

Section 95A-E Resource Management Act 1991



Report pursuant to section 42A of the Resource Management Act 1991 recommending whether an application for resource consent should be publicly notified, limited notified or non-notified

Decision pursuant to section 95A-E

Author: Jane Anderson

Position: Consultant Planner

Resource Consent Number: RC216016

APPLICANT:	Foodstuffs (South Island) Properties Limited
LOCATION:	157 Levi Road, Rolleston
LEGAL DESCRIPTION:	Rural Section 7556 being 7.1831 hectares in area more or less, as contained in Record of Title CB18F/727

Description of the Proposal

1. The application proposes to construct and operate a supermarket at 157 Levi Road, Rolleston.
2. The application was formally received on 11 January 2022, and a request for further information ("RFI") was made on 21 January 2022, with a detailed Response to the RFI being provided on 25 February 2022, and the supplementary information dated 30 March 2022.
3. A copy of the original application, including the Assessment of Environmental Effects (AEE) is provided in **Appendix 1**. A copy of the RFI and Response and Supplementary Report is provided in **Appendix 2** (noting that the plans were amended and that the final plans proposed are contained within this Appendix 2).
4. A detailed description of the proposal is provided in Section 4 of the AEE. In brief, the application is for a PAK'nSAVE supermarket with a building footprint of approximately 7,232m² and a gross floor area of approximately 8,108m², with a maximum height of 12.52m above existing ground level. The development will include:
 - Food halls and checkouts;
 - Click and collect facility;
 - Bulk storage and chillers and freezers;
 - Produce, bakery, deli and butchery preparation areas;
 - Plant room; and
 - Staff room, amenities and offices.

5. The supermarket is proposed to operate seven days a week. Opening hours are proposed to be 7.00am to 10.00pm Monday to Sunday, with staff on site for early and late shifts outside of the supermarket operating hours. Deliveries to the site will also be undertaken outside of these operating hours.
6. The proposed supermarket will employ up to 260 staff on site, comprising of part-time and full-time workers.
7. The proposal includes 61.75m² of signage on the south west and north west building elevations, while the building is proposed to have approximately 152.45m² of corporate yellow on the south west, north west and south east face of the building. Two 10 metre high pylon signs are proposed to be located at the southern entrance off Lincoln Rolleston Road and centrally located at the main entrance from Levi Road. Other signs, with dimensions of 1.5m high and 1.2m wide will be located at other access points.
8. Vehicle access is proposed at two locations on the Lincoln Rolleston Road, with four entry locations along the Levi Road frontage. The primary entry is on the south-west side of the building with a 'click and collect' facility located on the north side of the building. Service and delivery yards are located on the eastern corner of the building.
9. A total of 513 car parks are proposed to be located on the site, predominantly located between the proposed supermarket building and Lincoln Rolleston Road. The parking area is proposed to be lit with light poles located through the centre line of the parking rows. Three pedestrian access routes are proposed from each of the Levi Road and Lincoln Rolleston Road boundaries.
10. The proposal includes a number of landscaping elements, including:
 - A 'pocket park' on the north western corner of the subject site adjacent to the Levi Road / Lincoln Rolleston Road intersection;
 - Specimen trees, with hedging and landscaping along the Levi Road boundary of the site;
 - Low plantings along the Lincoln Rolleston Road boundary;
 - Hedging along the southern boundary of the site;
 - 10m wide biodiversity planting along the eastern boundary; and
 - Trees planted within the car parking area.

Description of the Existing Environment

11. The application site is a corner site at the intersection of Levi Road and Lincoln Rolleston Road. The site is currently occupied by an existing residential dwelling and accessory buildings (proposed to be demolished as part of the proposed development). The following aerial photograph identifies the application site and the surrounding environment.
12. The supermarket use is proposed on only part of the application site, identified in **Figure 1** as the "development area".
13. Residential activities have been established to the north of the site in accordance with the Living 1B and Living Z zones of this area. The area to the west and south of the site is zoned Living Z and is currently characterised by lower density developments with large open spaces surrounding each dwelling.
14. To the east of the site, the area is zoned Rural Inner Plains and is characterised by rural activities.
15. The Rolleston Town Centre is located approximately 500m to the north west of the site.
16. Both Levi Road and Lincoln Rolleston Road are classified as Arterial Roads in the Selwyn District Plan.



Figure 1 Subject site and surrounding environment (source: AEE)

Operative District Plan

17. The application site is zoned Living Z within the Townships volume of the Operative District Plan. The site is also subject to Rolleston ODP Area 4.

18. The following table summarises the Plan non-compliances:

RULE	TOPIC	COMPLIANCE
Earthworks		
Rule 2.1.1		
Any earthworks shall be a permitted activity if the following conditions are met:		
Rule 2.1.8		
Any activity which does not comply with the relevant rules shall be a discretionary activity		
Rule 2.1.1.6		
Except where Rule 2.1.1.5 applies, any earthworks has:	The total proposed earthworks volume is approximately 30,800m³.	Discretionary
(a) A volume of not more than 2,000m³ per project; and		
(b) A vertical cut face where no more than 5% of the		

total vertical cut is over 2 metres.

Living Zone Rules - Buildings

Rule 4.8.1

The erection of any building which has a height of not more than 8m shall be a permitted activity

The proposed building will have a maximum height of 12.52m

Discretionary

Rule 4.8.5

Any activity which does not comply with Rule 4.8.1 shall be a discretionary activity

Rule 4.9.2

Except as provided in Rules 4.9.3 to 4.9.33, any building which complies with the internal and road boundaries set out in Tale C4.2 shall be a permitted activity

Rule 4.9.48

Any activity which does not comply with Rule 4.9.2 shall be a restricted discretionary activity

Note: "building" is defined as including any fence or wall greater than 2m in height

Table C4.2 Minimum setbacks for buildings:

Principal building –
Internal setback – 2m
Road setback – 4m

The proposal seeks to construct an acoustic fence on the eastern boundary. Under Option A, the proposed fence will have a total height of 2.6m (and is therefore classified as a building) and will be located directly on the boundary

Restricted Discretionary

Living Zone Rules – Roads and Transport

Rule 5.2.1

The forming of any vehicle accessway shall be a permitted activity if the relevant conditions are met

Rule 5.2.3

Any activity which does not comply with Rules 5.2.1.2 to 5.2.1.6 shall be a Discretionary activity

Rule 5.2.1.2

Any site with more than one frontage to a road that is formed and maintained by Council shall have access to the road with the lowest classification

The proposal seeks access to both Levi Road and Lincoln Rolleston Road

Discretionary

Rule 5.3.1

The forming of any vehicle crossing shall be a permitted activity if the relevant conditions are met:

Rule 5.3.2

Any activity which does not comply with Rule 5.3.1.1 and 5.3.1.2 shall be a restricted discretionary activity

Rule 5.3.4

Any activity which does not comply with Rule 5.3.1.4 shall be a restricted discretionary activity

Rule 5.3.1.1

The vehicle crossing is formed and sited to comply with the relevant requirements in Appendix E13.2.2, E13.2.4 and E13.2.5

Five new vehicle crossings are proposed, of which A, B, D and E will exceed 7m in width

Restricted Discretionary

Rule 5.3.1.4

The site does not have access directly on to an arterial road; unless:

- (a) The speed limit on that part of the road to which access is gained is 70km/hr or less; or
- (b) The site is used solely to house a utility structures; and
- (c) The site generates less than 100 equivalent car movements per day

The site will have direct access on to both arterial roads and will generate more than 100 equivalent vehicle movements per day

Restricted Discretionary

Living Zone Rules – Signs**Rule 7.1.1**

Where any sign is not covered by Rules 7.2, 7.3 and 7.4 it shall be a permitted activity if the following conditions are met:

Rule 7.1.2

Any activity which does not comply with Rule 7.1.1 shall be a discretionary activity

Rule 7.1.1.2

The total number of signs on any site does not exceed 2, inclusive of any freestanding sign located on a footpath or grass berm outside the site but adjoining the site

The proposal seeks to erect 7 signs on site, including two façade signs and five freestanding signs.

Discretionary

Rule 7.1.1.5

The sign does not exceed the height of:

- (a) The building to which it is attached; or
- (b) 2 metres if the sign is not attached to a building

The proposed façade signs will not exceed the height of the building.

The two proposed pylon signs are proposed to have a maximum height of 10m.

Discretionary

Rule 7.1.1.6

The sign does not exceed 1m² in size

All of the proposed signs will exceed 1m² in size. The overall signage area is 61.75m².

Discretionary

Rule 7.2.1

Any sign to direct pedestrians, cyclists or motorists shall be a permitted activity subject to meeting the relevant conditions:

Rule 7.2.2

Any activity which does not comply with Rule 7.2.1 shall be a discretionary activity

Rule 7.2.1.2

The display area of the sign does not exceed 0.6m²

The three proposed directional signs have a display area of 1.8m².

Discretionary

Rule 7.2.1.3

The message on the sign is limited to arrows or the word 'entry' or 'exit'

The wording of the proposed directional freestanding signs have messages of "Welcome" and "Exit"

Discretionary

Living Zone – Activities and Scale of Activities

Rule 10.6.1

Any activity which is not a residential activity, spiritual activity or educational activity, shall be a permitted activity if the following noise limits are not exceeded within the timeframes stated:

Rule 10.6.3

Any activity which is not residential, spiritual or educational which does not comply with Rule 10.6.1 shall be a discretionary activity

Noise Limits

7.30am – 8.00pm 50 dBA L₁₀

8.00pm – 7.30am 35 dBA L₁₀

7.30am – 8.00pm 85 dBA L_{max}

8.00pm – 7.30am 70 dBA L_{max}

The Acoustic Assessment provided by the applicant identifies that the noise received at dwellings closest to Accesses A and E will exceed the night-time noise standards

Discretionary

Rule 10.8.1

Any activity which is not a residential activity shall be a permitted activity if the following conditions are met:

Rule 10.8.3

Any activity which is not a residential activity, and which does not comply with Rules 10.8.1 or 10.8.2 shall be a discretionary activity

Rule 10.8.1.1

No more than two full time equivalent staff employed on the site live off site

No staff employed on site will live on site. Approximately 260 staff will be employed to work on site.

Discretionary

Rule 10.8.1.2

The gross floor area of any buildings other than a dwelling does not exceed 300m²

The gross floor area of the supermarket building will be 8,108m².

Discretionary

Rule 10.8.1.3

Vehicle movements do not exceed:

Arterial Roads – 40 per day plus 4 heavy vehicle movements per day

The proposal will generate approximately 10,000 vehicle movements per day and more than 4 heavy vehicle movements per day

Discretionary

Rule 10.9.1

Any activity which is not a residential activity, shall be a permitted activity if the following conditions are met

Rule 10.9.2

Any activity which is not a residential activity and which does not comply with Rule 10.9.1 shall be a discretionary activity

Rule 10.9.1.1

The employment of staff who are not resident on the site; and

Rule 10.9.1.2

Visits by customers, patrons, clients or other people to the site, who are not resident on the site shall only occur between the hours of 7.00am and 10.00pm on any day.

The proposed hours of operation are between 7.00am and 10.00pm, with the site also being visited by staff and delivery vehicles outside of these hours of operation.

Discretionary

Rural Zone - Activities

Rule 9.16.1

Except as provided in 9.16.3, any activity shall be conducted so as to comply with the noise limits and within the time frames stated in the tables in order to be a permitted activity

Rule 9.16.2

Any activity which does not comply with Rule 9.16.1 shall be a discretionary activity

Noise Limits at the notional boundary of any dwelling

7.30am – 8.00pm

60 dBA L₁₀ and 85 dBA L_{max}

The noise levels from one refrigeration truck in the loading ones will be in the order of 50 dB L_{Aeq(15min)} at the notional boundary of 139 Levi Road.

Discretionary

8.01pm – 7.29am

45 dBA L₁₀ and 70 dBA L_{max}

19. Overall, the proposal is a Discretionary activity under the Operative District Plan.

Proposed Selwyn District Plan (Notified 05 October 2020)

20. Under the Proposed Selwyn District Plan ('the Proposed District Plan') the site is zoned General Residential Zone. The project area is also located within Development Area DEV – R01.

21. No decisions have yet been made on the Proposed Plan.

22. There are no rules with immediate legal effect that apply to this proposal.

National Environmental Standards

National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health

23. The NES manages activities which involve the disturbance of land which may be contaminated. This is determined by whether activities have or are likely to have occurred on the site, which are listed in the Hazardous Activities and Industries List (HAIL).

24. The applicant has provided a Preliminary Site Investigation (PSI) from Pattle Delamore Partners Limited (PDP). A site inspection was not undertaken as part of the PSI. The PSI states that “it would be prudent to undertake a physical site inspection to confirm the findings of the desk based assessment” with the application. Further, the report states that the applicability of the NESC can be “confirmed following the recommended site inspection”. The applicant has sought resource consent for a discretionary activity.
25. The PSI and application have been peer reviewed by a Contaminated Land Officer from Environment Canterbury. The Officer has confirmed that subject to the volunteered consent conditions that include committing the applicants to undertaking a Detailed Site Investigation / soil sampling investigation, that any adverse effects will be minor or less than minor. These conditions will need to be further developed in consultation with ECan and the applicant at the substantive stage.
26. The proposal is therefore a Discretionary activity in terms of the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health.

Public Notification

Step 1 – Mandatory public notification

27. Does the application meet any of the following criteria?


		Y	N
1.1	The applicant has requested public notification	✓	<input type="checkbox"/>
1.2	Public notification is required under section 95C RMA (no response or refusal to provide information or agree to the commissioning of a report under section of the 92 RMA)	<input type="checkbox"/>	✓
1.3	The application has been made jointly with an application to exchange recreation reserve land under section 15AA of the Reserves Act	<input type="checkbox"/>	✓

Assessment

28. As the applicant has requested that the application is publicly notified, no assessment of the proposal has been undertaken in accordance with s95D and s95E of the Resource Management Act 1991.
29. The Council has commissioned a peer review of the expert reports provided with the application. These peer review reports are appended to this document as follows:
- Appendix 3 Transport Assessment
 - Appendix 4 Landscape and Visual Assessment
 - Appendix 5 Urban Design Assessment
 - Appendix 6 Noise Assessment
 - Appendix 7 Economic Assessment

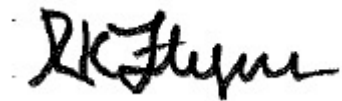
Recommendation

30. It is recommended that the application be processed on a publicly notified basis.

Reported and recommended by  Jane Anderson Consultant Planner	Date: 13 April 2022
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Decision

That the above recommendation be adopted under delegated authority.

 Rosie Flynn, Team Leader Resource Consents	Date: 19 April 2022
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