

Before the Commissioner appointed by  
the Selwyn District Council

---

Under the Resource Management Act 1991

In the matter of Resource consent application for Foodstuffs (South Island) Properties Limited to establish and operate a PAK'nSAVE supermarket and associated access, loading, car parking, signage, earthworks and landscaping at 157 Levi Road, Rolleston (RC216016)

---

**Summary Statement of Mark David Allan**

1 August 2022

---

**Applicant's solicitors:**

Alex Booker  
Anderson Lloyd  
Level 3, 70 Gloucester Street, Christchurch 8013  
PO Box 13831, Christchurch 8140  
DX Box WX10009 Christchurch  
p + 64 3 335 1231 | f + 64 27 656 2647  
e alex.booker@al.nz

**anderson  
lloyd.**

## **Summary of evidence**

- 1 My name is Mark David Allan.
- 2 I prepared a statement of evidence dated 18 July in relation to the planning framework. My qualifications and experience are set out in that statement of evidence.
- 3 I repeat the confirmation given in that statement that I have read and agree to comply with the Code of Conduct for Expert Witnesses in the Environment Court.
- 4 My role in relation to Foodstuffs' application to the Application has been to provide planning advice on the feasibility of establishing a new supermarket on the Site, the principal resource management matters for consideration, and the technical reporting that would be required to support the Application. I oversaw the preparation and lodgement of the Application and associated tasks and was responsible for liaising with Foodstuffs' specialists to coordinate responses for s92 further information requests from the Selwyn District Council (SDC).

## **Summary**

- 5 The Application is well suited to the Site, being appropriately located for the operational needs of the activity, being on strategic road corridors leading into the Township, contributing to a compact, consolidated urban form within a location that is accessible for all modes of transport, and providing the community with a wider supermarket offering.
- 6 While the Application will introduce change to the setting, I consider the extent of change is appropriate in the context of the existing and future receiving environment. Any adverse effects will, on the whole, be no more than minor, and will not be inconsistent with the objectives and policies of the Selwyn District Plan (SDP), especially when read in the context of the higher order planning framework established by the National Policy Statement on Urban Development 2020 (May 2022) (NPS-UD), the Canterbury Regional Policy Statement (CRPS) and the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 (EHS Act). My position in this regard is informed by the level of agreement between both Foodstuffs' and SDC's experts that any environmental effects will be acceptable and appropriately mitigated by conditions of consent.
- 7 I note the following additional context since filing of my statement of evidence:
  - a. affected party approval (APA) has been obtained from the owner and occupier of the land directly adjacent to the eastern boundary of the Site (131 and 139 Levi Road, M Purdon & N Rasumssen), and the proponents / future developers of that land subject to Plan Change 71 (PC71) (Four Stars Development

Limited and Gould Developments Limited). In accordance with s104(3) any effects of the Application on these parties must be disregarded.

- b. Expert witness causing has taken place between the transport and acoustic experts for Foodstuffs and SDC, resulting in further agreement on the nature of the transportation and noise effects of the Application. This is outlined in the summary statements of Mr Smith and Mr Hay, respectively.

## Effects

- 8 I consider it important to consider the nature of the future environment when undertaking an assessment of effects, observing that the s.42A Report has taken too narrow a view. The Site, while presenting as a rural property, is located within the Rolleston Township boundary and zoned in the SDP for urban development (Living Z). Being part of the existing urban environment, the Site will have the Medium Density Residential Standards (MDRS) apply to it, with immediate legal effect, on 20 August 2022 when SDC notifies its Variation to the PSDP in accordance with the EHS Act. MDRS will enable significantly more residential intensification on the Site than currently anticipated under the SDP or the PSDP. In addition, existing residential land to the north, west and south of the Site will also be MDRS-enabled.
- 9 The rural land adjoining the Site to the east is currently subject to PC71, and a final recommendation approves the rezoning request from rural to residential. I understand that the Council will not make a decision on PC71 or incorporate it into the SDP, but that the extent of land covered by PC71 will be incorporated into SDC's Variation to the PSDP on 20 August 2022, with the MDRS applying to it (albeit not having immediate legal effect). Despite PC71 not forming part of the existing environment from a legal perspective, I consider it prudent to acknowledge the potential for residential development on this land in the future, given the intention signalled by the decision.
- 10 In terms of the effects of the Application on the environment I note the following:
  - a. There is agreement amongst experts on effects arising from ancillary activities such as earthworks, site contamination, servicing, waste management and lighting, and the ability to mitigate effects by conditions of consent;
  - b. Mr Burns and Ms Wolfer are in general agreement on all substantive matters concerning urban design, and subsequent design changes (as outlined by Mr Burns and Mr Mitchell). Mr Milne's evidence responds to the design suggestions of Mr Ross and Ms Wolfer, detailing several amendments made to the landscaping provisions to mitigate visual effects. Based on this consensus, I consider the urban design, locational and scale aspects of the Application, along with any adverse visual effects have been satisfactorily

addressed and incorporated into the Application, such that any associated effects on character and amenity values are at acceptable levels.

- c. Mr Smith and Mr Carr are in agreement on the majority of the transport-related aspects of the Application, and following expert caucusing the only point of disagreement is Access C. While Mr Carr does not consider it should be formed, both experts agree that if it is formed then it should be monitored to ensure that no adverse effects are arising. Based on the experts' consensus, and subject to the proposed conditions of consent, I consider the transport-related effects have been well-canvassed and demonstrated to be acceptable.
  - d. Mr Reeve and Mr Hay are in agreement on the noise effects of the Application, with both agreeing that noise effects will be acceptable, and that the APA obtained from the owner/occupier of the land to the east and the PC71 proponents means that any effects on that land must be disregarded. Based on the specialist acoustic evidence, the APA, and the proposed mitigation, I consider noise effects will be no more than minor and appropriate in the context of the receiving environment.
  - e. The Application will generate positive effects, with both the Foodstuffs' and SDC's economic experts agreeing it will benefit the local employment market, support Kiwi-owned and operated businesses, better satisfy consumer demand through more competitive pricing and offerings, and encourage competition in the local market.
- 11 While I acknowledge that the Application 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, I note that change alone does not constitute an adverse effect, and this needs to be considered in the context of the existing and reasonably anticipated environment (including that which will be provided for and enabled in response to SDC's obligations under the NPS-UD and EHS Act, and the imminent introduction of MDRS to the urban environment of Rolleston).
- 12 On balance, and based on the level of agreement amongst the subject matter experts, I consider the effects of the Application are appropriate in the context of the receiving environment specifically and will prove beneficial to the community and wider urban environment generally.

#### **Relevant Statutory Planning Framework**

- 13 Consideration of the relevant objectives and policies of the SDP and the proposed Selwyn District Plan (PSDP) must acknowledge their place in the evolving planning and policy landscape, and the strategic direction posed by the NPS-UD, EHS Act and CRPS. Both the NPS-UD and EHS Act direct SDC (as a Tier 1 Council) to

provide for more housing and businesses to be built in places close to jobs, community services, public transport and to respond to market demand. Assessing the SDP in isolation of these higher-order documents would not present an appropriately balanced or considered view of the environment in which the Application is situated.

14 In terms of an assessment of the higher order documents I note:

- a. The NPS-UD aims to remove barriers to the supply of land and infrastructure and make room for growth, representing the Government's latest thinking on how to encourage well-functioning and liveable urban environments that meet the diverse needs of their communities. It applies to planning decisions such as the Application and therefore requires a broader perspective, and greater consideration, of the urban environment. Based on the conclusions and general alignment reached by the subject matter experts, I consider the Application meets the general directive of the NPS-UD. The Site is located near a centre zone, is well-serviced by existing public transport, is within comfortable walking and cycling distance of existing and growing residential areas; and would contribute to a well-functioning urban environment.
- b. Implementation of the EHS Act will rapidly accelerate the supply of housing by introducing medium density residential standards and further intensifying activity (in addition to the NPS-UD) around centres. The imminent Variation to the PSDP will enable substantial residential intensification in existing residential zones (including the Site) which will inevitably change the nature, character and amenity of the surrounding environment within which the Application is proposed, and indeed the urban environment of Rolleston as a whole.
- c. Considering the age of the SDP, and the timing and infancy of the PSDP, it is understandable that neither of these plans give effect to the outcomes sought by the EHS Act. It is therefore necessary to take a broader view of the Application and the environment, in the context of the outcomes anticipated and enabled by the EHS Act.

15 Recognising the level of agreement between the relevant experts on matters of substance (i.e. economics, transport, noise, urban design and landscape), I consider the Application is consistent with the broad intent of the relevant urban growth provisions of the CRPS. This is because:

- a. Policy 6.3.6 'Business Land' expressly anticipates and provides for new commercial activities outside of existing centres where the location will not give rise to significant adverse distributional or urban form effects (Policy 6.3.6(4)). The economics and urban design experts agree that the Application will not give rise to such significant adverse effects, concluding that any effects

will be readily acceptable in the context of the environment. In addition, any potential conflict between activities (including adjacent residential land) will be mitigated by the appropriate treatment of the Site's interface with the frontage roads and neighbouring land; the Site being close to labour supply; the Site having frontage to two arterial roads, being accessible to all modes of transport; and the incorporation of good urban design principles.

- b. While the Application challenges Policy 6.3.3, which requires that development occur in accordance with the ODP for the Site, I do not consider it to be inconsistent. This is because the underlying reasoning for this policy is to *"provide a mechanism for integrating urban development with infrastructure...[and] provide the mechanism for integrating new development with existing urban areas."* This means that the use of an ODP is acknowledged as a tool to enable and coordinate a type of development but does not preclude other development from occurring that seeks to integrate urban development and infrastructure and development in a different way. I consider that the Application has sought to do this.

16 I interpret the overall theme of the SDP policy framework as being 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. The Application has been designed to be aligned with majority of the relevant objectives and policies of the SDP, especially when these provisions are read in a manner consistent with the NPS-UD and the intensification and change in the receiving urban environment enabled by the EHS Act. In this regard:

- a. the level of agreement reached between Foodstuffs' and SDC's transport experts, and further refined through their expert caucusing, leads me to conclude that the Application is consistent with the SDP's transport-related objectives and policies.
- b. There are several objectives and policies in the SDP relating to the quality and amenity of the urban environment. Through the proposed site layout and design (including associated design changes), along with the consensus amongst the architectural, urban design and landscape experts, informs my opinion that the Application is consistent with the SDP objectives and policies concerning business development and the quality of the urban environment.
- c. Policy B3.4.2 (Quality of the Environment – Zones) provides for any activity to locate in a township zone where it can be demonstrated it has effects that are compatible with the character, quality of the environment and amenity values of that zone. In my view, 'compatible' does not mean 'the same'. The explanation to the policy *"recognises that any activity may locate in a zone, provided that its effects do not detract from the quality of the environment or*

*the amenity values in that zone*". The SDP acknowledges this further by providing for non-residential activities in residential areas as a discretionary activity, allowing the "appropriateness" of an activity to be assessed on a case-by-case basis.

- d. I acknowledge the Application is only partially consistent with SDP objectives and policies relating to development occurring in accordance with an ODP. While the ODP anticipates residential development, the expert evidence concludes the Application will be compatible with the character, quality of the environment and amenity values of the underlying zone. The Application will not preclude the balance of the Site from being developed in accordance with the ODP.
- 17 Limited weight can be given to the objectives and policies of the PSDP given its infancy (no decisions have been released to date). Further, the PSDP does not yet implement the directions of the NPS-UD or EHS Act. Regardless, I consider that the PSDP's relevant objectives and policies are similar to those in the SDP in respect of non-residential activities in residential areas, such that my conclusion as to the Application's consistency with them would be the same.
- 18 Regarding Part 2, I consider the Application is consistent with the sustainable management purpose of the RMA. The Application will maintain and enhance amenity values (7c) and maintain and enhance the quality of the environment (7f). This Application is consistent and aligned with the NPS-UD, which is the higher order planning document that is assumed to give effect to Part 2.

### **Conclusion**

- 19 In considering the Application to be compatible with the receiving environment, I have taken a broader interpretation of the environment than simply the 'here and now'. This requires consideration of the future environment as anticipated and enabled by higher order planning documents such as the NPS-UD, the EHS Act and the imminent MDRS, which will introduce considerable change to the environment as it is currently perceived.
- 20 While the Application will introduce change to the setting, I consider the extent of change is appropriate in the context of the existing and future receiving environment. Any adverse effects will, on the whole, be no more than minor, and will not be inconsistent with the objectives and policies of the SDP, especially when read in the context of the higher order planning framework established by the NPS-UD, CRPS and EHS Act. My position is informed by the level of agreement between both Foodstuffs' and SDC's experts that any environmental effects will be acceptable and able to be appropriately mitigated by conditions of consent.

**Mark David Allan**

Dated this 1<sup>st</sup> day of August 2022