

# Sections 168, 168A, 149ZCB(2)(b) Resource Management Act 1991



## Decision

Planning Report pursuant to section 95 of the Resource Management Act 1991 recommending whether or not a notice of requirement should be:

- Publicly notified, limited notified or non-notified

**Decision** pursuant to section 113 of the Resource Management Act 1991

<b>APPLICATION NUMBER:</b>	<b>D240003</b>
<b>APPLICANT:</b>	Waka Kotahi New Zealand Transport Agency
<b>BRIEF DESCRIPTION OF NOTICE:</b>	Notice of Requirement pursuant to s181 (1) for the alteration of a designation reference NZTA-1 in the Partially Operative Selwyn District Plan (POSDP) to construct an overpass and associated state highway infrastructure.
<b>LEGAL DESCRIPTION:</b>	The requirement applies to approximately 68,803m <sup>2</sup> of land located North and South of State Highway 1 (SH1) and east to west of SH1.

## The Notice of Requirement

- This Notice of Requirement (NOR) was formally received by the Selwyn District Council on 30 November 2024. Further information was received on 21 February and 8 May 2025, and this information now forms part of the application.
- The NOR to alter designation NZTA-1 in the Partially Operative Selwyn District Plan (POSDP) is for the purpose of constructing an overpass and associated state highway infrastructure.
- The works comprise the construction and operation of the balance of the Rolleston Access Improvements including an overpass of SH1 connecting Rolleston Drive North and Jones Road, changes to nearby intersections (including Hoskyns Rd, Tennyson St, and Rolleston Drive South) and associated works:
  - Closure of the existing intersection of SH1 and Rolleston Drive North and the construction of an overpass, over SH1 and the railway, to connect to Jones Road, with walking and cycling facilities.
  - A new exit lane from SH1 southbound to Rolleston Drive North and a new service lane, to improve access to the Rolleston town centre, highway amenities and suburbs.
  - Left turn only access / egress at Tennyson Street, Brookside Road, and Rolleston Drive South.
  - A left turn only egress from Hoskyns Road onto SH1 northbound.
  - Various ancillary works including, but not limited to, the construction of stormwater detention basins, reconfiguration of property access and associated road works within the local road network.

## The Existing Environment

- The existing environment has been described in Section 6.2 of the NOR documents:

Features	Description
Current land use	<ul style="list-style-type: none"> <li>The land use surrounding the Overpass project area is comprised of residential, commercial and some retail activities within the Town Centre Zone.</li> </ul>
Community and recreational facilities	<ul style="list-style-type: none"> <li>Selwyn Health Hub</li> <li>Selwyn District Council</li> <li>Park and Ride – Bus passenger parking</li> </ul>
Vegetation	<ul style="list-style-type: none"> <li>Rank grassland</li> <li>Road side amenity planting</li> </ul>
Watercourses	<ul style="list-style-type: none"> <li>There are drains in proximity to the project area.</li> <li>There are two identified artificial water courses on the northern side of the existing designation.</li> </ul>
Historic heritage and archaeological values	<ul style="list-style-type: none"> <li>There are no identified historic heritage features within the Project area.</li> <li>There are no archaeological values associated with the Project area.</li> </ul>
Areas of cultural value	<ul style="list-style-type: none"> <li>There are no wāhi tapu or wāhi taonga sites identified within or adjacent to the Project area.</li> <li>There are no identified NZAA Maori sites or sites of cultural significance in the Project area.</li> </ul>
POSDP Existing designations	<ul style="list-style-type: none"> <li>KRH-1 Railway lines within Selwyn District (Main South Line and Midland Line) (KiwiRail Holdings Ltd)</li> <li>NZTA-1 State Highway 1</li> <li>MEDU-10 Rolleston School (Minister of Education)</li> </ul>
POSDP Precincts	<ul style="list-style-type: none"> <li>PREC2 Rolleston Fringe Precinct</li> </ul>
POSDP Overlays	<p>Hazards and Risks</p> <ul style="list-style-type: none"> <li>Plains Flood Management Overlay</li> <li>Liquefaction Damage Unlikely Overlay</li> </ul> <p>Noise Control Overlay</p> <ul style="list-style-type: none"> <li>State Highway Noise Control Overlay</li> <li>Railway Network Noise Control Overlay</li> </ul>

Figure 1: D240003 Existing Environment

## Public Notification

5. The requiring authority has requested that the application be publicly notified.
6. Pursuant to section s149ZCB(2)(b)) of the Resource Management Act 1991, the consent authority must notify an application for a resource consent if so requested by the requiring authority.
7. It is therefore recommended that the application be publicly notified pursuant to section 149ZCB of the Resource Management Act 1991.
8. Section 2AA of the Resource Management Act sets out that public notification means the following:
  - (a) giving notice of the application or matter in the manner required by section 2AB; and
  - (b) giving that notice within the time limit specified by section 95, 169(1), or 190(1); and
  - (c) serving notice of the application or matter on every prescribed person.

9. Public notice of the application is to be given in the prescribed form by way of advertisement in the Selwyn Times.
10. Notice of the application is to be served on every prescribed person, as set out in clause 10(2) of the Resource Management (Forms, Fees and Procedure) Regulations 2003 as follows:

(2) *The consent authority must serve that notice on—*

(a) *every person who the consent authority decides is an affected person under section 95B of the Act in relation to the activity that is the subject of the application or review:*

The applicant has requested public notification under section s149ZCB(2)(b)); therefore, Section 149ZCF to determine Limited Notification is not relevant.

(b) *every person, other than the applicant, who the consent authority knows is an owner or occupier of land to which the application or review relates:*

ADDITIONAL LAND TO BE DESIGNATED STATE HIGHWAY				
REF No	AREA (m2)	APPELLATION	LEGAL ADDRESS	OWNER
1	2,285	Lot 2 DP 326553	-	Selwyn District Council
2	1,677	Part Lot 1 DP 63308	-	Selwyn District Council
3	2,065	Part Lot 1 DP 8775	-	Selwyn District Council
4	1,269	Road	-	-
5	6,428	Lot 4 DP 461560	2 Norman Kirk Drive	Selwyn District Council
6	1,140	Part Closed Road SO 5610	-	-
8	1,094	Lot 3 DP 422976	-	His Majesty the King
9	6,539	Lot 2 DP 501225	-	Selwyn District Council
10	4,185	Lot 3 DP 501225	-	Selwyn District Council
11	1,780	Lot 2 DP 422977	-	Private Land Owner
13	2,056	Lot 1 DP 407244	801 Jones Road	Private Land Owner
16	1,480	Part Lot 1 Bk II DP 307	4 Tennyson Street	Selwyn District Council
17(b)	6,830 <sup>(1)</sup>	Part Railway Reserve	-	KiwiRail
26	845	Lot 414 DP 354134	-	Selwyn District Council
27	353	Lot 10 DP 455206	-	Selwyn District Council
28	759	Lot 424 DP 368809	-	Selwyn District Council
29	1,207	Lot 28 DP 384396	-	Selwyn District Council
30	106	Lot 2003 DP 463861	1 Main South Road	Selwyn District Council
31	1,270	Lot 2003 DP 455692	-	Selwyn District Council
32	2,000	Lot 2005 DP 480622	-	Selwyn District Council
43	6,505	Road	-	Selwyn District Council
44	2,234	Road	-	Selwyn District Council
45	449	Road	-	Selwyn District Council
46	3,200	Road	-	Selwyn District Council
47	747	Road	-	Selwyn District Council
48	731	Road	-	Selwyn District Council
49	4,637	Road	-	Selwyn District Council
50	4,914	Road	-	Selwyn District Council
51	18	Road	Lot 5 DP 344284	Selwyn District Council

<sup>(1)</sup> NOTE THIS AREA INCLUDES ADDITIONAL DESIGNATION REQUIREMENTS FOR WORKS NEAR ROLLESTON DRIVE FLYOVER INCLUDED IN PACKAGE 2

Figure 2: Schedule of Directly Affected Property

(c) *the regional council or territorial authority for the region or district to which the application or review relates:*

Canterbury Regional Council (Environment Canterbury)

Selwyn District Council

(d) *any other iwi authorities, local authorities, persons with a relevant statutory acknowledgement, persons, or bodies that the consent authority considers should have notice of the application or review:*

*The iwi authorities to be served notice are as follows:*

Ngai Tahu Group Management

*Other local authorities and bodies that the consent authority considers should have notice of the application are as follows:*

NZ Fire Service

Kiwi Rail

Land Information New Zealand

*Any other person whom the consent authority considers should have notice of the application is as follows:*

Taking into consideration the nature and scale of the NOR and related works necessary for the state highway upgrade and construction of the overpass the parties identified in the map below and listed in Appendix 1 will be directly notified of the NOR.





Directly notified parties (blue bordered parcels)

*Figure 3: Directly Notified Properties - Source Canterbury Maps 2025*

- (e) *the Minister of Conservation, if the application or review relates to an activity in a coastal marine area or on land that adjoins a coastal marine area:*

N/A

- (f) *the Minister of Fisheries, the Minister of Conservation, and the relevant Fish and Game Council, if an application relates to fish farming (as defined in the Fisheries Act 1996) other than in the coastal marine area:*

N/A

- (g) *Heritage New Zealand Pouhere Taonga, if the application or review—*

- (i) *relates to land that is subject to a heritage order or a requirement for a heritage order or that is otherwise identified in the plan or proposed plan as having heritage value; or*

- (ii) *affects any historic place, historic area, wāhi tūpuna, wahi tapu, or wahi tapu area entered on the New Zealand Heritage List/Rāangi Kōrero under the Heritage New Zealand Pouhere Taonga Act 2014:*

N/A

- (h) *a protected customary rights group that, in the opinion of the consent authority, may be adversely affected by the grant of a resource consent or the review of consent conditions.*

N/A

- (ha) *a customary marine title group that, in the opinion of the consent authority, may be adversely affected by the grant of a resource consent for an accommodated activity:*

N/A

- (i) *Transpower New Zealand, if the application or review may affect the national grid.*

N/A

## Notification Recommendation

11. I recommend that Notice of Requirement D240003 is processed on a publicly notified basis in accordance with section s149ZCB(2)(b)) of the Resource Management Act 1991.

<b>Mary McConnell</b> <b>Consultant Planner</b>	<b>Date: 9 May 2025</b>
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## Notification Decision

12. For the reasons set out in the report above, the Notification Recommendation is adopted under delegated authority.

 <b>Commissioner O'Connell</b>	<b>Date: 14 May 2025</b>
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