

**BEFORE INDEPENDENT HEARING COMMISSIONERS APPOINTED BY THE TIMARU
DISTRICT COUNCIL**

IN THE MATTER OF

The Resource Management Act 1991 (**RMA** or
the Act)

AND

IN THE MATTER OF

Hearing of Submissions and Further
Submissions on the Proposed Timaru District
Plan (**PTDP** or **the Proposed Plan**)

AND

IN THE MATTER OF

Submissions and Further Submissions on the
Proposed Timaru District Plan by **Foodstuffs
South Island Limited**

**EVIDENCE OF MARK DAVID ALLAN
ON BEHALF OF FOODSTUFFS SOUTH ISLAND LIMITED
REGARDING HEARING F – OTHER DISTRICT-WIDE MATTERS: NOISE**

DATED: 9 April 2025

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INTRODUCTION

- 1 My full name is Mark David Allan.
- 2 I hold the qualification of Bachelor of Resource and Environmental Planning (Hons) from Massey University.
- 3 I have been employed by Aurecon since 2004 where I currently hold the position of Director – Environment and Planning.
- 4 My previous work experience includes more than 20 years in the field of resource management, both in the public and private sector. The majority of this has been in land development (residential, commercial and industrial), infrastructure and telecommunications in the Greater Christchurch area and wider South Island, involving the preparation and oversight of resource consent applications, plan change requests and submissions on district plan reviews, and providing expert planning evidence in respect of the same.
- 5 This evidence is provided in support of the submissions of Foodstuffs South Island Ltd (**Foodstuffs**) on the Noise Chapter of the Proposed Timaru District Plan (**PTDP**). My role has been to provide planning advice on the appropriate policy and rule framework, particularly as it relates to the existing and future environment of New World Timaru (Highfield Village Mall, 145 Wai-Iti Road) and PAK'nSAVE Timaru (98 Evans Street) (**the Sites**).
- 6 Relevant to these proceedings is that I prepared a statement of evidence for Hearing B2 (Urban Zones) in respect of Foodstuffs' submissions seeking to rezone land at 11 Chalmers Street adjacent to New World Timaru from Medium Density Residential Zone (**MRZ**) to Local Centre Zone (**LCZ**), and to rezone a strip of land (Lot 1 DP 578393) adjacent to PAK'nSAVE Timaru from MRZ to LCZ.
- 7 I provided advice on the planning and consenting aspects and oversaw the preparation of Foodstuffs' resource consent application associated with the expansion of New World Timaru's carparking area over 11 Chalmers Street. I have also been involved in several resource consent applications and requests to vary consents relating to upgrades and expansions of PAK'nSAVE Timaru since approximately 2012. I am familiar with the location and surrounding environment of the Sites, having visited on numerous occasions through my involvement in the above processes.
- 8 In preparing my evidence I have considered the following documents:

- (a) Foodstuffs' submissions / further submissions on the PTDP and the submissions of others relevant to the relief sought by Foodstuffs;
- (b) Timaru District Plan (**TDP**) and PTDP as relevant to the relief sought;
- (c) Resource consent decisions relevant to the relief sought; and
- (d) Section 42A Report: Light and Noise prepared by Liz White (**s42A Report**)

CODE OF CONDUCT

9 I have read the Environment Court's Code of Conduct and agree to comply with it. My qualifications as an expert are set out above. The matters addressed in my evidence are within my area of expertise, however where I make statements on issues that are not in my area of expertise, I will state whose evidence I have relied upon. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed in my evidence.

SCOPE OF EVIDENCE

- 10 I have prepared evidence in relation to:
- (a) The relief sought by Foodstuffs;
 - (b) The locational context of PAK'nSAVE Timaru; and
 - (c) Responses to the s42A Report.

RELIEF SOUGHT

- 11 The relief sought by Foodstuffs can be broadly summarised as seeking to protect its existing and zone-enabled operations from noise sensitive activities that locate in adjacent residential zones. Foodstuffs' concern primarily originates from a recent change in land use at 18 Hobbs Street immediately adjacent to PAK'nSAVE Timaru, where the former Northtown Tavern (Commercial 2 Zone, TDP) has been replaced by a 12-lot residential subdivision (MRZ, PTDP). Accordingly, Foodstuffs has sought the following:
- (a) Retain NOISE-O1, NOISE-O2 and NOISE-P1¹;
 - (b) Amend NOISE-P5 (Reverse sensitivity) to read²;

¹ [193.4, 193.5, 193.6]

² [193.7]

*Require noise sensitive activities located in **or adjacent to** higher noise environments to be located and designed so as to minimise adverse effects on the amenity values and health and safety of occupants and minimise sleep disturbance from noise, while taking into account...*

- (c) Amend NOISE-R9 (Any new building for use by a noise sensitive activity and alterations to existing buildings for use by a noise sensitive activity) to apply to³:

Any site within the Medium Density Residential Zone at 18A Hobbs Street within 40m of the boundary of the adjacent Local Centre Zone

- (d) Amend Table 24 (Noise performance standards) by inserting the following⁴:

4. Within any part of a site in the following zones:

a. Neighbourhood Centre Zone

b. Local Centre Zone

c. Mixed Use Zone

d. Medium Density Residential Zone at 18A Hobbs Street within 40m of the boundary of the adjacent Local Centre Zone.

PAK'nSAVE TIMARU – LOCATIONAL CONTEXT

- 12 Foodstuffs' submission on the Noise Chapter is motivated by a need to ensure its operations are not unduly impeded by potential reverse sensitivity effects associated with adjacent residential activities. Foodstuffs were particularly impelled to seek amendments in light of the consented residential subdivision of the former Northtown Tavern site adjacent to PAK'nSAVE Timaru, and the subsequent rezoning of that land from Commercial 2 Zone to MRZ.
- 13 PAK'nSAVE Timaru is serviced by a service lane, running behind the supermarket between Hobbs Street and Ranui Avenue, which includes a loading bay. The service lane is utilised by large truck and trailer units providing essential deliveries to service the supermarket. Deliveries are a mix

³ [193.8]

⁴ [193.9]

of ambient, chilled and frozen heavy vehicles throughout the day, seven days a week.

- 14 Adjacent to the service lane is land that formerly contained the Northtown Tavern (**Tavern land**). Both PAK'nSAVE Timaru and the Tavern land are zoned Commercial 2 Zone in the TDP.
- 15 The Tavern land was subsequently sold to Timaru Developments Limited (**TDL**) and the Tavern was demolished. In April 2022 TDL obtained resource consent (Subdivision and Land Use Consent No. 101.2021.79.1, (**TDL Consent**)) for a 12-lot residential development on the Tavern land (**Figure 1**).

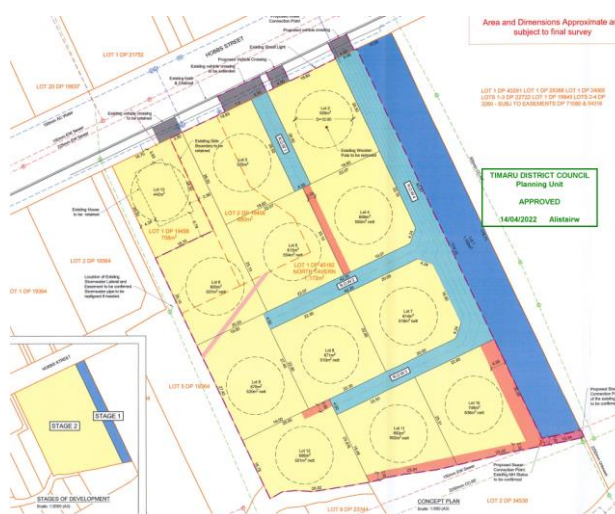


Figure 1: Excerpt from TDL Consent. Lot 1 (dark blue) being the 10m-wide strip purchased by Foodstuffs.

- 16 In November 2023 Foodstuffs purchased from TDL a 10m-wide strip of the Tavern land to widen the existing service lane behind the supermarket and provide more efficient back-of-house operations. The 10m-wide strip (dark blue area in **Figure 1**) is legally described as Lot 1 DP 578393 and is amalgamated into the single Record of Title (1070311) containing PAK'nSAVE Timaru. The 10m-wide strip has since been formed and sealed as an extension of the supermarket's back-of-house operations.
- 17 **Figures 2 and 3** illustrate the transition of the locational context of PAK'nSAVE Timaru from commercial to residential. Figure 2 shows PAK'nSAVE Timaru (red outline) and the Tavern land (blue outline) prior to the TDL Consent, in the context of the Commercial 2 Zone of the TDP. The zoning map usefully shows the underlying TDL subdivision layout on the Tavern land. Figure 3 shows the same in the context of the LCZ and MRZ of the PTDP, only with the 10m-wide strip (yellow) created by the TDL Consent now included in

the supermarket site. Foodstuffs have sought this 10m-wide strip to be rezoned from MRZ to LCZ⁵.

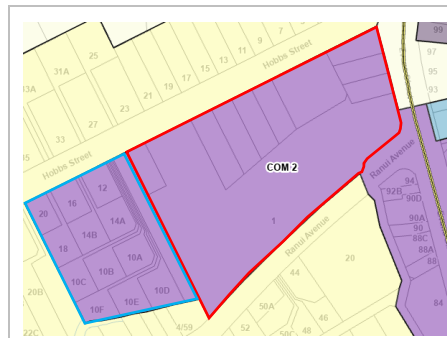


Figure 2: PAK'nSAVE Timaru (red) and Tavern land (blue) pre-2022 (*Source: Map 35, TDP, Timaru.maps.arcgis.com*)

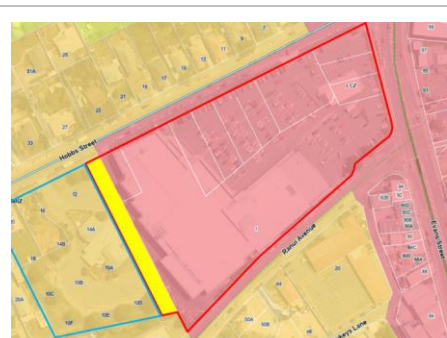


Figure 3: PAK'nSAVE Timaru (red) and Tavern land (blue) post-TDL Consent (*Source: PTDP ePlan*)

18 **Figures 4 and 5** illustrate the 'on the ground' reality of this land use and ownership transition.

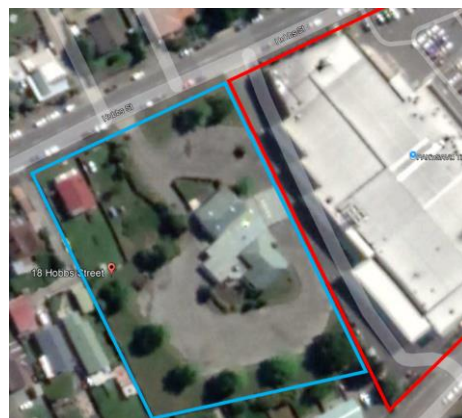


Figure 4: PAK'nSAVE Timaru (red) and Tavern land (blue), November 2020 (*Source: Google Earth*)



Figure 5: PAK'nSAVE Timaru (red) and TDL subdivision of Tavern land (blue), (*Source: Grip Map*)

19 I set out this detail to highlight the change that has occurred in the receiving environment in just the last two years. Given the Tavern was established some 40 years ago and has co-existed alongside PAK'nSAVE Timaru since 1995, I consider this represents a fundamental 'shift' in land use in a comparatively short space of time. It is this change to the locational context of PAK'nSAVE Timaru that prompted Foodstuffs' submission, and underpins its desire to protect its lawfully established operations.

⁵ [193.3] – rezoning request recommended be accepted: Table B10 (page 94), Appendix B, s42A Report: Residential; and Commercial and Mixed Use Zones, Liz White, 18 June 2024

RESPONSE TO S42A REPORT

- 20 Ms White assesses each of Foodstuffs' submission points [193.4 - .9] in Section 8 of her s42A Report, which I now address in turn.

NOISE-O1, NOISE-O2 and NOISE-P1

- 21 Ms White accepts Foodstuffs' request (193.4, .5 & .6) that NOISE-O1, NOISE-O2 and NOISE-P1 be retained, recommending only minor amendments to NOISE-O1 and NOISE-O2 in response to the submissions of others⁶. Those amendments are inconsequential to the relief sought by Foodstuffs, and I agree with her recommendations. I consider her recommended inclusion of "existing and anticipated" activities within commercial zones in NOISE-O2 reinforces Foodstuffs' position in respect of the need to protect its operations from reverse sensitivity effects arising from noise sensitive activities.

NOISE-P5

- 22 Foodstuffs' submission (193.7) is that NOISE-P5 does not fully implement NOISE-O2 because it does not provide for the protection of existing noisy activities from noise sensitive activities, located in a different zone immediately adjacent to the zone containing the existing higher noise environment. The change sought is to add reference to noise sensitive activities "*located in or adjacent to higher noise environments...*".
- 23 Ms White⁷ does not agree with Foodstuffs' request, on the basis that it would require changes to the rule framework to expand the acoustic insulation requirements to all areas adjacent to the defined higher noise environments⁸. Ms White correctly assumes that Foodstuffs' request stems from its fundamental desire to protect its operations at PAK'nSAVE Timaru from reverse sensitivity effects arising from new residential activity on the Tavern land, an issue that did not exist prior to the TDL Consent.
- 24 I agree with Ms White that the relief sought by Foodstuffs is more appropriately addressed through the associated rule framework, which I discuss below. I also take comfort from the fact that the TDL Consent contains conditions of consent to address potential reverse sensitivity effects, which have been registered as consent notices against the respective residential titles.

⁶ Paras [8.4.23], [8.4.25] and [8.6.10], s42A Report

⁷ Para [8.7.13] s42A Report

⁸ NOISE-P5 includes an explanation of 'higher noise environments' for the purpose of this policy

NOISE-R9

- 25 Foodstuffs' submission (193.8) is that NOISE-R9 does not fully implement NOISE-O2, for the same reasons outlined in relation to NOISE-P5. Foodstuffs' request is that NOISE-R9 make specific reference to the MRZ at 18 Hobbs Street, i.e. the Tavern land now subject to the TDL Consent, in order to address its concern regarding potential reverse sensitivity effects.
- 26 Ms White, with reference to Mr Hunt's technical memorandum⁹, does not consider it necessary to apply NOISE-R9 to those residential properties created by the TDL Consent within 40m of the LCZ boundary accommodating PAK'nSAVE Timaru. I agree that the acoustic insulation and ventilation standards and the requirement for an acoustic design certificate, as set out in NOISE-R9, are already embedded in the TDL Consent and recorded against the respective residential titles. I therefore agree with Ms White that it is not appropriate or necessary to duplicate these requirements in NOISE-R9 and accept her recommendation that Foodstuffs' submission point be rejected.

TABLE 24 – Noise performance standards

- 27 Following the theme of its other submission points, Foodstuffs' submission (193.9) is that Row 4 of Table 24 (Noise performance standards) needs to acknowledge the proposed boundary interface between the LCZ (PAK'nSAVE Timaru) and MRZ (TDL Consent). As noted above, the PTDP proposes to change the zoning of the Tavern / TDL Consent land from Commercial 2 under the TDP to MRZ. This effectively moves the residential zone boundary much closer to PAK'nSAVE Timaru, with consequentially more restrictive noise limits applying to the supermarket. This represents a significant change in the operational environment for the supermarket. In light of this enforced change, Foodstuffs has sought that the LCZ noise limits apply to the first 40m of the new MRZ on the Tavern / TDL Consent land, to ensure the existing supermarket operations are not curtailed by the more restrictive noise limits otherwise applicable to the MRZ.
- 28 Ms White, again with reference to Mr Hunt's technical memorandum¹⁰, agrees that it is appropriate to apply the LCZ noise limits in the situation of PAK'nSAVE Timaru¹¹. I defer to Mr Hunt's acoustic expertise and acknowledge

⁹ Page 11, Appendix A, Appendix 3, s42A Report

¹⁰ Pages 11, 12, Appendix A, Appendix 3, s42A Report

¹¹ Para 8.18.13, s42A Report

his rationale that potential noise effects of elevated noise at residences of the adjacent Tavern / TDL Consent land will be adequately mitigated by the conditions of the TDL Consent and the associated consent notices on the respective titles of that development. On this basis, I consider application of the LCZ noise limits in this discrete LCZ / MRZ interface would achieve an acceptable noise outcome for the closest residences.

- 29 Foodstuffs' submission sought application of the LCZ noise limits within 40m of the MRZ boundary with the PAK'nSAVE Timaru site. This was based on the position of the LCZ / MRZ boundary as notified in the PTDP. As Ms White has noted, she has recommended the 10m-strip between the supermarket and the Tavern / TDL Consent land be rezoned LCZ¹². Should the Panel accept Ms White's rezoning recommendation, I agree it is appropriate that the higher noise limit only apply to those parts of the MRZ within 30m of the LCZ boundary, i.e. the difference of the 10m-wide strip. To this end, I agree with her recommended change to Row 4 of Table 24, and her accompanying s32AA analysis¹³.
- 30 In the event the Panel does not accept Ms White's rezoning recommendation for the 10m-wide strip, I consider the higher noise limit in Row 4 Table 24 should revert to within 40m of the LCZ, as originally sought by Foodstuffs.

CONCLUSION

- 31 The relief sought by Foodstuffs is focused on a need to protect its existing and zone-enabled operations from noise sensitive activities that locate in adjacent residential zones. This is particularly the case for PAK'nSAVE Timaru, where the fundamental zoning and land use change in the receiving environment could constrain supermarket operations by unintended and unanticipated reverse sensitivity effects arising from noise sensitive (residential) activities.
- 32 Minor amendments are required to Table 24 (Noise performance standards) to ensure PAK'nSAVE Timaru operations are not curtailed by the more restrictive MRZ noise limits. The recommendations in the s42A Report address Foodstuffs' concerns and will, in combination with the TDL Consent

¹² [193.3] – rezoning request recommended be accepted: Table B10 (page 94), Appendix B, s42A Report: Residential; and Commercial and Mixed Use Zones, Liz White, 18 June 2024

¹³ Para [8.18.18, s42A Report

conditions / consent notices, achieve an acceptable noise outcome for the closest residences

Mark David Allan

9 April 2025