

Before the Selwyn District Council

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*under:* the Resource Management Act 1991

*in the matter of:* Proposed Private Plan Change 66 to the Operative  
District Plan: Maddisons Road, Rolleston

*and:* **Rolleston Industrial Developments Limited**  
*Applicant*

Statement of Evidence of Kim Marie Seaton (Planning)

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Dated: 23 July 2021

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## STATEMENT OF EVIDENCE OF KIM MARIE SEATON

### INTRODUCTION

- 1 My full name is Kim Marie Seaton.
- 2 I hold the qualifications of a Bachelor of Arts and a Master of Regional and Resource Planning from the University of Otago. I am a full member of the New Zealand Planning Institute. I have held accreditation as a Hearings Commissioner under the MfE Making Good Decisions programme since 2011 and have held endorsement as a Chair since 2014.
- 3 I have 25 years of experience as a resource management planner, working for central government, a university and as a consultant, in New Zealand, Canada and the United Kingdom, with the last 18 years working as a consultant in Christchurch and more recently also in Queenstown Lakes District. I have particular experience in land use development planning, as a consultant to property owners, investors, developers and community organisations, and though processing resource consents for district councils.
- 4 I am familiar with the plan change application by Rolleston Industrial Developments Limited (the *Applicant*) to rezone Rural Inner Plains land to Business 2A Zone at Maddisons Road, Rolleston (the *Site*).
- 5 I prepared the Section 32 Report (*Section 32*) for the plan change application, with support from technical experts.

### CODE OF CONDUCT

- 6 Although this is not an Environment Court hearing, I note that in preparing my evidence I have reviewed the Code of Conduct for Expert Witnesses contained in Part 7 of the Environment Court Practice Note 2014. I have complied with it in preparing my evidence. I confirm that the issues addressed in this statement of evidence are within my area of expertise, except where relying on the opinion or evidence of other witnesses. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

### SCOPE OF EVIDENCE

- 7 My evidence addresses the following:
  - 7.1 The proposal and site description;
  - 7.2 Submissions;
  - 7.3 Assessment of issues raised by submitters and the Officer's Report;
  - 7.4 Statutory analysis, including of the National Policy Statement on Urban Development 2020 (NPS UD)
  - 7.5 Consideration of alternatives, costs and benefits.

8 In preparing my evidence, I have reviewed the following statements of evidence:

- 8.1 Mr Nick Fuller – transport;
- 8.2 Ms Anne Wilkins – landscape and visual;
- 8.3 Mr Mike Copeland – economics;
- 8.4 Mr Sam Staite – market demand;
- 8.5 Mr Nick O'Styke – market demand;
- 8.6 Mr Tim McLeod – flood hazard and water supply;
- 8.7 Mr Tim Carter – company evidence; and
- 8.8 Mr Victor Mthamo – versatile soils.

9 I have also considered:

- 9.1 The Section 42A Report prepared by the Council (the *Officer's Report*);
- 9.2 Other statutory documents as listed in my evidence, including the National Policy Statement on Urban Development 2020 (*NPS UD*), and non-statutory documents including "Our Space 2018-2048: Greater Christchurch Settlement Pattern" (*Our Space*);
- 9.3 Submissions.

### **SUMMARY OF EVIDENCE**

- 10 Matters raised in submissions have been adequately addressed, including through the introduction of further amendments to the ODP and new traffic provisions.
- 11 The presence of versatile soils on the site is acknowledged, but Mr Mthamo has confirmed the loss is not considered to be significant. As such, I do not consider the adverse effects of the versatile soil loss should prevail over the potential benefits of the Proposal.
- 12 On the basis of Mr McLeod's evidence, the site is not considered to be subject to high flood hazard. Therefore, no further changes to the proposal are necessary to address flood hazard.
- 13 The Officer's Report and Environment Canterbury submission place undue emphasis on demand for industrial land as a requisite for approval of the plan change. Whilst demand is demonstrable, by way of Mr O'Styke and Mr Staite's evidence, the National Policy Statement on Urban Development (*NPS UD*) does not require rezoning proposals to be *limited* by demonstrable demand, stating instead that local authorities must provide

"at least" sufficient development capacity to meet expected demand for the short, medium and long term.

- 14 The Proposal gives effect to the NPS UD, including because it will provide significant development capacity, will contribute to a well functioning urban environment, has good accessibility to transport corridors and can be serviced without undermining other areas.

## **PART 1: THE PROPOSAL AND SITE DESCRIPTION**

### **Site and Surrounding Environment**

- 15 A description of the site and surrounding environment is provided in the Officer's Report (paragraphs 10-14), and I concur with that description. Further detailed description is also contained in Section 3.0 of the Landscape and Visual Impact Assessment attached as Appendix C to the Section 32 report.
- 16 In summary, the site sits at an existing industrial-rural interface, in close proximity to State Highway 1 and the North-South rail corridor, at the north-east of Rolleston's existing urban boundary.

### **Description of the Proposal**

- 17 A full description of the proposal is provided in the Application document, and is summarised in the Officer's Report. I will not repeat those descriptions, referring the Commissioner instead to those documents. To summarise however, the proposal provides for:
  - i. The rezoning of 27ha of land from Rural Inner Plains to Business 2A;
  - ii. Provision for an Outline Development Plan (ODP), inclusive of landscaping requirements, and road link locations;
  - iii. Generally adopting existing Business 2A zone rules with minimal amendment except to reflect the existence of a new Business 2A area and ODP;
  - iv. Direct vehicle access to Maddisons Road only by way of resource consent;
  - v. A new flood hazard rule (16.7.3) requiring minimum floor level heights.

### **Revisions to the Proposal Prior to Hearing**

- 18 Following public notification of the Proposal, further amendments were put forward by the Applicant, to address matters raised in submissions. Those changes were:
  - i. A new Rule 22.9.7 making noise sensitivity activities within 80m of the LPC Midland Port a non-complying activity;

- ii. A new Rule 22.9.8 effectively requiring no occupation of buildings until such time as the over bridge of State Highway 1 between Rolleston Drive and Jones Road is operational, and vehicular access to be provided directly to Midland Port, or otherwise a non-complying activity;
  - iii. Stipulation of bunding requirements on rural boundaries on the ODP and consequent rule changes to allow road crossing breaks in the bund;
  - iv. A new firefighting water supply requirement (Rule 16.3.2/16.3.3/16.3.4); and
  - v. An amended rule to confirm that vehicle access to Maddisons Road will be a Restricted Discretionary Activity.
- 19 I will address these changes further below.

## **PART 2: SUBMISSIONS**

- 20 The Officer's Report states in paragraph 29 that a total of 10 submissions were received on PC66 and 2 further submissions. While this was true originally, I note that two of the original submissions were subsequently withdrawn, being:
- i. Submission PC66-0012 - Pinedale and Kintyre Enterprises, withdrawn on 1 July 2021; and
  - ii. Submission PC66 0005 Waka Kotahi New Zealand Transport Agency withdrawn on 23 June 2021.
- 21 Lyttelton Port Company (*LPC*) subsequently confirmed the matters raised in its submission had been addressed to their satisfaction, but the submitter has not withdrawn its submission.
- 22 I will respond to submission points raised in further detail below.

## **PART 3: ASSESSMENT OF ISSUES RAISED BY SUBMITTERS**

- 23 I agree with the broad categories of issues the Officer's Report lists and for ease of reference I will adopt those same category headings in my assessment below.

### **Traffic Effects**

- 24 In regard the summary of submission points on traffic in the Officer's Report, I agree with the summary except in so far as the Waka Kotahi/NZTA submission has been withdrawn.
- 25 Lyttelton Port Company has confirmed that the traffic related issues they raised in their submission has been adequately addressed.
- 26 Both Mr Mazey for the Council and Mr Fuller for the applicant have addressed the outstanding traffic issues at the time the Officer's Report was

written. As Mr Fuller addresses in his evidence, the following amendments have been made to the ODP in response to matters raised by the Officers. A copy of the amended ODP is attached to my evidence as **Attachment 1**:

- i. *Addition of a notation referencing the relevant rules controlling vehicular access to Maddisons Road.* I agree with Mr Fuller that a notation to the effect of “no vehicle access” on the ODP would be problematic due to the non-complying activity status afforded to any activity that does not comply with the ODP<sup>1</sup>. I consider that a notation referencing rules 17.2.1.2 and 17.6 is a more appropriate means of highlighting the access limitations to Maddisons Road.
  - ii. *Amend ODP to show Roads K and D.* These roads were already shown on the notified version of the ODP, but were notated as “Possible Future Roads”. The ODP has been amended to make clear that roading in the application site must link to roads K and D. Mr Carter has advised me that roads K and D have in fact already been constructed over into the application site, in accordance with the dotted outline shown on the ODP. In regard further delineation of the future internal roading network with the ODP, I agree with Mr Fuller that it would be impractical to do so at this stage, and accept Mr Fuller’s advice that their formalisation on the ODP is not critical at this time.
- 27 I note that the Ms White, Mr Mazey, Mr Fuller and myself are all in agreement that the proposed new rule 22.9.8, addressing the requirement for a State Highway 1 overbridge and vehicular access from Midland Port to the application site be provided prior to the occupation of any building in the Business 2A Zone, is appropriate. A further amendment to the ODP to reference Rule 22.9.8 has been made, for added clarity and certainty.
- 28 Overall, with the exception of the Officer’s request for a “no roading or other vehicular access to Maddisons Road” and internal road notations on the ODP, I agree with the Officer’s comments on traffic effects, and accept and adopt Mr Fuller’s advice that the transport effects of the proposed Plan Change are acceptable.

#### **Amenity Effects**

- 29 I have reviewed the Officer’s Report comments and agree with the Officer’s summary and analysis. In particular, I agree:
- i. There is nothing particularly distinctive about the Site or surrounding land and as such the interface treatments recommended are appropriate for the site;
  - ii. The proposed ODP amendment to require a 2.5m bund to be established on the rural interface will provide an additional level of mitigation of potentially adverse visual and amenity effects;

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<sup>1</sup> Rule 24.1.3.11

- iii. The proposal to require any future development on the site to comply with existing District Plan noise standards is appropriate and consistent with how noise is managed under the District Plan; and
  - iv. LPC's concerns regarding potential reverse sensitivity effects arising from the rezoned land have been addressed by a proposed new Rule 22.9.7, referenced in paragraph 18(i) above.
- 30 Ms Wilkins, in her evidence, has responded to some recommendations made in the Boffa Miskell Report<sup>2</sup> regarding rural interface planting, concluding no further changes are warranted and I accept and agree with Ms Wilkins' responses.
- 31 Whilst of limited weight to my overall assessment of amenity, I also note that the site has been earmarked for eventual urbanisation (with an associated change in amenity and character) in statutory planning documents since 2013<sup>3</sup>.
- 32 Overall, I consider the potential adverse effects of the proposed Plan Change on amenity will be acceptable.

#### **Highly Productive Soils**

- 33 I agree with the Officer's Report statement in paragraph 68 of that report, that the proposed National Policy Statement on Highly Productive Soils (*pNPS HPL*) has no legal weight and any final form of the NPS is not as yet known. As such I consider no weight should be afforded to that document. Nonetheless, as the Officer has noted, the District Plan does contain policy specifically addressing versatile soils (Policy B1.1.8), and the site contains Land Use Capability (LUC) Class II soils. For this reason, the applicant has sought further specialist advice on the versatile soils issue, provided by Mr Victor Mthamo in his evidence.
- 34 In summary, Mr Mthamo considers that:
- i. intensification of agricultural land use on the site may not be possible as a result of regional plan rules restricting nutrient losses on the site;
  - ii. the presence of silty material in the soils reduces the land's productive potential to levels below what is assumed by the LUC classes; and
  - iii. as a proportion of both Selwyn District and Canterbury region's LUC Class I and II soils, the application site is extremely small, being 0.05% of the District and 0.009% of the Region.
- 35 Mr Mthamo concludes that he does not consider the proposed plan change would have a significant adverse effect on the district or region's versatile

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<sup>2</sup> Paragraph 51 of Ms Wilkin's evidence.

<sup>3</sup> The draft Land Use Recovery Plan (LURP) released July 2013 identified the land as 'Greenfield Areas- post LURP' whilst the LURP as gazetted December 2013 and subsequent versions of the CRPS identified the land as being within the Projected Infrastructure Boundary.

soil reserve or that it would create a shortage of land or soil resource for other activities in the future<sup>4</sup>. I accept and adopt Mr Mthamo's opinion.

- 36 The Officer's Report in paragraph 69 states that any expansion of the existing industrial area in Rolleston into an immediately adjoining area would include some highly productive soils.
- 37 With this comment and Mr Mthamo's opinion in mind, I consider that the loss of versatile soils within the site is not an effect of such significance as to prevent the rezoning of the site to industrial use.
- 38 In specific regard to Policy B1.1.8 of the Operative District Plan, Ms White addresses this Policy with her observation that any expansion of the existing industrial area in Rolleston into an immediately adjoining area would include some highly productive soils. The observation engages Policy B1.1.8, as the policy requires the avoidance of rezoning land containing versatile soils, if the land is appropriate for other activities; and there are other areas adjoining the township which are appropriate for new business development which do not contain versatile soils. I note Ms White's observation of the widespread presence of versatile soils around the existing Rolleston industrial zones is based on the pNPS HPL definition of versatile soils, being classes I, II and III. If consideration were restricted to classes I and II only, there are areas of land adjoining the existing industrial zones that do not contain versatile soils.
- 39 Ms White states, in regard the first arm of the policy, that there is nothing to indicate the PC66 land is unsuitable for ongoing rural use. The explanation to policy B1.1.8 indicates the policy is intended to be interpreted more subtly than plain reading would suggest. Whether or not land is appropriate for other activities is stated in the explanation as depending on factors such as *'soil types on the site, and several other factors such as distance to markets; climate; water resources and activities on surrounding sites'*. Mr Mthamo addresses many of these factors in his evidence, noting the site constraints due to its proximity to the urban boundary (odour and spray drift for example), and regional plan restrictions on nutrient loss which are likely to prevent more intensive productive uses of the site. While I am inclined to agree with Ms White that the site can be used for other activities, my understanding is that those activities are likely to be of a nature that are not necessarily dependent on the presence of Class I or II versatile soils, e.g. pastoral grazing.
- 40 In regard whether there are other areas adjoining Rolleston that are appropriate for new business development and which do not contain versatile soils, as discussed elsewhere in my evidence and as stated in the evidence of Messrs Staite, O'Styke and Carter, the site has some notable characteristics that distinguish it from the generality of other industrial land. That includes its adjoining the existing Midland Port and rail siding, but also its notation in multiple strategic planning documents and the CRPS as being a likely future direction of urban development/within a projected infrastructure boundary. There are no other appropriate locations for new business development adjacent the Midland Port and in such close proximity

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<sup>4</sup> Paragraph 85 of Mr Mthamo's evidence.



to the Port's rail infrastructure that do not also contain versatile soils (the site to the immediate east of Midland Port also contains class II soils). Overall, while I consider the proposal has some tension with this policy B1.1.8, I do not consider the proposal is contrary to it.

### **Water Supply**

- 41 I agree with the Officer's Report summary of submissions in regards water supply issues. I agree with the Report's analysis of the Ministry of Education's submission, being that the concerns they raise in regard water quality can be appropriately addressed through a combination of reticulated disposal of wastewater and discharge of stormwater to ground in accordance with Environment Canterbury standards. Any potential non-compliance with regional planning standards would require a resource consent, to be assessed by Environment Canterbury.
- 42 In regard the Fire and Emergency New Zealand submission, the Applicant has volunteered a suite of provisions to be inserted into the District Plan, requiring adequate firefighting water supply to be provided to new developments within the plan change area. Those provisions are very similar to rules contained in the Christchurch District Plan.
- 43 At the time those provisions were volunteered, I was unaware that Selwyn District Council had on two previous occasions declined to include similar provisions (per paragraph 75 of the Officer's Report). Mr Tim McLeod has addressed the issue of firefighting water supply in his evidence, stating that supply has effectively already been assured to the boundary of the PC66<sup>5</sup>, and that he agrees with Mr England that Council's existing standards and design processes are sufficient to ensure that adequate water supply for firefighting is achieved in the PC66 area. Given Mr McLeod's and Mr England's opinions that firefighting supply can be adequately addressed through existing provisions, I accept that it is unnecessary for the proposed new firefighting water supply rules to be included.

### **Flooding**

- 44 As summarised in the Officer's Report, there is a potential High Flood Hazard Area within the PC66 site (referred to as the "western channel") and the absence of any rules in the Proposal to address High Flood Hazard is a matter raised by Environment Canterbury in their submission. Environment Canterbury seeks that if PC66 is approved, an appropriate rules package is incorporated so that the layout and phasing of development addresses this matter.
- 45 The Officer's Report<sup>6</sup> states that the proposed flood rules package applying to areas that are subject to a 200 year Average Recurrence Interval (AVI) flood addresses flood risk outside high hazard areas. I would add that the rule package also addresses flood risk within possible high risk areas, but only to the extent of a 200 year AVI flood event. Mr England and Ms White consider that the approach of managing overland flow paths at the time of detailed design and through subdivision processes is appropriate for a 200

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<sup>5</sup> Paragraph 21 of Mr McLeod's evidence.

<sup>6</sup> Paragraph 80.

year AVI event. Therefore, on this matter there appears to be broad agreement that the proposed flood provisions are appropriate.

- 46 In regard the issue of High Flood Hazard, Mr McLeod specifically addresses the question of whether there are High Flood Hazard areas within the PC66 site. Mr McLeod advises that he has assessed the flood risk on the PC66 site and does not consider the site to be in a high hazard flood area, as defined in the CRPS. His reasons include:

- i. Flood risk has been overestimated due to the methodology of capturing and processing terrain data and the coarseness of the flood model; and
- ii. Ground levels on the downstream half of the site have been incorrectly identified such that they are modelled as being artificially higher by 0.5 to 1.0m in the terrain model.

- 47 Mr McLeod further states that:<sup>7</sup>

*'...examination of the flood hazard map provided by ECan shows that flood flows upstream and downstream of the PC66 site are not sufficiently fast or deep to meet the CRPS criteria for high hazard. The area of high hazard identified on the PC66 site has been incorrectly modelled as being greater than 1m and therefore incorrectly identified as meeting the CRPS high hazard criteria'.*

- 48 Mr McLeod concludes that any risk of flooding can be appropriately mitigated at the time of detailed design, through management of overland flow paths by engineering solutions for flooding and stormwater management. In other words, through the existing package of flood management measures that the Officer's Report has confirmed is acceptable for lower risk flood events.

- 49 I accept Mr McLeod's opinion, and consider that no further changes to the Proposal to address High Flood Hazard are required.

### **Contamination**

- 50 I concur with the Officer's Report that the site is not known to contain any notable levels of contamination, beyond potentially what is commonly encountered and remedied at the time of subdivision and land development of greenfield sites. Site contamination is therefore not a matter that should be considered an impediment to the rezoning.

### **Urban Form**

- 51 The discussion under the heading of "Urban Form" in the Officer's Report indicates the analysis is primarily around whether the Proposal is an appropriate extension of the urban area and existing industrial zone. My reading of this section of the Officer's Report is that it seeks to address two issues, being is the extension appropriate in physical location, and is the extension necessary. Both considerations feed into a wider discussion later in the Report, around the NPS UD. I will address those questions briefly

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<sup>7</sup> Paragraph 16 of Mr McLeod's evidence.

now, reserving my fuller consideration of the NPS UD for later in my evidence.

- 52 In regard whether the extension is appropriate, the Officer firstly considers the ability to service the site with infrastructure. Mr England has confirmed that the site can be adequately serviced and, importantly, that that servicing will not occur at the expense of existing urban zoned areas. Further, the site sits within the Projected Infrastructure Boundary of the Canterbury Regional Policy Statement (CRPS)<sup>8</sup>, is contained within the Urban Growth Overlay of the Proposed Selwyn District Plan and thus, there is general agreement that the extension of the existing Business 2A zone (or at least some form of business zoning) onto the PC66 land is anticipated at some point in the foreseeable future. This reinforces my own view, that the location of the extension is appropriate, being adjacent and bordered on two sides by existing Business2A zoning, adjacent an existing rail siding with the potential to be extended, and in close proximity to State Highway 1, with attendant transport efficiencies. The site is not subject to significant natural hazards, not within a sensitive landscape or containing valued ecology/biodiversity. The site contains LUC class II soils, however as discussed in paragraphs 33 to 40 above, the loss of those soils has been confirmed by Mr Mthamo as insignificant in the context of the wider District and region and I consider that the benefits that will accrue from rezoning the site outweigh any potential adverse effects associated with versatile soil loss.
- 53 In regard whether the extension is needed, the Officer's Report notes Mr Foy's questioning of whether there is identified demand for the site. I have two responses to this question.
- 54 Firstly, and with respect, I consider undue emphasis is given in the Officer's Report (and the Environment Canterbury submission) to the question of "demand". Policy 2 and Clause 3.3 of the NPS UD require local authorities provide "at least" sufficient development capacity to meet expected demand for the short, medium and long term. Whilst Clause 3.3 defines "sufficient" in a business context with reference to meeting expected demand plus the appropriate competitiveness margin, it is very clear from both clauses that there is no expectation that authorities should *only* provide enough land to meet identified demand plus a margin and no more. In my view, this is a logical position for the NPS UD to take, as Mr Copeland has stated in his evidence, more availability of industrial land promotes more choice and more competition, with attendant economic benefits<sup>9</sup>. It also allows for situations where the take up of available zoned land is quicker than anticipated by Council modelling. As both the Canterbury earthquakes and Covid-19 have shown, sometimes unanticipated and significant events occur which throw existing demand models into disarray, resulting in development capacity reducing at a faster rate than expected, or for the nature of the demand to change. Mr Staite's evidence provides some commentary on drivers of recent changes in demand, noting the growth of online selling with accompanying increase in demand for larger warehousing

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<sup>8</sup> Refer Map A, as amended by the decision of the Minister for the Environment on 28 May 2021.

<sup>9</sup> Paragraphs 18, 47 and 52(vii) of Mr Copeland's evidence.

rather than traditional retail frontage, and more demand for companies wanting to hold more product in anticipation of supply chain disruptions<sup>10</sup>.

55 Secondly, even if demand were considered, Mr O'Styke and Mr Staite have both confirmed that there is significant demand for industrial land and particularly large and unencumbered freehold greenfield industrial sites. Mr Staite has expressed his opinion that demand will substantially outweigh supply for this kind of industrial land long before 2048 (the *Our Space* timeframe)<sup>11</sup>. Mr O'Styke has expressed the opinion that Christchurch, and particularly Rolleston, is very close to an acute shortage of industrial unencumbered freehold land.<sup>12</sup>

56 Overall, I consider that the Proposal does provide for an appropriate extension of the existing urban form.

### **Economic Effects**

57 The Officer's Report addresses the concern raised by Mr Foy in regard retail and commercial activities within the Business 2A Zone and the potential for retail and commercial activities in the Proposal site to undermine existing commercial centres in the District (adverse retail distribution effects). In my view, existing Rule 22.10 which limits the type of retail and commercial activity that can occur in the Business 2A zone, is adequate to address the concerns Mr Foy raises. Nevertheless, I am aware that there has been ongoing discussion over the implementation of those rules in the Business 2A zone, though I have not been involved directly in that discussion myself.

58 Rather than enter into an in depth debate about the prospect of retail distribution effects arising from PC66, my preference is to accept Rule 22.10.4 proposed by the Planning Officer<sup>13</sup>, which states that any commercial or retail activity not otherwise specified shall be a non-complying activity. The new rule is consistent with the applicant's original intent, being that only accessory and very limited retail and commercial activity is to occur in the PC66 area. I agree with the Planning Officer that it is appropriate to apply the rule only to the PC66 area rather than seek to retrofit it over the existing Business 2A zone area, particularly as the implications of applying it to a wider area have not been fully assessed and thought through in this process.

## **STATUTORY ANALYSIS**

### **Part 2 Matters**

59 My analysis of Part 2 is contained in the Section 32 report lodged with the application. That assessment generally accords with that of the Officer's Report, except in so far as the Officer's Report lists Section 6(h) the management of significant risks from natural hazards, as a relevant consideration<sup>14</sup>. Based on the evidence of Mr McLeod and as outlined

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<sup>10</sup> Refer paragraphs 22 and 23 of Mr Staite's evidence.

<sup>11</sup> Paragraph 24 of Mr Staite's evidence.

<sup>12</sup> Paragraph 9 of Mr O'Styke's evidence.

<sup>13</sup> Paragraph 98.

<sup>14</sup> The report incorrectly references Section 6(f), but it is clear from the text that Section 6(h) is the clause under consideration.

above, I do not consider the site to be at significant risk of flood (i.e. it is not a High Flood Hazard Area as defined by the CRPS). I therefore consider Section 6(h) is not a directly relevant consideration for this Proposal, except in so far as it is necessary to establish whether or not the site is in fact subject to High Flood Hazard.

### **National Policy Statement on Urban Development 2020**

60 The Officer's Report provides an analysis of the Proposal against the NPS UD, further to the analysis provided in the Section 32 report.

61 There are a range of matters that need to be considered or had particular regard to, in order to determine if PC66 gives effect to the NPS UD. They include the following matters set out in the objectives and policies of the NPS:

<i>Provision</i>	<i>Comment</i>
<p>Objective 3: Regional policy statements and district plans enable more people to live in, and more businesses and community services to be located in, areas of an urban environment in which one or more of the following apply:</p> <p>(a) the area is in or near a centre zone or other area with many employment opportunities</p> <p>(b) the area is well-served by existing or planned public transport</p> <p>(c) there is high demand for housing or for business land in the area, relative to other areas within the urban environment.</p>	<p>Clause (a) is a more relevant consideration to residential growth, but PC66 adjoins Rolleston, an existing area with employment opportunities. Those opportunities are anticipated to grow as a result of PC66.</p> <p>The existing Business 2A area is currently accessible by two public bus routes, with potential for further routes as demand grows.</p> <p>Per Mr Staite and Mr O'Styke's evidence, there is high demand for industrial greenfield land in the Rolleston area.</p>
Objective 5: Planning decisions relating to urban environments, and FDSs, take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).	Consultation with runanga was undertaken prior to the lodgement of PC66. No site specific cultural sensitivities were noted.
<p>Objective 6: Local authority decisions on urban development that affect urban environments are:</p> <p>(a) integrated with infrastructure planning and funding decisions; and</p>	<p>Infrastructure has been considered and confirmed as available to the site.</p> <p>The site has been identified in previous strategic planning documents and in the current</p>

<p>(b) strategic over the medium term and long term; and</p> <p>(c) responsive, particularly in relation to proposals that would supply significant development capacity.</p>	<p>CRPS as a likely area for future development.</p> <p>The proposal will provide significant development capacity (addressed further below).</p>
<p>Objective 8: New Zealand's urban environments:</p> <p>(a) support reductions in greenhouse gas emissions; and</p> <p>(b) are resilient to the current and future effects of climate change.</p>	<p>The potential for reliance on rail for freight transport, whether by a rail siding extension or by the very short distance to existing rail infrastructure near the site, will assist with reducing greenhouse gas emissions.</p> <p>Climate change effects from increased severity and frequency of storms can be appropriately managed on site.</p>
<p>Policy 1: Planning decisions contribute to well-functioning urban environments, which are urban environments that, as a minimum:</p> <p>...</p>	<p>Addressed below.</p>
<p>Policy 2: Tier 1, 2, and 3 local authorities, at all times, provide at least sufficient development capacity to meet expected demand for housing and for business land over the short term, medium term, and long term.</p>	<p>The proposal will provide additional capacity to meet expected demand for business land, per the evidence of Mr Staite and Mr O'Styke.</p>
<p>Policy 3: In relation to tier 1 urban environments, regional policy statements and district plans enable:</p> <p>(a) in city centre zones, building heights and density of urban form to realise as much development capacity as possible, to maximise benefits of intensification; and</p> <p>(b) in metropolitan centre zones, building heights and density of urban form to reflect demand for housing and business use in those</p>	<p>This policy is of lesser relevance to PC66. Existing height and density rules for the Business 2A zone are considered to be appropriate for PC66.</p>

<p>locations, and in all cases building heights of at least 6 storeys; and</p> <p>(c) building heights of least 6 storeys within at least a walkable catchment of the following:</p> <p>(i) existing and planned rapid transit stops</p> <p>(ii) the edge of city centre zones</p> <p>(iii) the edge of metropolitan centre zones; and</p> <p>(d) in all other locations in the tier 1 urban environment, building heights and density of urban form commensurate with the greater of:</p> <p>(i) the level of accessibility by existing or planned active or public transport to a range of commercial activities and community services; or</p> <p>(ii) relative demand for housing and business use in that location.</p>	
<p>Policy 6: When making planning decisions that affect urban environments, decision-makers have particular regard to the following matters:</p> <p>(a) the planned urban built form anticipated by those RMA planning documents that have given effect to this National Policy Statement</p> <p>(b) that the planned urban built form in those RMA planning documents may involve significant changes to an area, and those changes:</p> <p>(i) may detract from amenity values appreciated by some people but improve amenity values appreciated by other people, communities, and future generations, including by providing increased and varied housing densities and types; and</p>	<p>The operative District Plan is not considered to have wholly given effect to this NPS. Notably, the site is identified within the Urban Growth Overlay of the proposed District Plan.</p> <p>(b) insofar as the proposed District Plan is relevant, the inclusion of the site within the Urban Growth Overlay indicates that amenity values of rural land owners in the immediate vicinity of the site can be expected to change.</p> <p>The question of a well-functioning urban environment is addressed below.</p> <p>In regard (d), the principal relevant contribution that the PC66 site will make to providing development capacity is in respect of providing industrial land</p>

<p>(ii) are not, of themselves, an adverse effect</p> <p>(c) the benefits of urban development that are consistent with well-functioning urban environments (as described in Policy 1)</p> <p>(d) any relevant contribution that will be made to meeting the requirements of this National Policy Statement to provide or realise development capacity</p> <p>(e) the likely current and future effects of climate change.</p>	<p>adjacent the existing Midland Port and rail infrastructure.</p> <p>As above, climate change effects are able to be managed on the site.</p>
<p>Policy 8: Local authority decisions affecting urban environments are responsive to plan changes that would add significantly to development capacity and contribute to well-functioning urban environments, even if the development capacity is:</p> <p>(a) unanticipated by RMA planning documents; or</p> <p>(b) out-of-sequence with planned land release.</p>	<p>The development is unanticipated insofar as it is currently a rural zoned site; and is not currently identified as a Greenfield Priority Area in the CRPS. Development capacity and the urban environment are addressed below.</p>
<p>Policy 9: Local authorities, in taking account of the principles of the Treaty of Waitangi (Te Tiriti o Waitangi) in relation to urban environments, must:</p> <p>(a) involve hapū and iwi in the preparation of RMA planning documents and any FDSs by undertaking effective consultation that is early, meaningful and, as far as practicable, in accordance with tikanga Māori; and</p> <p>(b) when preparing RMA planning documents and FDSs, take into account the values and aspirations of hapū and iwi for urban development; and</p>	<p>As above, consultation with runanga in respect of the development of the site for urban purposes was undertaken prior to lodgement of PC66. Further opportunities for runanga involvement were afforded more generally through the public submission process. No further correspondence was received.</p>



<p>(c) provide opportunities in appropriate circumstances for Māori involvement in decision-making on resource consents, designations, heritage orders, and water conservation orders, including in relation to sites of significance to Māori and issues of cultural significance; and</p> <p>(d) operate in a way that is consistent with iwi participation legislation.</p>	
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62 In my view, the key considerations of the NPS UD in respect of Plan Change 66 are:

- i. Will the Proposal provide 'significant' development capacity (Objective 6, Clause 3.8);
- ii. Will the Proposal contribute to a well-functioning urban environment (Objective 1, Policy 1, Policy 6, Clause 3.8, Clause 3.11);
- iii. Is the site able to be adequately serviced with infrastructure (Objective 6, Policy 10, Clause 3.5); and
- iv. Is it well-connected along transport corridors (Clause 3.8).

63 Additional to that is the question of whether the Proposal meets the CRPS criteria for determining what plan changes will be treated as adding significantly to development capacity. As the Officer's Report notes, that criteria does not yet exist and so is not a consideration for this Proposal.

*Significant Development Capacity*

64 Regarding significant development capacity, both Ms White (at paragraph 108) and myself are of the opinion that the Proposal will provide significant development capacity. In large part that significance derives from the location adjacent the existing Business 2A zone and Midland Port, and the potential for rail siding extensions into the site. Additionally, 27ha, both in and of itself and as a proportion of the existing Business 2A zone land at Rolleston, is a sizeable area of land. Mr Staite and Mr O'Styke have also identified a notable shortage of large blocks of unencumbered greenfield industrial land currently within Greater Christchurch.

65 In her analysis of significant development capacity, Ms White goes on to reference Mr Foy's concern that there has been no information provided as to the additional demand for Port activity, nor of any need for an extended rail siding. Mr Foy is correct that there is no identified immediate demand for expansion of Port activity into the PC66 land, including extension of the rail siding. LPC has made clear, by way of its letter attached to Mr Carter's

evidence, that the opportunities PC66 provides by way of either location of other freight heavy industries or its own expansion, are of value. However, the extension of the rail siding is not a requirement of PC66, it is an enabled opportunity. Based on the documentation provided by LPC, and the evidence of Mr Staite, Mr O'Styke and Mr Copeland, that opportunity is considered to be a distinguishing characteristic of the site. As was set out in Mr Staite's evidence and my paragraph 63 above however, it is not the only distinguishing characteristic. I therefore disagree with Ms White and Mr Foy, that the absence of the rail siding extension would render the land less significant. I agree it would reduce the site's uniqueness, but based on Mr Staite and Mr O'Stykes's evidence it is clear that the site would nevertheless remain a significant addition to Selwyn and Greater Christchurch's industrial land capacity.

#### *Well-Functioning Urban Environment*

66 In regard whether the Proposal will contribute to a well-functioning urban environment, Policy 1 defines a well-functioning urban environment as one that, as a minimum:

- (a) n/a (housing related);
- (b) Has or enables a variety of sites that are suitable for different business sectors in terms of location and site size;
- (c) Has good accessibility;
- (d) Supports and limits as much as possible adverse impacts on the competitive operation of land and development markets;
- (e) Supports reductions in greenhouse gas emissions;
- (f) Is resilient to the likely current and future effects of climate change.

67 I consider (b) is achieved, firstly because of its location immediately adjoining Midland Port and the particular freight-heavy industries it may attract as a result or because it could enable LPC itself to expand in the future. It is also achieved for the reasons set out in Mr Staite and Mr O'Styke's evidence, being the shortage of large, unencumbered greenfield industrial sites.

68 Regarding (c), the site is located close to the existing Rolleston residential areas, with good and improving transport links to the township. Ready access is also achievable to Christchurch City. The site cannot be said to provide any notable access with community services and natural or open spaces, except in so far as the site is part of Rolleston township. However, I consider this accessibility is less of an issue for industrial development than it would be, for example, for residential development. The site immediately adjoins an existing industrial area and is therefore not disjointed from the current urban boundary, providing for a compact and logical extension of the urban area.

- 69 Regarding (d), and as set out in Mr Copeland's evidence, the Proposal will support and provide for additional choice and competition within the industrial land market.
- 70 Regarding (e), the opportunity for an extended rail siding, proximity the north-south rail corridor, and the proximity to State Highway 1 for fast access to arterial transport routes, will support reductions in greenhouse gas emissions from heavy freight.
- 71 In regard (f), the site is sufficiently distant from any coastal location that sea level rise and inundation is not a relevant issue. Potential increases in the frequency and severity of storms and flood hazard are however relevant, and as discussed above and in Mr McLeod's evidence, it is considered that that hazard can be appropriately managed at the time of development or subdivision.
- 72 Overall, the proposal is considered to contribute to a well-functioning urban environment. I note that Ms White and I are in agreement on this matter<sup>15</sup>.

#### *Infrastructure*

- 73 As confirmed by Mr England and discussed above, the site is able to be adequately serviced, and the provision of that infrastructure will not be at the expense of any existing zoned urban area.

#### *Transport Connections*

- 74 As set out above, with the site's proximity to the State Highway and north-south rail corridor, and noting the deferral of development until such time as certain transport upgrades are undertaken<sup>16</sup>, the site is considered to be well connected to transport corridors.
- 75 In summary, I consider the Proposal will give effect to the NPS UD. As I discuss above in relation to the urban form, I do not consider the question of whether there is adequate industrial land capacity currently to be a key consideration. In my view, if the site:
- i. can be adequately serviced;
  - ii. is appropriately located in relation to transport corridors;
  - iii. will provide significant development capacity; and
  - iv. will contribute to a well functioning environment, as well as being suitable with regard to other RMA factors such as hazards, landscape, cultural and biodiversity impacts,

the fact that there may already be sufficient land to meet identified demand should be a lesser consideration, noting the NPS UD's emphasis on providing "at least" enough land to meet demand, not limiting land

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<sup>15</sup> Paragraph 109 of the Officer's Report.

<sup>16</sup> Proposed Rule 22.9.8.

provision. If the Commissioner is minded to disagree with the weighting of demand, I draw attention again to the evidence of Mr Staite and Mr O'Styke, both of which state there is demonstrable demand for industrial land of this type.

- 76 Based on the above, I consider it is appropriate for Council to be responsive to this plan change application, per Objective 6 and Policy 8 of the NPS UD.

### **Canterbury Regional Policy Statement**

- 77 As set out in the Officer's Report, my assessment (as set out in the Section 32 report) and that of Ms White are generally in accord. Where Ms White has provided additional commentary, I respond as follows.
- 78 In regards effects on regionally significant infrastructure, I agree that proposed Rule 22.9.8 will ensure that adverse effects on the State Highway are addressed, to better effect than the Proposal as lodged. Waka Kotahi/New Zealand Transport Agency have confirmed their satisfaction with the Proposal through the withdrawal of their submission.
- 79 In regard Objective 6.2.1(8) and the additional policies the Officer's Report lists below paragraph 114, for the reasons set out above in respect of the site not being subject to High Flood Hazard, I consider the Proposal will protect people from unacceptable risk from natural hazards. Residual risk from smaller scale flooding has been confirmed by the Officer's Report and Mr McLeod as able to be effectively managed.
- 80 Ms White notes in paragraph 113 of the Officer's Report that the Plan Change request has acknowledged it is not consistent with Objective 6.2.1(3), Objective 6.2.6, Policy 6.3.1 or Policy 6.3.6 of the CRPS, because PC66 proposes urban development outside existing urban areas or identified greenfield priority areas. She goes on to state that in her view, a key consideration for whether this plan change is approved or declined comes down to whether or not the significance of the development capacity provided by the plan change should be given more weight than the current direction in the CRPS. I have addressed the issue of development capacity above and I consider the PC66 capacity will be significant. I therefore consider that it is appropriate for Selwyn District Council to be responsive to this plan change, and approve it in accordance with the NPS UD, regardless of the inconsistency with existing restrictive CRPS urban boundary policies.
- 81 In regard soil quality, the additional policies the Officer's Report lists below paragraph 114, and the analysis in paragraph 116, for the reasons set out in Mr Mthamo's evidence and in my comment on versatile soils above, I agree with the Officer's Report where it concludes that while the productive capacity of the Site will be reduced, the overall productive capacity of soil within the District will still be maintained.

### **Our Space 2018-2048**

- 82 The Officer's Report references the Our Space document, stating that it is evidence of Selwyn District Council having adequately considered the capacity provided for industrial development, taking into account future

needs, and that therefore demonstrates the rezoning is not “needed”<sup>17</sup>. I do not share the Officer’s confidence that Our Space does in fact still evidence adequate consideration of capacity.

83 In support of my view, I note that while the Hearing Panel report on Our Space stated that it accepted the Capacity Assessment at that time was adequate for its present purpose<sup>18</sup>, the Panel specifically recommended further work is done in the next Capacity Assessment in relation to demand and location of industrial and business land in close proximity freight hubs. I understand this arose specifically in response to Rolleston and IPort. The Panel stated that the future Capacity Assessment would ‘...*contribute to the consideration of overall capacity and sufficiency of industrial and business zoned land and may identify opportunities for consideration of specific areas feeding into the review of the CRPS.*’<sup>19</sup>

84 Further to those comments, I am mindful that Mr Staite and Mr O’Styke have provided evidence for the Applicant that the availability and capacity for development of industrial land is in actuality rather more complex than a simple totalling of available zoned industrial land capacity would suggest. Both Mr Staite and Mr O’Styke have stated that there is in fact limited availability of the type of land that the Proposal will provide for industrial development. I note the Officer’s Report does acknowledge differing types of industrial needs in paragraph 120 of that Report. Mr O’Styke has also noted that there have been noticeable changes in the market since Our Space was issued, and as such it is likely the information on which it was based is outdated and does not reflect what demand is likely to look like now through to 2048.<sup>20</sup>

#### **Other Statutory Documents**

85 The Officer’s Report lists other statutory documents, including the Canterbury Land and Water Regional Plan, the Canterbury Air Regional Plan and the Mahaanui Iwi Management Plan. I concur with Ms White’s comments on those plans. I also agree that there are no issues with consistency with plans of adjacent territorial authorities.

#### **Consideration of Alternatives, Benefits and Costs**

86 In paragraphs 125 to 136 of the Officer’s Report, Ms White provides some commentary in response to the Section 32 report, informed by her previous assessment and some of the concerns she felt needed addressing further. I respond as follows:

- i. *Section 6(h) significant risks from natural hazards* – as discussed in paragraphs 44 to 49 above, the site is not considered to be subject to significant flood risk (or any other type of significant natural hazard);

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<sup>17</sup> Paragraph 120 of the Officer’s Report.

<sup>18</sup> Our Space 2018-2048 – Report and Recommendations of the Hearing Panel incorporating Addendum dated 5 June 2019. Paragraph 81

<sup>19</sup> Ibid.

<sup>20</sup> Paragraph 17 of Mr O’Styke’s evidence.

- ii. *Sections 7(c) and (f)* – I agree that issues of amenity and quality of the environment have been addressed by the Proposal, including through changes to the Proposal to require a landscape bund on the rural interface;
- iii. *Versatile soils* – as set out in paragraphs 33-40 above, the proportion of versatile soils to be lost as a result of the rezoning is extremely small, the soils are subject to some nutrient loss and soil characteristic constraints, and as such the loss is not considered to be significant. I agree that the pNPS HPL has no legal effect at this stage. Overall, I consider that potential adverse effects of losing the Class II soils on the site are of lesser import when considered in the context of the potential benefits that will arise from the rezoning, in terms of providing for a well functioning urban environment and a compact urban form with identified transport efficiencies.
- iv. *Significance of the development capacity* – as set out in paragraphs 64-65 above, I consider the development capacity to be significant. I also consider the development capacity will be significant, even if the rail siding were not extended. As such, I consider the Proposal's inconsistency with Objective B4.3.3 of the District Plan, and Objectives 6.2.1(3), 6.2.6 and Policies 6.3.1 and 6.3.6 of the CRPS is overcome by the NPS UD.

#### **PROPOSED AMENDMENTS**

- 87 I concur with the Officer's Statement that the Proposal, inclusive of amendments made following the submission period, should be approved with the additions or exceptions listed below paragraph 137, except as follows:
  - i. For the reasons set out above, I do not consider the ODP or rules need to be amended to identify and manage high flood hazard;
  - ii. An ODP amendment of "no roading or other vehicular access to Maddisons Road" is not appropriate, but a reference to the relevant access rules of the District Plan has been added to the same effect;
  - iii. It is not appropriate to identify key internal roads within the ODP area, however the requirement for roads D and K to provide access at the ODP boundary is made clearer in the ODP.

#### **RESPONSE TO SECTION 42A REPORT AND SUBMISSIONS**

- 88 I have commented on various aspects of the Officer's Report in my evidence above, where relevant. This includes a summary of changes that have been made in response to recommendations in the Officer's Report, and areas of assessment where I either agree or disagree with the Officer.
- 89 Submitters have raised a range of issues, which I have also covered in my assessment above.

**CONCLUSIONS**

- 90 Overall, I consider that the Proposal is the most appropriate way of achieving the purpose of the Act, and that the purpose of the Act is achieved. I consider the Officer's Report over emphasises the role of demonstrable demand for the land as a factor in determining the appropriateness of the Proposal, but that the demand has nevertheless been demonstrated by the Applicant.
- 91 On the basis of the views expressed above, I consider the Plan Change should be approved.

Dated: 23 July 2021






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Kim Marie Seaton

**Attachment 1: Amended ODP**



KEY:

-  ODP Boundary
-  ODP Area
-  Landscape Treatment Area 1 and Landscape Bund (Minimum Height of 2.5m)
-  Landscape Treatment Area 4 and Landscape Bund (Minimum Height of 2.5m)
-  Road Connections from Adjacent Sites



B2A ZONE EXTENSION PLAN CHANGE  
MADDISONS ROAD

OUTLINE DEVELOPMENT PLAN

DRAWING STATUS

FINAL DRAFT

STAGE

CONSENT

SCALE

1:4000 @ A3

JOB NO.

021024

REVISION

10 [23.01.20]  
2.3 [18.09.20]  
2.5 [UPDATES]  
2.6 [FLOOD AREA] 29.06.21  
2.7 [ROAD NOTES] 20.07.21

DRAWN

DATE

18.09.20

DWG NO.

DPMA-DRG-LA-100-A

B

