

Before Hearing Commissioner
appointed by Selwyn District Council

under: the Resource Management Act 1991

in the matter of: application RC195454 for land use consent to establish
and operate a supermarket and café, with associated
car parking and landscaping at 581 Birchs Road,
Lincoln

and

in the matter of: **Lincoln Developments Limited**
Applicant

Summary of evidence of Mike Foster on behalf of Lincoln
Developments Limited

Dated: 28 July 2020

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**CHAPMAN
TRIPP** 

**SUMMARY OF EVIDENCE OF MIKE FOSTER ON BEHALF OF
LINCOLN DEVELOPMENTS LIMITED**

- 1 My name is Mike Foster. I am an independent planning consultant and director of Zomac Planning Solutions Limited.
- 2 I prepared a statement of evidence for this hearing dated 14 July 2020.
- 3 A brief summary of the key aspects of my evidence is as follows:
 - 3.1 Supermarket location is present and future catchment driven and supermarkets in residential areas are not uncommon. I have plans of those examples I listed in paragraph 4.6 of my evidence which I can briefly explain.
 - 3.2 Significant changes have been made to the form of the supermarket and the extent of the landscaping since the application was notified. These changes are in response to Council officer and submitter concerns. All of these changes are within scope.
 - 3.3 The shading effects of the proposed supermarket are less than those of a complying two-storey residential duplex development.
 - 3.4 There is no need for me to take you through the robustness of the s 95A report which I have scrutinised in detail in my statement of evidence.
 - 3.5 In the s 42A report the main focus is on the alleged urban design, amenity and landscape effects of the proposal. For reasons I, and other witnesses for the Applicant, have stated such concerns are overstated.
 - 3.6 Issues to do with edge effects such as traffic, noise and retail distribution can be considered to be minor or less than minor. I note that the reporting officer agrees.
 - 3.7 The 2m front yard setback is considered to be acceptable because of the green wall and the extensive landscaping.
 - 3.8 The signage on the southern wall is not to be illuminated.

- 3.9 The proposed development is fully compliant with the 3 lux lighting rule.
- 3.10 Any property valuation effects of the development are irrelevant and more imagined than real.
- 3.11 Most of the reporting officer's suggested conditions of approval are supported. Conditions 2, 5 to 10, and 14 are not, but there could be some room for further negotiation.
- 3.12 In terms of the statutory planning framework there are no matters of national importance relevant to the application.
- 3.13 From a bulk and location perspective the form, scale and size of the proposed development complies with the majority of the relevant provisions of the District Plan.
- 3.14 The most relevant matters in assessing the merits of this application are:
- All traffic effects arising from the proposed development can be appropriately mitigated.
 - Any acoustic effects can be mitigated by the imposition of appropriate acoustic conditions.
 - The Applicant's proposed urban design and landscape enhancements are a positive outcome.
- 3.15 In terms of the submissions in opposition it is relevant to note that only nine submitters are close to the application site as shown on the map contained in Annexure C of my evidence.
- 3.16 With respect to concerns about the existing rail trail it should be noted that the Applicant proposes to upgrade 120m of the existing gravel trail at its cost even though the current trail is in the road reserve. The upgrade will involve a 2.5m wide concrete shared path with signage and paint markings agreed with Council.

- 3.17 I consider that the Cooke Family Trust submitters are potentially a trade competitor because its land holding was the property involved in the collapsed landowner negotiations I referred to in paragraph 4.4 of my evidence. I consider that this submitter's concerns and claims are overstated.
- 3.18 I note that submitter No. 16 (Robyn Twemlow) lives some 850m from the supermarket site and was the organiser of an on-line poll that garnered almost 80% support for the new supermarket.
- 3.19 For reasons both I and the reporting officer have stated, granting consent will not set a dangerous precedent. Discretionary activity applications need to be assessed on their merits on a site by site basis.
- 3.20 There will be limited effects, if any, on submitter No.24 (Nathan Peter) because only very limited views will be available once Lots 713 and 714 have dwellings erected on them.
- 3.21 Submitter No.26's (Steve Meier) property at 14 Caulfield Crescent is the closest property to the supermarket site where the physical separation distance from the back fence of the property to the supermarket wall is 17m. I consider such a separation to be more than sufficient.
- 3.22 It is also important to note that the Applicant has offered, more than once, to replace this submitters existing back fence with a 1.8m high acoustic fence delivering a 10dBA reduction in noise levels and removing any night time glare from car headlights. Similar offers have been made to the owners of 12 and 16 Caulfield Crescent. The submitter responded by email to the Applicant on 1st May that he was not interested in meeting with the Applicant. It is my understanding that the Applicant's offer remains open.
- 3.23 Concerns about liquor licencing are not a resource management issue. Lotto shops are commonplace in Countdown supermarkets.

- 3.24 Some staff parking is always allowed in the supermarket customer parking areas. Typically staff come from the surrounding residential areas and they utilise all types of transport modes.
- 3.25 A pedestrian crossing with a central median refuge is part of the proposed development.
- 3.26 I note that the recent approval of RM195448 confirms that Caulfield Crescent will remain a cul-de-sac.
- 3.27 Overall, I consider that LDL has used its best endeavours to meet all the justified concerns of submitters.
- 3.28 In terms of s104(1) of the RMA in my view the actual and potential effects on the environment associated with the proposal will be minor and the proposal can be undertaken in a manner that is consistent with the overriding direction provided by the operative regional and local policy frameworks.
- 3.29 In my opinion the proposed development of the site will be consistent with the sustainable management purpose of the RMA.
- 3.30 In the circumstances I consider that the proposed development should be approved with appropriate conditions.
- 4 I am happy to answer any questions the Commissioner may have regarding my evidence.

Dated: 28 July 2020

Mike Foster