

UNDER THE RESOURCE MANAGEMENT ACT 1991

IN THE MATTER OF an application by Woolworths New Zealand Limited to establish and operate a supermarket and small-scale ancillary retail/commercial tenancies, including associated earthworks, access, carparking, signage and landscaping, at 597 East Maddisons Road, Rolleston

Council File: RC245088

RESOURCE CONSENT APPLICATION

RC245088

597 East Maddisons Road, Rolleston

DECISION OF COMMISSIONER O'CONNELL

DECISION OF THE SELWYN DISTRICT COUNCIL ON A RESOURCE CONSENT APPLICATION

APPLICATION REFERENCE:	RC245088
APPLICANT:	Woolworths New Zealand Limited
SITE ADDRESS:	597 East Maddisons Road, Rolleston
LEGAL DESCRIPTION:	Lot 4011, DP596412 as held in Record of Title 1152889
PROPOSAL:	Land Use Consent – To establish and operate a supermarket and small-scale ancillary retail/commercial tenancies, including associated earthworks, access, carparking, signage and landscaping.
OPERATIVE DISTRICT PLAN:	Inner Plains Zone
PARTIALLY OPERATIVE DISTRICT PLAN:	General Rural Zone
OVERLAYS/NOTATIONS:	Plains Flood Management Overlay – Urban Growth Overlay – Rural Density (SCA-RD1)
COMMISSIONER:	Commissioner O’Connell
SUMMARY OF DECISION:	That the application be granted , subject to conditions
DATE OF DECISION:	3 October 2024

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PREAMBLE – s.133A

Shortly after the decision was issued, it was brought to my attention via a letter from the Applicant dated 7 October 2024, that there are minor errors/mistakes in two of the conditions. These related primarily to cross-referencing between conditions and subsequent re-numbering of other conditions. Additionally, the Applicant identified an error with the consent reference on the title page, a mistake in paragraph 9.1, and they requested an additional advice note relating to the applicable Development Contributions; noting that there are already a number of advice notes concerning the Development Contributions. Having considered these matters, I find that it is appropriate to correct these minor errors/mistakes pursuant to s.133A of the Resource Management Act (the Act) and re-issue the decision.

Section 133A of the Act provides that:

“A consent authority that grants a resource consent may, within 20 working days of the grant, issue an amended consent that corrects minor mistakes or defects in the consent.”

To clarify, no other changes, beyond those identified in the letter dated 7 October 2024, have been made to the decision, and similarly, the date that the decision was issued, i.e., 3 October 2024, does not change.

1.0 INTRODUCTION

- 1.1 I have been appointed by the Selwyn District Council (the **Council**) to make the decision on the Land Use resource consent application by Woolworths New Zealand Limited to establish and operate a supermarket and small-scale ancillary retail/commercial tenancies, including associated earthworks, access, carparking, signage and landscaping, at 597 East Maddisons Road, Rolleston (the **subject site**).
- 1.2 In reaching the following decision, I have read all the relevant evidence from Mr. Hegarty for Council and Mr. Bonis for the Applicant; including the expert evidence from both parties. I have also revisited the original application, and the notification decision pursuant to s.95 of the Resource Management Act 1991 (the **Act**). Further, I have reviewed the relevant provisions of both the Operative District Plan and Partially Operative District Plan, and I have undertaken a site visit to familiarise myself with the subject site and immediately surrounding environment.
- 1.3 I am satisfied that I have all necessary information to make an informed decision, and I confirm that this decision is based solely on the evidence presented by the parties involved in this process. I am also satisfied that I do not have any conflicts of interest and am able to objectively and fairly reach a view on the merits of the proposal and treat all parties evenly.

2.0 APPLICATION

- 2.1 Land Use consent is sought to establish and operate a supermarket and small-scale ancillary retail/commercial tenancies, including associated earthworks, access, carparking, signage and landscaping, at the subject site.
- 2.2 The s.42A Report prepared by Mr. Hegarty provides a more detailed description of the proposal in paragraph's 7 – 16 inclusive. There is no contention between the parties as to the description of the proposal, therefore, Mr. Hegarty's description is adopted for the purpose of this decision, noting the following key aspects:
- The gross floor area of the supermarket will be 3528m² (including 200m² staff amenities) and a 324m² roof canopy over the online 'click n collect' area
 - The retail/commercial tenancies will collectively have a total floorspace of 374m²
 - There will be 226.37m² of signage (both freestanding and attached to the building)
 - Boundary fencing will be provided
 - A comprehensive Landscape plan will be implemented
 - Five vehicle crossings will provide access to the site
 - A total of 184 on-site parking spaces will be provided, including five mobility spaces - four 'parent' spaces – eight 'click n collect' spaces – eight electric charging spaces/stations – seven staff spaces
 - Storage capacity for 38 cycles
 - The supermarket will operate seven days a week, with opening hours being 7:00am to 10:00pm (some staff will be on-site outside of these hours)
 - Deliveries will mainly be between 7:00am and 4:00pm

3.0 SUBJECT SITE & ENVIRONMENT

- 3.1 The subject site and surrounding environment are accurately described in paragraphs 20-27 of Mr. Bonis's Statement of Evidence, with additional context provided by Mr. Hegarty in paragraphs 19-23 of the Section 42A Report. This description reflects my observations and is adopted for the purpose of this consent.
- 3.2 As per the s.42A Report prepared by Mr. Hegarty, the subject site is zoned Inner Plains under the Operative District Plan (2016) Township Volume. However, the Operative District Plan is currently

under review, and the Appeals Version of the Partially Operative District Plan was notified on 27 November 2023. Through the district plan review process, the subject site is now zoned General Rural Zone, and is subject to the Plains Flood Management Overlay, Urban Growth Overlay, and Rural Density (SCA-RD1).

- 3.3 Subject to s.86F of the Act which prescribes when objectives, policies and rules of a Proposed District Plan have legal effect, the proposal must be considered against the relevant provisions of both the Operative and Partially Operative District Plans. However, effects cannot be considered in a vacuum, rather they require context, and in this case, it is the receiving environment that provides this context. I agree with Mr. Bonis, that *‘...the consideration of environment has been confirmed to embrace the future state of the ‘environment’ as it might be modified by permitted activities and by resource consents which have been granted where it appears likely that those consents will be implemented’*¹. This description of the environment also reflects my understanding to the relevant case law. As such, as submitted by Mr. Hegarty² and Mr. Bonis³, I agree that it is appropriate to consider the proposed activity in the context of the fast-track consented baseline, which from parts of the environment.
- 3.4 In this case, the consented baseline consists of Subdivision Consent RC235205 and Land Use Consent RC235206 which are fundamental in defining the environment against which the proposal must be considered. I agree with the following from Mr. Bonis *‘...these consents enable a 684 lot subdivision between Goulds Road and Dunns Crossing Road, including dwellings, servicing infrastructure and the supporting localised road network. As these existing consents are in the process of being implemented, the developments enabled by those consents from part of the legal existing environment. The assessment of the effects arising from the Proposal must therefore be considered against this existing environment’*⁴. Mr. Hegarty agrees with this approach.
- 3.5 Based on outcomes approved via RC235205 & RC235206, I find the environment against which this proposal is to be assessed differs markedly from the outcomes sought by the provisions of the Operative and Partially Operative District Plans. A rural environment with a low building density and focus on primary production is sought by the Plans, whereas the environment is actually being developed with an urban character and density.

4.0 PLANNING FRAMEWORK

- 4.1 The planning framework is detailed in the s.42A Report prepared by Mr. Hegarty, and this description is adopted for the purpose of this decision. For the sake of completeness, I record there are no matters of contention between Mr. Hegarty and Mr. Bonis regarding the planning framework.
- 4.2 I record that I have carefully considered and fully understand the directly relevant objectives, policies and rules applicable to this proposal.

Activity Status

- 4.3 Based on the evidence before me, the application is considered to be:
- a discretionary activity under the Operative District Plan; and
 - a non-complying activity under the Partially Operative District Plan.

Overall, the application is being considered and processed as a **non-complying activity**, being the most restrictive activity status.

¹ Bonis, M. (2024). Statement of Evidence (para. 41)

² Hegarty, T. (2024). Section 42A Report (para. 117, 149, 150, 167, 175)

³ Bonis, M. (2024). Statement of Evidence (para. 42)

⁴ Bonis, M. (2024). Statement of Evidence (para. 25).

5.0 WRITTEN APPROVALS / SUBMISSIONS

- 5.1 The Applicant has provided the written approval from the following Persons:
- Huges Development Limited – 597 East Maddisons Road, Rolleston;
 - Freelance Canterbury Limited – 1 Rangatira Street, Rolleston (owner);
 - Saath Academy Rolleston Limited – 1 Rangatira Street, Rolleston (occupier); and
 - Rufus Homes Limited – 1 Rufus Street, Rolleston.
- 5.2 Pursuant to s.104(3)(a)(ii) of the Act, a consent authority must not have regard to any effect on a Person who has given their written approval to an application. Accordingly, any effects on these persons have been disregarded for the purpose of this decision.
- 5.3 The Applicant requested public notification pursuant to s.95A(3)(a) of the Act. The application was subsequently notified on 22 May 2024 with the submission period closing on 20 June 2024.
- 5.4 At the close of the submission period, the Council had received two submissions, with an additional late submission received shortly after 5:00pm on 20 June 2024. Acting under delegated authority, I issued Minute #1 on 8 July 2024, confirming that the late submission be accepted pursuant to s.37(1)(b) of the Act. Accordingly, a total of three submissions were received: two in partial support (Rymans & the Ministry) and one neutral (CRC)⁵.
- 5.5 Submissions were received from the Ministry of Education (**Ministry**), the Canterbury Regional Council (**CRC**), and Ryman Healthcare Limited (**Rymans**). A summary of the submissions is contained within the s.42A Report⁶ which is adopted for the purposes of this decision.
- 5.6 Of the three submissions, only the Ministry stated that they wished to be heard. However, on 3 September 2024, I received notice from the Ministry confirming that it would not be attending the hearing, as all matters in their submission had been resolved. In light of the Ministry not seeking to attend the hearing, Counsel for the Applicant provided a memorandum on 5 September 2024 submitting that, pursuant to s.100 of the Act, a hearing was no longer necessary and requesting the application be determined on the papers. Additionally, also on 5 September 2024, Mr Hegarty submitted supplementary evidence confirming that only a small number of discrete matters remained in contention and, in his opinion, these matters could be determined on the papers.
- 5.7 Having reviewed the relevant evidence and statutory provisions, I issued Minute #2 on 11 September 2024, confirming that pursuant to s.100 of the Act, a hearing was not necessary, and the application would be determined on the papers.

6.0 STATUTORY CONSIDERATIONS

- 6.1 In brief, the notification decision is made by following the Steps of s.95A, with reference to sections 95B-E. For the substantive decision, subject to Part 2 of the Act, I must have regard to any effects of allowing the activity, the relevant standards and provisions of relevant documents, and any other matters that are relevant and reasonably necessary to determine the application.
- 6.2 As a non-complying activity, the proposal is to be considered in terms of s.104 of the Act. Sections 104B and 104D of the Act grants me, as Commissioner, full discretion to consider all actual and potential effects, then grant or refuse consent, or grant consent subject to conditions. Pursuant to s.104D of the Act, consent can only be granted if either the adverse effects of the activity on the environment are minor (or less than minor) or the activity is not contrary to the objectives and policies of the relevant District Plans⁷.
- 6.3 Conditions of consent are subject to s.108 and s.108AA of the Act.

⁵ Bonis, M. (2024). Statement of Evidence (para. 16)

⁶ Hegarty, T. (2024). Section 42A Report (para. 55)

⁷ The Act, (1991). Section 104D(1)(a) & (b)

- 6.4 Section 104 is subject to Part 2 of the Act, although whether or not an application requires formal consideration directly against Part 2 is a case-by-case matter. I will address Part 2 of the Act later in this decision.

7.0 EFFECTS ON THE ENVIRONMENT

- 7.1 As is sometimes the case, the evidence between the Council and the Applicant is largely in agreement, and as recorded by Mr. Bonis, the three submissions do not seek systemic changes⁸, nor do they oppose the application. Having reviewed the evidence before me, I agree with Mr. Hegarty and Mr. Bonis, that the issues in contention are the following urban design matters:
- (a) the height of two pylon signs; and
 - (b) the height and design of the fence fronting Goulds Road in front of the staff parking area.
- 7.2 In the following discussion, I will not restate the evidence in full, however, where pertinent, I will record key aspects of the evidence to assist with the decision. For the sake of completeness, I record that I have been provided with a substantial amount of evidence from both the Council and the Applicant, and I have thoroughly reviewed all of the material before me, including all of the technical advice.
- 7.3 Firstly, I agree with the evidence from Mr. Hegarty⁹ and Mr. Bonis¹⁰, that subject to agreed consent conditions, the activity can be adequately serviced in terms of water supply (including firefighting), wastewater and stormwater management. Similarly, I concur with Mr. Hegarty¹¹ that given the site layout, building design, operational controls, receiving environment, written approvals, and agreed consent conditions, construction effects; effects on the function, capacity and safety of the road network; operational noise effects; effects on cultural values; and effects on rural productivity, will be adequately mitigated and no more than minor.
- 7.4 In respect to economic effects, Mr. Foy for Council largely agrees with the economic assessment from Property Economics Limited, and while Mr. Foy disagrees with the floorspace productivity (dollar sales per m² of GFA) used by Property Economics Limited, overall, he agrees the proposal will still be viable and an appropriate scale¹². Further, in respect to potential retail distribution effects, both Mr. Foy and Property Economics Limited agree that the proposal will not have a material effect on the role, function, viability, vibrancy and performance of the existing Rolleston Town Centre from either the supermarket or retail/commercial tenancies. I accept this expert evidence.
- 7.5 Given the changes to the proposal¹³ along with the draft consent conditions and expert evidence before me, I find that the issues raised by the submitters have been sufficiently address.
- 7.6 Turning to the matters of contention, both Mr. Hegarty and Mr. Bonis rely on their respective experts, each providing detailed summaries of the potential urban design and landscaping effects. Upon review, I find that there is general agreement between the experts on these matters and I agree with Mr Bonis that *'[m]atters at the interface with residential properties are accepted as appropriate subject to design and mitigation, and Management Plans which provide for ongoing controls'*¹⁴.

⁸ Bonis, M. (2024). Statement of Evidence (para. 17)

⁹ Hegarty, T. (2024). Section 42A Report (para. 89–93)

¹⁰ Bonis, M. (2024). Statement of Evidence (para. 53–57)

¹¹ Hegarty, T. (2024). Section 42A Report (para. 75-88, 95-103, 137-148)

¹² Hegarty, T. (2024). Section 42A Report (para. 154)

¹³ Bonis, M. (2024). Statement of Evidence (para. 31)

¹⁴ Bonis, M. (2024). Statement of Evidence (para. 78)

- 7.7 With respect to the two proposed pylon signs, the sign on Goulds Road is proposed to be 9 meters in height, while the sign on Shillingford Drive is proposed at 7.5 meters. Ms. Gabi Wolfer, Urban Designer for the Council, has expressed concern that the scale of these two signs will be excessive and visually dominant within the residential context of the surrounding environment. Accordingly, Ms. Wolfer recommends that the height of these signs be reduced to a maximum of 6 meters. Mr. Hegarty agrees with Ms. Wolfer's assessment and recommends the inclusion of a consent condition limiting the height of these two signs.
- 7.8 With respect to the fence fronting the staff parking area on Goulds Road, the Applicant proposes a fence with a height of 1.8 meters and 50% permeability, submitting that this is appropriate given the area behind the fence will be a working zone associated with courier movements and loading/unloading activities. However, Ms. Wolfer disagrees, recommending that the fence height be limited to 1.2 meters to enhance the amenity values of the locality, particularly in consideration of the outlook from nearby residential sites. Mr. Hegarty agrees with Ms. Wolfer's assessment and recommends the inclusion of a consent condition limiting the height of this fence.
- 7.9 On balance, having carefully reviewed Ms. Wolfer's evidence and taking into account the environment, I prefer the evidence of Mr. Bonis¹⁵ in respect to these two matters. The proposed pylon signs will be reasonably well separated (therefore not resulting in a cluster of signage), and while larger than what Ms. Wolfer recommends, I find that they will not appear significantly out of character when viewed within the broader context of the overall development. Additionally, I find that the two pylon signs will align with the commercial nature of the proposal and will not be unexpected for a site containing a supermarket and retail/commercial activity. I also agree that any visual dominance effects will reduce as the planting becomes established. Overall, I find any effects from the height of the two pylon signs to be no more than minor.
- 7.10 In terms of the height of the fence, I find the fence designed proposed by the Applicant acceptable given the operational requirements of the area. The permeable design will strike a reasonable balance between functionality and visual amenity. Further, ensuring the trees planted near the fence are limited to a height above 1.2m, which has been volunteered by the Applicant, will allow for a degree of passive surveillance. Overall, I find any effects from the height and design of the fence to be no more than minor.
- 7.11 For the sake of completeness, I record that with respect to all other effects not specifically addressed above I accept the evidence before me that these effects will not be more than minor, and when considered in the round, acceptable. Similarly, I agree with Mr. Bonis that a safety audit as recommended by Mr. Hegarty is not required for the 'click n collect' area as this will not be an area where a high level of pedestrian movement is anticipated or encouraged.
- 7.12 The proposed activity will result in a number of positive effects as detailed by Mr. Hegarty¹⁶ and Mr. Bonis¹⁷. This includes improved accessibility for the local community to retail and commercial services; increased convenience with the provision of the supermarket and other retail/commercial activities at a single location; economic benefits; reduced congestion and commercial pressure, and the creation of a new neighbourhood centre to meet population growth (without compromising the existing Rolleston Town Centre)¹⁸.
- 7.13 Lastly, I have carefully considered the revised draft conditions submitted by Mr. Bonis. Overall, the amendments sought by Mr. Bonis reflect the findings of this decision or seek to provide clarification. I agree with the changes proposed.

¹⁵ Bonis, M. (2024). Statement of Evidence (para. 79, 80, 81)

¹⁶ Hegarty, T. (2024). Section 42A Report (para. 161, 162)

¹⁷ Bonis, M. (2024). Statement of Evidence (para. 46, 47, 48)

¹⁸ Hegarty, T. (2024). Section 42A Report (para. 161, 162)

8.0 OBJECTIVES AND POLICIES OF THE OPERATIVE AND PARTIALLY OPERATIVE DISTRICT PLANS

- 8.1 As with the assessment of effects, the evidence of the Council and Applicant in respect to the relevant objectives and policies is largely in agreement. Both Mr. Hegarty¹⁹ and Mr. Bonis²⁰ agree the proposal is not contrary to the directly relevant objectives and policies.
- 8.2 There is also agreement in terms of which objectives and policies apply, and Mr. Hegarty and Mr. Bonis have assessed the proposal against both the Operative and Partially Operative District Plans. Therefore, the scope of evidence before me is not in question. Similarly, as record earlier in this decision, both parties agree that it is appropriate to consider the proposal within the context of the environment as anticipated by the fast-track consented baseline; I agree with this approach.
- 8.3 In light of the extent of evidence before me regarding to the objectives and policies, the following is a high-level summary of the key points. However, as with all the evidence, I have thoroughly reviewed and understand the respective positions.
- 8.4 Based on the evidence before me²¹, and when consider through the lens of the environment, I agree that the proposal is generally consistent with, and not contrary to, the objectives and policies of the Operative District Plan relating to *Natural Resources, Physical Resources – Transport; Physical Resources – Utilities and Waste; Health and Safety Values – Natural Hazards; Health and Safety – Quality of the Environment; Health and Safety – Rural Character; Health and Safety – Noise and Vibration, Dust; and Township Volume – Quality of the Environment*. Of particular relevance to reaching this position is the emerging urbanisation of the subject site and surrounding area through the consented baseline.
- 8.5 Similarly, given the expert evidence, agreed consent conditions, and receiving environment, I find the proposal to be generally consistent with, and not contrary to, the objectives and policies of the Partially Operative District Plan relating to *Strategic Directions, Transport; Hazards and Risks; General District Wide Matters – Earthworks, Light, Noise, Signs, and Urban Growth*.
- 8.6 In terms of the objectives and policies of the General Rural Zone, both Mr. Hegarty and Mr. Bonis submit that the provisions of this chapter no longer reflect the receiving environment and have been superseded by the urbanisation provided by the fast-tracking consented baseline. As affirmed by Mr. Bonis, an urban use of the subject site is now a *fait accompli*²²; I agree.
- 8.7 Both parties recognise the tension between the proposal and Policy GRUZ-P5 which seeks to *avoid* the establishment of a commercial activity greater in scale than a rural home business, unless there is a functional or operational need to locate in the General Rural Zone. As with Mr. Hegarty, I understand the established case law²³ holds that ‘avoid’ policies set a high threshold and I find that directive language (such as “avoid”, “restrict”, or “ensure”) are typically found in more prohibitive provisions.
- 8.8 I have no evidence before me that suggests the proposal has a functional or operation need to locate in the General Rural Zone. However, I agree with the following from Mr. Hegarty ‘...*although the site is situated within the GRUZ, previous consent decisions have created an exiting environment that is not rural in character or land use. Rather this environment is undergoing rapid urbanisation and has been identified by the Partially Operative District Plan as a development area...as such, it is my opinion that the proposal is inconsistent with GRUZ-P5*’²⁴. I find that the

¹⁹ Hegarty, T. (2024). Section 42A Report (para. 187, 210)

²⁰ Bonis, M. (2024). Statement of Evidence (para. 84)

²¹ Hegarty, T. (2024). Section 42A Report (para 166-187) - Bonis, M. (2024). Statement of Evidence (para. 87)

²² Bonis, M. (2024). Statement of Evidence (para. 90(f))

²³ *Environmental Defence Society Inc v The New Zealand King Salmon Co Ltd*[2014] NZSC 38 – quoted in Hegarty, T. (2024). Section 42A Report (para. 207)

²⁴ Hegarty, T. (2024). Section 42A Report (para. 207)

change in receiving environment, i.e., the fast-track consented baseline, influences the extent to which the outcomes sought by GRUZ-P5 can be achieved, and when considered within the context of this environment, I agree that the proposal is inconsistent with, but not contrary to, this policy.

- 8.9 With respect to the remaining objectives and policies not specifically discussed above, I concur with the evidence of both Mr. Hegarty and Mr. Bonis. I record there are no other provisions that pose any significant issues or barriers to granting consent. Accordingly, the proposal is not in conflict with the remaining objectives and policies under consideration.

Weight between District Plans

- 8.10 Section 104(1)(b)(vi) requires the consent authority to have regard to an operative plan or proposed plan. Where there is conflict between the provisions of an operative and proposed plan, a weighting assessment is required to determine which plan may be afforded more weight. As I have reached the same conclusion in respect to both the Operative District Plan and Partially Operative District Plan, I record that no weighing assessment is required.

9.0 OTHER RELEVANT DOCUMENTS

- 9.1 Both Mr. Hegarty and Mr. Bonis have assessed the proposal against the relevant provisions of the Canterbury Regional Policy Statement; National Environment Standard for Assessing and Managing Contaminants in Soil to Protect Human Health; and the National Policy Statement – Urban Development. They submit that the proposal is consistent with these higher-level documents.
- 9.2 Based on the evidence before me, I agree with the assessment provided by Mr. Hegarty and Mr. Bonis and record that the proposal is not inconsistent with the relevant provisions of these documents.

10.0 PRECEDENT & PLAN INTEGRITY

- 10.1 Given the non-complying status of this application it is appropriate to have regard to the issue of precedent, as well as the effect of granting consent upon the integrity of the District Plan. These are not mandatory considerations but are matters that decision makers may have regard to, depending on the facts of a particular case including:
- Whether a proposal is contrary to the objectives and policies of the plan; and if so
 - Whether it can be seen as having some distinct or unusual qualities that would set it aside from the generality of cases.
- 10.2 In this case, I find that the proposal will have no more than minor adverse effects and is not contrary to the directly relevant objectives and policies, therefore I am satisfied that issues of precedent and plan integrity do not arise.

11.0 SECTION 104D(1)(a) & (b) OF THE ACT

- 11.1 As a non-complying activity, the gateway test in section 104D must be met in order for the application to be granted consent. Either the adverse effects on the environment must be minor, or the application is not contrary to the objectives and policies of the Operative and Partially Operative District Plans.

- 11.2 As record, the application satisfies both tests as, for the reasons detailed herein, the adverse effects on the environment will be no more than minor and the application is not contrary to the objectives and policies of the Operative and Partially Operative District Plans. On this basis, there is no impediment to granting consent under to s.104D(1).

12.0 PART 2 OF THE ACT

- 12.1 The consideration under section 104 is subject to Part 2 of the Act – Purpose and Principles.
- 12.2 The purpose of the Act is contained within section 5 and it is to promote the sustainable management of natural and physical resources. *Sustainable management* means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while: sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and avoiding, remedying, or mitigating any adverse effects of activities on the environment.
- 12.3 The other sections of Part 2, sections 6, 7 and 8, address matters of national importance, other matters and Te Tiriti o Waitangi (the Treaty of Waitangi) respectively.
- 12.4 Based on the evidence before me and the findings herein, I find that the proposal will be consistent with Part 2 of the Act.

13.0 CONSIDERATIONS

- 13.1 Overall, having given careful consideration of the evidence before me, in particular the receiving environment, I find the proposal to be inconsistent with, but not contrary to, the overarching objectives and policies of the Operative and Proposed District Plans, and effects on the environment are considered to be no more than minor.

14.0 DECISION

- 14.1 Having considered all relevant matters, I conclude that the Land Use resource consent application by Woolworths New Zealand Limited to establish and operate a supermarket and small-scale ancillary retail/commercial tenancies, including associated earthworks, access, carparking, signage and landscaping, at 597 East Maddisons Road, Rolleston, be **granted** pursuant to sections 104, 104B, and 104D of the Act, subject to the following conditions imposed under section 108 and 220 of the Act:



Nathan O'Connell
Independent Commissioner
3 October 2024

Conditions of Consent

RC245088 Land Use Consent Conditions

General Conditions

1. Except where modified by conditions, the development must 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 RC245088 and include the following:
 - a) Location Plan, Site Plan, Floor Plans, Elevations, Recession Planes & Signage, and Exterior Materials (ASC Architects, Project Number 23826, Sheets RC01 to RC018, dated 26/08/2024);
 - b) Landscape Resource Consent Package dated 23 August 2024 (Kamo Marsh Landscape Architects: Landscape Plan Drawing No. Ref No. 5440 Revision K, Landscape Master Plan and Specimen Tree Plan);
 - c) Assessment of Environmental Effects by Planz Consultants Limited and associated technical reports dated 16 February 2024; and
 - d) Further Information Response Letter from Planz Consultants Limited dated 22 April 2024.

Construction Management

2. All earthworks authorised by this consent shall be undertaken in general accordance with the current edition of Environment Canterbury's Erosion and Sediment Control Toolbox, and the Erosion, Sediment and Dust Management Plan (ESDMP). This shall be submitted to the Selwyn District Council for certification at least 15 Working Days prior to any land disturbance associated with RC245088 commencing.

The ESDMP must include:

- a. Minimising the amount of disturbed material and open ground;
- b. Controlling run-off water from flowing across the site and disturbed open earthworks where practical;
- c. Separating clean run-off water from adjacent road and properties from on-site run-off;
- d. Avoiding surface erosion by protecting any exposed areas from overland run-off, effect of heavy rain events and wind blow;
- e. Preventing sediment from leaving the Site by directing water to remain on-site and avoiding run-off and loose sediment from reaching adjoining properties;
- f. Covering stockpiles and open ground with appropriate material when exposed for a length of time and / or prone to wind erosion;
- g. Removing stockpiles from site as soon as possible. Stockpiles will be kept tidy and constructed in a safe manner, noting that they must not be greater than 4m in height and have a stable slope;
- h. Covering excavated access formation with a running course as soon as possible to reduce potential erosion; and
- i. Inspection and monitoring of control measures, and rectification works as necessary.

3. The Consent Holder must 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.
4. The Consent Holder must implement best practicable option measures to avoid or mitigate the discharge of sediment laden runoff beyond the boundaries of the Site.
5. The Consent Holder must ensure that a Construction Traffic Management Plan (CTMP) is prepared in accord with Waka Kotahi's Code of Practice for Temporary Traffic Management procedures. The objective of the CTMP is to provide specific details and management responses as to the site-specific design, implementation, maintenance and removal of temporary traffic management measures whilst construction work commissioned by RC245088 is carried out on the road corridor (road, footpath or berm). The CTMP must be submitted to the Selwyn District Council for certification at least 15 Working Days prior to any construction works commencing that affect the normal operating conditions on the roading network.
6. The Consent Holder must formally provide written confirmation to Lemonwood Grove and Waitaha Schools, via the Principal of each school, of notice of works commencing, at least 15 working days prior to any construction works commencing. The Consent Holder shall formally provide written confirmation to the Ministry of Education, via resource.management@education.govt.nz, of notice of works commencing, at least 15 working days prior to any construction works commencing.
7. 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 must immediately cease within 10m of the contamination. Works must not recommence in this area until the Consent Holder commissions a suitably qualified and experienced contaminated land practitioner to assess the contamination, and their necessary recommendations to ensure human health have been implemented by the Consent Holder.
8. Any contaminated soils removed from the site must be disposed of at a consented facility whose waste acceptance criteria would be met. Evidence of waste disposal, such as weighbridge receipts, must be submitted to Selwyn District Council within two months of completion of works.
9. An accidental discovery protocol (ADP) must be in place during all earthworks required to exercise this consent to deal with archaeological finds and protect the interests of mana whenua. This condition does not constitute a response under the Heritage New Zealand Pouhere Taonga Act (HNZPT 2014). Refer Appendix 1 – Accidental Discovery Protocol (as below).
10. The Consent Holder must submit a Construction Noise and Vibration Management Plan (CNVMP) to be reviewed and certified by the Council. The objective of the CNVMP is to identify, require and enable the adoption of the best practicable option to minimise adverse construction noise and vibration effects. The CNVMP must include details of all mitigation measures to ensure compliance with consent conditions. The CNVMP must be prepared with reference to Annex E of NZS 6803:1999 Acoustics – Construction Noise and must address the following matters as a minimum:
 - a. The consented construction noise and vibration limits;
 - b. Limitations on working hours;
 - c. Minimum separation distances for compliance for all noisy equipment and heavy plant;
 - d. Details of noise and vibration mitigation measures;

- e. Details for advising the occupiers of the neighbouring buildings of the works, including timeframes and when the highest noise and vibration levels can be expected;
- f. Procedures for response to concerns from neighbours and dealing with any complaints;
- g. Procedures for any noise and vibration monitoring to be undertaken during the works; and
- h. Details for ensuring that contractors and operators on site are aware of the requirement to minimise noise and vibration effects on the neighbouring sites.

Landscaping

11. A minimum of 15 working days prior to construction commencing on the Site, the Consent Holder must submit a detailed landscape plan and specification to the Selwyn District Council for certification. The objective of the detailed landscape plan is to provide the planting specifications, methods and ongoing management and maintenance schedule to achieve the outcomes of the landscape plan referred to in Condition 1(ii). The detailed landscape plan shall include the following:
 - a) It is in general accordance with the Landscape Plan (Condition 1(ii));
 - b) 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;
 - c) Details of tree pit design, including custom tree pit '*Laurus nobilis*' (as shown on Kamo Marsh Landscape Architects: Landscape Plan Drawing No. Ref No. 5440 Revision H, Landscape Master Plan and Specimen Tree Plan Notes Item 4), landscape irrigation, and tree protection measures from vehicles, pedestrians, and shopping trolleys; and
 - d) A landscape management plan identifying:
 - i. Landscape maintenance plan / schedule for the first three years of establishment from date of planting to ensure landscape planting is well established after three years, including:
 - All roadside boundary and carpark trees to be limbed to 1.2m as they reach maturity including three *Magnolia grandiflora* 'Little Gem' adjoining Goulds Road fronting the Click 'n Collect (as shown on Kamo Marsh Landscape Architects: Landscape Plan Drawing No. Ref No. 5440 Revision H, Landscape Master Plan and Specimen Tree Plan Notes Item 3,) and provides adequate coverage, plant health and vigour;
 - Provision of root barrier along only the interface of the carpark to the planted area associated with the northeast boundary of the carparking area to Shillingford Boulevard (i.e. no root barrier is required at the interface of the planted area fronting the Shillingford Boulevard Reserve);
 - A regular maintenance and trimming schedule for any trees within 6m to the carpark lighting posts to ensure landscape planting is well established but maintains illuminance for the proximate carparking area;
 - ii. Ongoing landscape maintenance to ensure all trees are maintained to reach their full height and form.

- e) If no response is received from Selwyn District Council after 10 working days of submission, the detailed landscape plan and specification must be treated as certified.
12. Prior to any retail activity commencing at the Site, the proposed landscaping must be established in general accordance with the detailed landscape plan and specification certified under Condition 11.
13. All specimen trees identified on the Tree Species list (Condition 1(ii)) must be a minimum height / scale at the time of planting, as follows:

Latin Name	Common Name	Scheduled Size
<i>Carpinus betulus</i> 'Fastigiata'	European Hornbeam	2200/45L
<i>Dodonaea viscosa</i> purpurea	Purple Ake Ake	1500/12L
<i>Griselinia littoralis</i> (hedge)	Kapuka/Broadleaf	700/6.0L, spaced at 600mm centres
<i>Laurus nobilis</i>	Bay Laurel	2200/35L
<i>Magnolia grandiflora</i> 'Little Gem'	Magnolia Little Gem	1800/45L
<i>Pittosporum eugenioides</i>	Lemonwood / Tarata	2500/45L
<i>Podocarpus totara</i>	Tōtara	2200/35L
<i>Prunus</i> 'Amanogawa'	Upright Flowering Cherry	2200/45L

If alternative species are proposed, they must achieve the same outcome as the approved landscape plan and any substitute species must be of the same or greater height / scale at the time of planting.

Once established, the trees must be allowed to grow to their full natural height, except as required by Condition 11.

14. All required landscaping must be maintained. Any dead, diseased or damaged landscaping must be replaced immediately with plants of similar species. If any tree dies within the first three years they must be replaced with the same species and grade within the next available planting season in accordance with the certified Landscape Plan.
15. As shown on ASC Architects, Project Number 23826, Sheets RC01 to RC018, dated 26/08/2024, interface fencing with Goulds Road adjoining the Courier / Staff Parking area must consist of a maximum 1.8m high 'powder coated fence' in 'Interpon Futura D2525 Ordos Sable (RGB 124,89,65, LRV 15%)' and permeability not being less than 50%. This fencing must be maintained in good order, including being free of graffiti and must not be used for signage or advertising. If an alternative material is proposed it must achieve the same outcome, and maintain the same height and permeability.

Signage

16. Signage must proceed in accordance with the information and plans submitted as ASC Architects, Project Number 23826, Sheets RC10, dated 26/08/2024), including that:
- a) Signs numbered as No.7, No. 8 and No.10 do not exceed 800mm (w) x 1000mm (h);

- b) The pylon sign numbered as No.9 does not exceed a support of 2.2m x 3.0m with signage not exceeding 3.0m²; and
 - c) The Pylon Signs adjoining the access to Shillingford Boulevard and Goulds Road do not exceed a height of 7.5m and 9.0m respectively (Signs 12 and 13).
17. All signs must remain unilluminated between 2200 hours and 0700 hours.

Transport

17. Car parking, cycle parking and access must be established in general accordance with the approved Site Plan (Condition 1), including carparking spaces to be provided on site and a minimum of:
- a) 5 mobility impaired parking spaces; and
 - b) 38 cycle parking spaces to be provided on-site.
18. The Consent Holder must inform all delivery drivers under its direct control that access for semi-trailers is restricted to entering the Site via the Goulds Road service access, with exit via a right turn to Road 7 in Arbor Green, and a right turn onto Shillingford Boulevard.
19. The Consent Holder must ensure that no obstruction of more than 1m in height is located within visibility splays in order to ensure drivers and pedestrians / cyclists have suitable intervisibility of one another as set out below:
- a) For pedestrian and driver intervisibility a 2m-wide x 5m-long visibility splay at each of the following accesses.
 - i. Exit side of the two-way Goulds Road car park access;
 - ii. Both sides of the one-way Goulds Road pick up exit;
 - iii. Exit side of the two-way Goulds Road service access; and
 - iv. Both sides of local road truck exit.
 - b) For cyclist and driver intervisibility a sightline on all access exit lanes to Goulds Road. The sightline must be measured as follows to both directions on the shared path:

From the centre of the exit lane 3m back from the edge of the shared path to the centre of the shared path at a location 25m along the shared path from the centre of the exit lane.

Advice Note: *There is no specific requirement at the Shillingford Boulevard access as the pedestrian path is separated from boundary.*

20. Prior to the opening of the accessory retail units, the Consent Holder must provide to Selwyn District Council a Loading Management Plan for certification. The objective of the Loading Management Plan is to ensure that freight deliveries to the accessory retail units does not affect the functioning of the Shillingford Boulevard vehicle entrance. The Loading Management Plan must be implemented for the duration of the accessory retail units' use.

Lighting

21. Prior to the issue of a building consent for the supermarket and/or accessory retail units, the Consent Holder must provide to Selwyn District Council a Lighting Plan for certification. The objective of the Lighting Plan is to ensure that lighting provides for safe movement of vehicles and pedestrians to and through the Site, as well as addressing light spill onto the surrounding area. The Lighting Plan must contain the following:
- a) Drawings and information regarding the lighting under the carpark pedestrian canopy and 'click n collect' canopy; and

- b) Drawings and information of the artificial outdoor lighting design, including confirmation that the calculated maximum horizontal and/or vertical illuminance at the boundary of any adjoining property is 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.
- 22. All security lights must be directed into the Site and away from neighbouring properties.

Development Engineering and Servicing

- 23. The Consent Holder must ensure that the finished floor level for the proposed building is at least +40.80 LVD37.

Advice Note: *The finished floor level above may require updating once flood modelling for the adjoining subdivision has been completed. The Consent Holder is advised that modification of the building's floor levels, and a new Flood Assessment Certificate may be required once further flood modelling is completed. These modifications may also require an application under section 127 of the Resource Management Act to change Condition 1 of this decision. This Condition does not apply to the loading dock canopy or the 'click n collect' area.*

- 24. The engineering design plans and specifications for all works must be submitted to the Development Engineering Manager for engineering approval. No related work must commence until engineering approval has been confirmed in writing. Any subsequent amendments to the plans and specifications must be submitted to the Development Engineering Manager for approval.
- 25. The engineering design plans and specifications for all works must be submitted to the Development Engineering Manager for approval including, but not limited to:
 - a) Water supply;
 - b) Sewerage;
 - c) Stormwater;
 - d) Roading, including streetlighting and entrance structures;
 - e) Upgrade of existing road frontages;
 - f) Shared accessways; and
 - g) Landscaping and irrigation.

No related works must commence until Engineering Approval has been confirmed in writing. Any subsequent amendments to the plans and specifications must be submitted to the Development Engineering Manager for approval.

- 26. All work must comply with the conditions set out in the Engineering Approval and be constructed in accordance with the approved engineering plans.
- 27. All work must comply with the Engineering Code of Practice, except as agreed in the Engineering Approval.
- 28. The Consent Holder must include with the engineering plans and specifications submitted for Engineering Approval, copies of any other consents required and granted in respect of this subdivision, including any certificate of compliance or consent required by Canterbury Regional Council.
- 29. The Consent Holder must provide accurate 'as built' plans of all services to the satisfaction of the Development Engineering Manager. All assets being vested in Council must be provided

in an appropriate electronic format for integration into Council's systems. Any costs involved in provision and transfer of this data to Council's systems must be borne by the consent holder.

30. The Consent Holder must provide a comprehensive electronic schedule of any assets to be vested in the Council to the satisfaction of the Development Engineering Manager. The schedule must include but not be limited to installed material unit costs, type, diameter, class, quantity and include summary details.
31. The Consent Holder must 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.
32. Private water reticulation infrastructure inside the boundary must be sized assuming 310kPa at the point of supply to the SDC water network (upstream of the RPZ). All water for firefighting sprinkler systems must pass through a private storage tank prior to further pumping unless otherwise formally agreed to in writing by the Selwyn District Council (during the Building Consent stage).
33. Any fire sprinkler system water storage tank volume must be sized for the full firefighting volume requirements of the sprinkler system (it cannot be supplemented via the SDC water supply) and must have an orifice plate/restriction on the inlet to the tank so that the tank is limited to refill in 6 hours."
34. A single 63mm water connection for the use of potable water supply to the property is permitted to supply the development site with potable water. Subject to detailed design during the Building Consent phase, further portable water supply connections may be required. This connection, along with any other approved by Council, must be metered and must have the appropriate backflow prevention fitted as prescribed by Council Policy W213 – Backflow Protection at Point of Supply Policy.
35. A flow meter and privately owned and maintained RPZ backflow preventor must be installed at the Selwyn District Council point of supply at the road reserve/allotment boundary. No water can be extracted from the Selwyn District Council reticulation network until a flow meter and certified and tested RPZ arrangement is in place. The RPZ must be located inside private land.
36. No irrigation is permitted from the Council Water Supply.
37. Water infrastructure sizing within private land and firefighting requirements must be documented in a report submitted to council for approval of connection type and size at the time of building consent application.
38. All Water connections must be metered. Meters must be installed in the road reserve in accordance with Engineering Code of Practice and the accepted engineering plans. (Note that multi meter boxes may be utilised).
39. Connection into Council's reticulated water supply must either be carried out by Council's Five Waters maintenance contractor, or a suitably qualified water installer under the supervision of Council's five waters contractor. Costs incurred through supervision by CORDE must be met directly by the consent holder.

Advice Notes

- *For supervision purposes a minimum of 5 working days' notice is required. Please note a connection fee being the actual cost quoted by Council's Five Waters maintenance contractor will apply.*

- *Applications for new water connections can be made online via SDC's website (Selwyn District Council New Water Connection approval form). Applications should be made at least 8 working days prior to commencement of work (allow a minimum of 10 working days for watermain shutdowns).*
40. A 1050mm diameter manhole must be installed at the property boundary that connects directly to the 150mm diameter wastewater lateral provided to service the development site. This manhole will become the designated Council maintained point of supply for wastewater and will be vested to Council. The manhole will be protected by an easement in gross favour to Council that grants Council access rights for maintenance purposes.
 41. All gravity wastewater laterals must be installed ensuring grade and capacity are provided for and in accordance with Council's Engineering Code of Practice, giving regard to maximum upstream development density.
 42. All vested wastewater reticulation must meet Council's pressure testing and CCTV inspection standards as prescribed by the Engineering Code of Practice. Supporting documentation must be supplied to Council.
 43. Connection to the Council sewer must be arranged by the Consent Holder at the Consent Holder's expense. The work must be done by a registered drainlayer.
 44. The Consent Holder must install stormwater reticulation treatment and disposal systems to service the development in accordance with the accepted engineering plans and the requirements of the associated discharge consent.
 45. Post development stormwater discharges will not exceed pre-development stormwater discharges for all critical duration design storm events up to and including the 1% AEP storm. Designs and supporting information will be submitted to Council via development.engineer@selwyn.govt.nz for review and acceptance.
 46. All stormwater infrastructure within the development site is required to have stormwater treatment installed to meet the stormwater treatment outcomes prescribed by the Land Water Regional Plan or a related discharge consent.
 47. Any stormwater generated from solar panels (where incorporated) and roof areas known to generate contaminants (such as copper guttering and roofing) will be required to be treated for heavy metals and other contaminants prior to discharge to ground in accordance with Environment Canterbury requirements.
 48. Where a specific discharge consent is issued by Canterbury Regional Council, any consent or associated conditions will be subject to Council acceptance, where these obligations will be transferred to Selwyn District Council Draft CRC consent conditions must be submitted to Council for acceptance via development.engineer@selwyn.govt.nz prior to Engineering Acceptance being granted, once accepted, will thereafter form part of the Approved Consent Document. Should the Development Engineering Manager (or their nominee) refuse to accept the documentation, the Consent Holder must submit a revised documents for acceptance. The acceptance process must follow the same procedure and requirements as outlined in condition

Advice Notes

- *The Development Engineering Manager (or their nominee) will either accept, or refuse to accept, the documentation within 30 working days of receipt. Should the Development Engineering Manager (or their nominee) refuse to accept the documentation, they will provide a letter outlining why acceptance is refused; and*

- *The consent holder will hold, operate and maintain the CRC operational discharge consent for the lifetime of the development.*
49. The Consent Holder will notify Council no earlier than 10 working days prior to commencement of discharging treated stormwater from the Site into Council's infrastructure.
 50. The Consent Holder must demonstrate that the operational discharge stormwater is compliant with any Canterbury Regional Council consent that is held in the Consent Holder's name for the Site.
 51. Any change in ground levels must not cause a ponding or drainage nuisance to neighbouring properties. All filled land must be shaped to fall to the road boundary. Existing drainage paths from neighbouring properties must be maintained.
 52. Entrance structures must not be placed on Council road reserve.
 53. The Consent Holder must ensure that Council is indemnified from liability to contribute to the cost of erection or maintenance of boundary fences between reserves and adjoining lots.
 - a) This must be ensured by way of a fencing covenant registered against the computer freehold register to issue for each adjoining lot. The covenant is to be prepared by Council's solicitor at the expense of the consent holder; and
 - b) The Consent Holder must procure a written undertaking from the consent holder's solicitor that the executed fencing covenant will be registered on prior to the public opening of the supermarket.

Operational Noise Management

54. All external mechanical plant (except for the emergency backup generator) must be designed to achieve a35 dB LAeq noise level at the site boundary at all times, unless the Consent Holder has demonstrated that higher mechanical plant levels can be accommodated at the Site boundary without causing cumulative night-time noise levels from all activity on the site, to exceed 40 dB LAeq at residential sites, or 42 dB LAeq at residential sites opposite along Goulds Road.
55. The Consent Holder must ensure that all activities on site measured in accordance with NZS 6801:2008 "Acoustics – Measurement of environmental sound", and assessed in accordance with the provisions of NZS 6802:2008 "Acoustics – Environmental noise", must not exceed the following noise limits at any point within the boundary of any other site:
 - a) 0700 to 2200 hours: 55 dB LAeq; and
 - b) 2200 to 0700 hours: 45 dB LAeq and 70 dB LMax.
56. Truck deliveries to be limited to the daytime hours of the District Plan (0700 – 2200 hours).
57. A Loading Bay Noise Management Plan is to be adopted for the loading bay, which describes best practice to reduce adverse noise effects, including limiting deliveries to the daytime period and describing managerial measures such as signage to ensure that truck deliveries which take longer than 5 minutes to unload will turn off their engine, and refrigeration units attached to delivery trucks are turned off during unloading.
58. A minimum of 15 working days prior to operation commencing on the Site, the Consent Holder must submit the Loading Bay Noise Management Plan under Condition 59 to the Selwyn District Council for certification. If no response is received from Selwyn District Council after 10 working days of submission, the detailed landscape plan and specification must be treated as certified.
59. Non-tonal reversing alarms must be installed on forklifts, and they must be set so that they are no louder than required for safety reasons.

60. Noise barriers must be erected along that boundary of the site as shown on Kamo Marsh Landscape Architects: Landscape Plan Drawing No. Ref No. 5440 Revision H, Landscape Master Plan [Page 1001] 'CD 2.3m high acoustic solid timber fence' meeting the following minimum specifications:
- a) Height – at least 2.3 meters;
 - b) Surface mass – at least 10 kg/m²; and
 - c) The fence must be continuous and maintained with no gaps or cracks. For timber fences, this will require palings to be well overlapped (25 mm minimum) or a “board and batten” system, and a sleeper rail connecting the base of the palings to the ground. A minimum paling thickness of at least 25mm is required to help resist warping.

Attachments

1. RC245088 Land Use Approved Plans – Location Plan, Site Plan, Floor Plans, Elevations, Recession Planes & Signage, and Exterior Materials (ASC Architects, Project Number 23826, Sheets RC01 to RC018, dated 26/08/2024).
2. RC245088 Approved Landscape Plans - Landscape Resource Consent Package dated 22 August 2024 (Kamo Marsh Landscape Architects: Landscape Plan Drawing No. Ref No. 5440 Revision H, Landscape Master Plan and Specimen Tree Plan).

Development Contributions (Land Use Consent)

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. Any objection or request for reconsideration must be made in writing in accordance with the Development Contribution Policy.

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

Note - The Applicant/Consent Holder disagrees with the assessment of Development Contributions (i.e., in the table below) and has formally requested a reconsideration of the Development Contribution on 29 August 2024. The actual Development Contribution payable will be determined through that process, which is separate to the RMA process and outside the scope of this decision.

Water Contributions								
GFA (m2)	***Activity Based HUE Equivalent	Total HUE	Development Contribution 3STotal for xcl)category	per HUE	**HUE Credit Available	Total credit available	Total (GST Excl)	Total (GST Incl)
4226	0.0027	11.4	\$2,462.00	\$28,091.91	0.00	\$0.00	\$28,091.91	\$32,305.70
*** Based on daily water meter reading Countdown - Rolleston								
**Consent Notice unserviced lot								
Wastewater Contributions								
GFA (m2)	***Activity Based HUE Equivalent	Total HUE	Development Contribution per HUE (GST excl)	Total for category	**HUE Credit Available	Total credit available	Total (GST Excl)	Total (GST Incl)
4226	0.0027	11.41	\$6,637.80	\$75,738.63	0	\$0.00	\$75,738.63	\$87,099.42
*** Based on daily water meter reading Countdown - Rolleston								
**Consent Notice unserviced lot								
Transportation Contributions								
*Change in traffic volume (vph x 15 hours per day)	Activity Based HUE Equivalent	Total HUE	Development Contribution per HUE (GST excl)	Total for category	**HUE Credits Available	Total Credit Available	Total (GST Excl)	Total (GST Incl)
4560	8	570.00	\$1,472.00	\$839,040.00	0	\$0.00	\$839,040.00	\$964,896.00
** Consent notice unserviced lot								
ITA, Stannic_16 February 2024 - page 29 - increase: 304vph - 15 hours								
							Total including GST	\$1,084,301.12

Selwyn District Council Advice Notes for the Consent Holder

Lapse Period (Land Use Consent)

- a) Pursuant to section 125 of the Resource Management Act 1991, if not given effect to, this land use consent shall lapse five years after the date of issue of the decision, i.e. the date of receipt of the Notice of Decision email, unless before the consent lapses an

application is made to the Council to extend the period after which the consent lapses and the Council decides to grant an extension.

Resource Consent Only

- b) This consent is a Selwyn District Council resource consent under the Resource Management Act. It is not an approval under any other Act, Regulation or Bylaw. Separate applications will need to be made for any other approval, such as a water race bylaw approval or vehicle crossing approval.

Building Act

- c) 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

- d) This activity may require resource consent(s) from Canterbury Regional Council (ECan). It is the Consent Holder's responsibility to ensure that all necessary resource consents are obtained prior to the commencement of the activity.

Monitoring

- e) In accordance with section 36 of the Resource Management Act 1991, the Council's specialised monitoring fee has been charged. This covers setting up a monitoring programme and at least two site inspections.
- f) 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.
- g) Where the conditions of this consent require any reports or information to be submitted to the Council, please forward to the Council's Compliance Team, compliance@selwyn.govt.nz.
- h) Any resource consent that requires additional monitoring due to non-compliance with the conditions of the resource consent will be charged additional monitoring fees at a time and cost basis.

Vehicle Crossings

- i) Any new or upgraded vehicle crossing requires approval from Council's Infrastructure and Property Department prior to installation. Applications to install a new vehicle crossing or upgrade an existing one can be made online via the SDC website (Selwyn District Council - Application to Form a Vehicle Crossing (Entranceway)). For any questions regarding the process please contact the Roading Team via email at transportation@selwyn.govt.nz.

Accessible Carparking Spaces

- j) The District Plan and the Building Code have different requirements for accessible carparking. Therefore, the carparking plan approved as part of this resource consent may not comply with the Building Code. Early engagement with the building consent team is recommended to ensure all requirements can be met.

Impact on Council Assets

- k) Any damage to fixtures or features within the Council road reserve that results from construction or demolition on the site shall be repaired or reinstated at the expense of the Consent Holder.

Vehicle Parking During the Construction Phase

- l) Selwyn District Council is working to keep our footpaths safe and accessible for pedestrians, including school children. The Council also seeks to avoid damage to underground utility services under footpaths, e.g. fibre broadband. During the construction phase (and at all other times), please:
 - park only on the road or fully within your property – it is illegal to obstruct or park on a footpath; and
 - arrange large deliveries outside of peak pedestrian hours, e.g. outside school start/finish times.

Businesses Preparing or Serving Food and/or Alcohol

- m) Any Consent Holder for a business preparing or serving food and/or alcohol will need to ensure that the business complies with any requirements under the Food Act 2014 and the Sale and Supply of Alcohol Act 2012 and associated regulations.
- n) Any Consent Holder for a business preparing food will need to ensure the business complies with any requirements of the Selwyn District Council Trade Waste Bylaw. More information is available on the Council's website <https://www.selwyn.govt.nz/services/water/wastewater/trade-waste-discharge>

Development Engineering

- o) The fire sprinkler system water storage tank volume must be sized for the full firefighting volume requirements of the sprinkler system (it cannot be supplemented via the SDC water supply) and must have an orifice plate/restriction on the inlet to the tank so that the tank is limited to refill in 6 hours.
- p) A trade waste permit is to be obtained prior to any retail activity being undertaken on the site. The Consent Holder is to formally provide to Council's Compliance and Monitoring Team, compliance@selwyn.govt.nz receipt of a Trade Waste permit responding to either of the following internal wastewater designs:
 - i. Establishment of a separate dedicated trade waste line that terminates into a 1050mm diameter manhole located immediately upstream of the Council maintained point of supply. This manhole will become the sampling point and must also be protected by an easement in gross favour of Council granting Council access rights for maintenance and sampling purposes; or
 - ii. Use the Council maintained point of supply as the trade waste sampling point.
- q) No physical connections or operation of the development site can occur until the related section 224(c) for the Arbor Green Development is issued.
- r) Engineering Approval – All applications for Engineering Approval shall be uploaded electronically to the Selwyn District Council Website at the following address: www.selwyn.govt.nz/services/subdivisions/engineering-approval/
 - i. The application shall include:
 - ii. Design specifications
 - iii. Design drawings
 - iv. Design calculations

- v. Relevant Resource Consents or Certificates of Compliance.
- vi. All correspondence regarding engineering approvals is to be directed to:
Development.Engineer@selwyn.govt.nz

Te Taumutu and Ngāi Tūāhuriri Rūnanga Advice Notes for the Consent Holder

- s) The Consent Holder is encouraged to use predominantly indigenous species to increase the biodiversity in the takiwā.
- t) The Consent Holder must undertake appropriate maintenance to extend the life of the proposed solar panels. In addition, consideration must be given to appropriate disposal at end of life.
- u) The Consent Holder should incorporate the Ngāi Tahu Subdivision and Development Guidelines to the greatest practical extent. The development should incorporate sustainable urban design features with respect to stormwater runoff and greywater reuse including:
 - i. Greywater capture and reuse.
 - ii. Rainwater capture and reuse (i.e., rainwater collection tanks).
 - iii. Minimising impervious cover (e.g., using permeable paving and maintaining grass cover).
 - iv. The use of rain gardens and swales (or other land-based methods) rather than standard curb and channel.
 - v. Avoiding the use of building material known to generate contaminants such as copper guttering and roofing.

APPENDIX 1 Accidental Discovery Protocol

PRIOR TO COMMENCEMENT OF ANY WORKS, A COPY OF THIS ADP SHOULD BE MADE AVAILABLE TO ALL CONTRACTORS WORKING ON SITE.

Purpose

This Accidental Discovery Protocol (ADP) sets out the procedures that must be followed in the event that taonga (Māori artefacts), burial sites/kōiwi (human remains), or Māori archaeological sites are accidentally discovered. The Protocol is provided by Ōnuku Rūnanga. Ōnuku Rūnanga are the representative body of the tangata whenua who hold mana whenua in the proposed area.

Background

Land use activities involving earthworks have the potential to disturb material of cultural significance to tangata whenua. In all cases such material will be a taonga, and in some cases such material will also be tapu. Accidental discoveries may be indicators of additional sites in the area. They require appropriate care and protection, including being retrieved and handled with the correct Māori tikanga (protocol).

Under the *Heritage New Zealand Pouhere Taonga Act 2014*, an archaeological site is defined as any place associated with pre-1900 human activity, where there is material evidence relating to the history of New Zealand. It is unlawful for any person to destroy, damage or modify the whole or any part of an archaeological site (known or unknown) without the prior authority of the Heritage New Zealand Pouhere Taonga (HNZPT). This is the case regardless of the legal status of the land on which the site is located, whether the activity is permitted under the District or Regional Plan or whether a resource or building consent has been granted. The HNZPT is the statutory authority for archaeology in New Zealand.

Note that this ADP does not fulfil legal obligations under the Heritage New Zealand Pouhere Taonga Act 2014 regarding non-Māori archaeology. Please contact the HNZPT for further advice.

Immediately following the discovery of material suspected to be a taonga, kōiwi or Māori archaeological site, the following steps shall be taken:

- A. All work on the site will cease immediately.
- B. Immediate steps will be taken to secure the site to ensure the archaeological material is not further disturbed.
- C. The contractor/works supervisor/owner will notify the Kaitiaki Rūnanga and the Area Archaeologist of the HNZPT. In the case of kōiwi (human remains), the New Zealand Police must be notified.
- D. The Kaitiaki Rūnanga and HNZPT will jointly appoint/advise a qualified archaeologist who will confirm the nature of the accidentally discovered material.
- E. If the material is confirmed as being archaeological, the contractor/works supervisor/owner will ensure that an archaeological assessment is carried out by a qualified archaeologist, and if appropriate, an archaeological authority is obtained from HNZPT before work resumes (as per the *Heritage New Zealand Pouhere Taonga Act 2014*).
- F. The contractor/works supervisor/owner will also consult the Kaitiaki Rūnanga on any matters of tikanga (protocol) that are required in relation to the discovery and prior to the commencement of any investigation.
- G. If kōiwi (human remains) are uncovered, in addition to the steps above, the area must be treated with utmost discretion and respect, and the kōiwi dealt with according to both law and tikanga, as guided by the Kaitiaki Rūnanga.
- H. Works in the site area shall not recommence until authorised by the Kaitiaki Rūnanga, the HNZPT (and the NZ Police in the case of kōiwi) and any other authority with statutory responsibility, to ensure that all statutory and cultural requirements have been met.
- I. All parties will work towards work recommencing in the shortest possible time frame while ensuring that any archaeological sites discovered are protected until as much information as practicable is gained and a decision regarding their appropriate management is made, including obtaining an archaeological authority under the *Heritage New Zealand Pouhere Taonga Act 2014* if necessary. Appropriate management may include recording or removal of archaeological material.
- J. Although bound to uphold the requirements of the Protected Objects Act 1975, the contractor/workssupervisor/owner recognises the relationship between Ngāi Tahu whānui, including its Kaitiaki Rūnanga, and any taonga (Māori artefacts) that may be discovered.

IN DOUBT, STOP AND ASK; TAKE A PHOTO AND SEND IT TO THE HNZPT ARCHAEOLOGIST

Contact Details

- HNZPT Archaeologist: (03) 357 9615 archaeologistcw@historic.org.nz HNZPT Southern Regional Office
(03) 357 9629 infosouthern@historic.org.nz HNZPT Māori Heritage Advisor
- (03) 357 9620 mhadvisorcw@historic.org.nz Kaitiaki Rūnanga:
 - Ngāi Tūāhuriri Rūnanga: Office 03 313 5543, tuahiwi.marae@ngaitahu.iwi.nz
 - Te Taumutu Rūnanga: 03 371 2660, taumutu@ngaitahu.iwi.nz