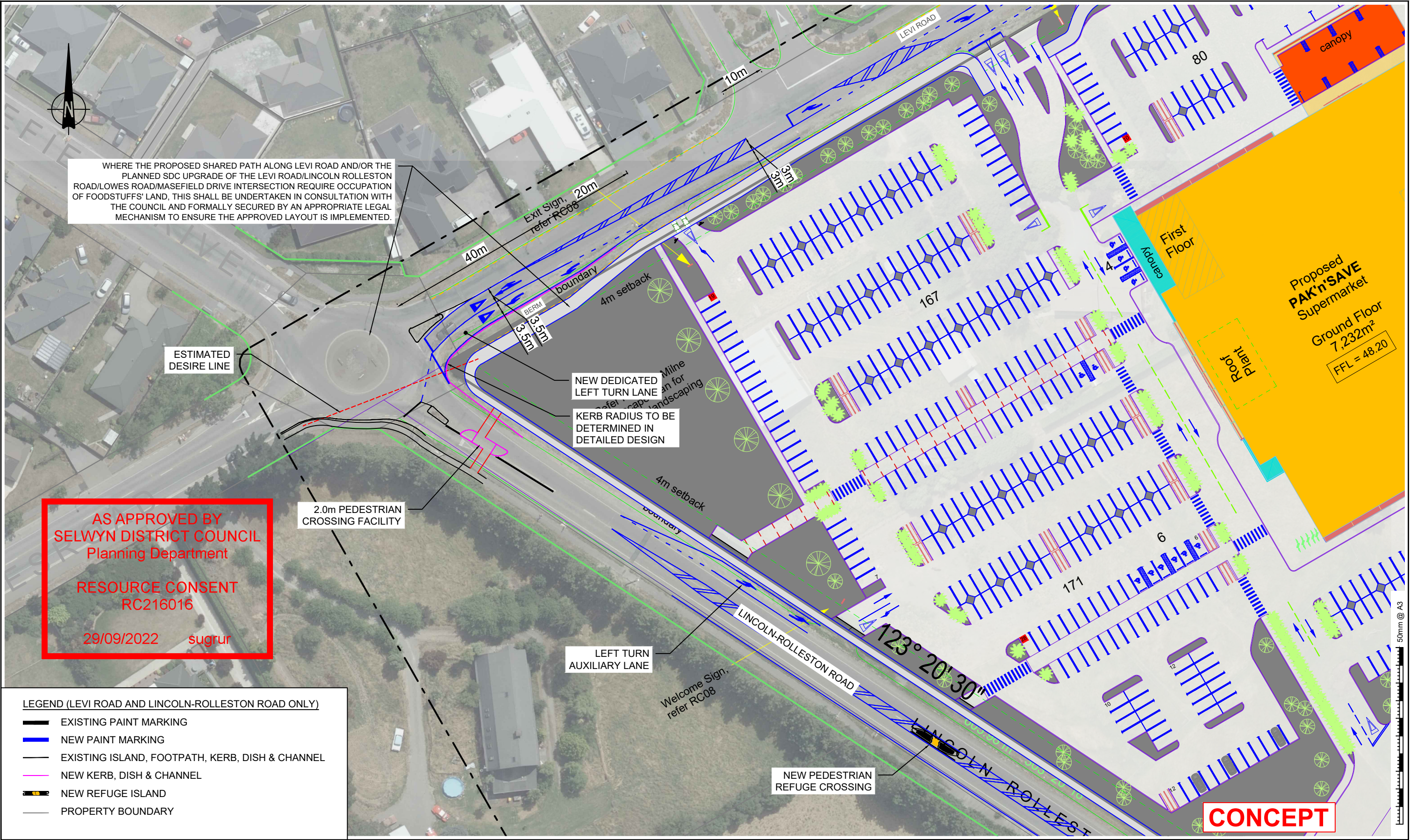
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Illuminance (Lux)  
Maximum=0.9 Minimum=0.3

Spill Vert East Inside\_Ill\_Seg1  
Obtrusive - Illuminance (Lux)  
Maximum=1.7 Minimum=0.2









Rev	Date	By	Chk	Description
1	29/07/2022	RK	JN	LEVI ROAD FRONTAGE CONCEPT
2	18/08/2022	RK	JN	DRAWING UPDATES FOR CONSENT
3	19/08/2022	RK	JN	UPDATED NOTES
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Design	RK
Drawn	RK
Checked	JN
Issued	19/08/2022
Scale	1:800 @ A3

PAK'nSAVE Rolleston		Project No. FSIL-J085
Levi Road and Lincoln Rolleston Road Frontage		Dwg # S102
Roundabout Scheme Indicative Concept Design		Sheet 1
----		Revision 3