

Selwyn District Plan

Section 42A Report

Private Plan Change 66

**Request by Rolleston Industrial Holdings Ltd to rezone 27.27
hectares of Rural Inner Plains to Business 2A Zone, Maddisons
Road, Rolleston**

15 July 2021

Report prepared by

Liz White

Consultant Planner

1. Introduction

Qualifications and Experience

1. My full name is Elizabeth (Liz) Jane White. I am an independent self-employed planning consultant based in Christchurch. I hold a Master of Resource and Environmental Planning with First Class Honours from Massey University and a Bachelor of Arts with Honours from Canterbury University. I am a full member of the New Zealand Planning Institute.
2. I have 15 years' planning experience working in both local government and the private sector. My experience includes both regional and district plan development, including the preparation of plan provisions and accompanying s32 evaluation reports, and preparing and presenting s42A reports. I also have experience undertaking policy analysis and preparing submissions for clients on various RMA documents, and preparing and processing resource consent applications and notices of requirements for territorial authorities. I have been engaged by Selwyn District Council to assist with the processing of proposed Plan Change 66, including preparation of this s42A Report.
3. Although this is a Council hearing, I confirm that I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note and that I agree to comply with it. I confirm that I have considered all the material facts that I am aware of that might alter or detract from the opinions that I express, and that this evidence is within my area of expertise, except where I state that I am relying on the reporting of another person.

Report Scope

4. This report analyses the submissions received on Private Plan Change 66 (PC66) to the Selwyn District Plan (the Plan) and has been prepared in accordance with s42A of the Resource Management Act 1991 (RMA).
5. The purpose of this report is to assist the Hearing Commissioner in evaluating and deciding on submissions made on PC66 and to assist submitters in understanding how their submission affects the planning process. This report includes recommendations on points made in submissions, and to make amendments to the Plan. For the avoidance of doubt, it should be emphasised that any conclusions reached or recommendations made in this report are not binding on the Hearing Commissioner. It should not be assumed that the Hearing Commissioner will reach the same conclusions or decisions having considered all the evidence to be brought before him by the submitters.
6. In preparing this report I have:
 - visited the site that is the subject of the PC66 request and the surrounding industrial and rural areas;
 - reviewed the original plan change request, the further information received, and the plan change request as amended following the submission period;
 - read and considered all the submissions received on PC66;
 - reviewed the statutory framework and other relevant planning documents; and
 - reviewed, and where necessary relied on, the technical comments and peer reviews provided by other experts on this plan change.

7. This report effectively acts as an audit of the detailed information lodged with the plan change request (the Request) prepared by Novo Group Ltd on behalf of Rolleston Industrial Holdings Limited. A full copy of the plan change request, submissions, summary of submissions and other relevant documentation can be found on the Selwyn District Council website at <https://www.selwyn.govt.nz/property-And-building/planning/strategies-and-plans/selwyn-district-plan/plan-changes/plan-change-66>
8. As such, this report seeks to provide as little repetition as possible and accepts those parts of the Request where referred to. If a matter is not specifically dealt with in this report, it can be assumed that there is no dispute with the position set out in the Request.

2. Background – Previous Request

9. The applicant, Rolleston Industrial Development Ltd, initially lodged a plan change request relating to the site with the Council in March 2020. This was referenced as Plan Change 65. Rather than seeking to change to site's zoning, the initial plan change request sought to apply a Dairy Processing Management area overlay to the site. Following a request for further information being issued to the applicant, the National Policy Statement for Urban Development 2020 (NPSUD) was gazetted. The applicant then submitted a different plan change request, now known as PC66. The applicant also advised the Council that it no longer wished to pursue PC65, and that instead PC66 was to replace PC65. PC65 has no weight or impact at all on this Request and is mentioned here for completeness only.

3. Proposal and Site Description

Site Description

10. PC66 relates to land on the south side of Maddisons Road, adjoining the eastern and northern boundary of IPort, and within that block of land located between Hoskyns and Weedons Ross Roads, as shown in the aerial photograph below, with the plan change site (the Site) outlined in red.
11. The Site is flat and contains no notable features. It is accessed currently from Maddisons Road in one location, via an informal rural vehicle crossing.



Figure 1 – Aerial Photograph of the Plan Change Site (Source: Plan Change Request)

Surrounding Environment

12. The Site is directly adjacent to the existing Business 2A zoning, along the full length of the Site's western boundary, and approximately halfway along its southern boundary. The northern, eastern and eastern portion of the southern boundary are zoned Rural Inner Plains, consistent with the current zoning of the Site.

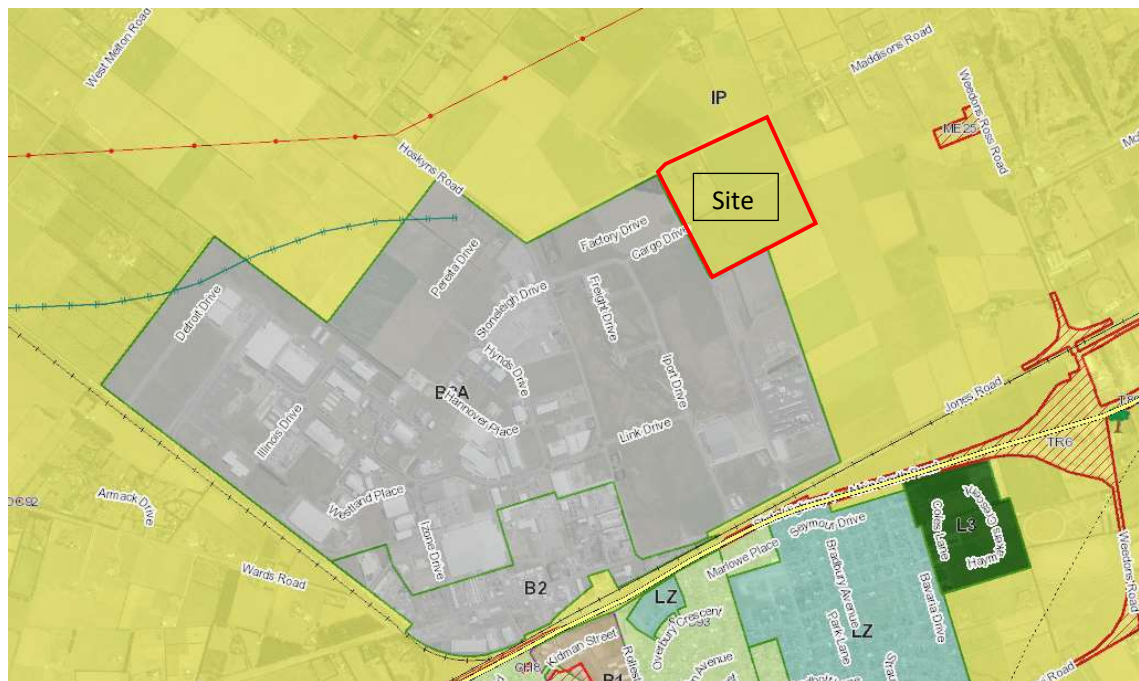


Figure 2 – Current Zoning of Site and Surrounding Area under the Operative District Plan

13. The Site is located to the north-east of Rolleston's existing urban boundary. Rolleston Township straddles State Highway 1 and the main trunk railway, with its residential areas and main commercial area located south of State Highway 1/the railway, and its industrial area located to the north of State Highway 1 and the railway line. Rolleston is the largest town in the Selwyn District, and has experienced substantial growth over the last 25 years. It is located approximately 13km west of Hornby and is within the subregional area identified as Greater Christchurch.
14. The existing Business 2A Zone is commonly known as IZone. I understand that IZone was an industrial area proposed by the Council in 2000 to attract business to the Selwyn District, with the Council purchasing 130 hectares of rural land in April 2001 for this purpose. Plan Change 5 rezoned 56.3 hectares of this land from Rural to Business 2 to form part of the IZone Industrial Park.¹ Plan Change 10 then proposed a new Business 2A zoning over the existing IZone Industrial Park, as well as rezoning 49ha of additional Rural (Outer Plains) zoned land to Business 2A. This was proposed as a consequence of the success of IZone and the need for more industrial-zoned land, and to allow for the application of a single comprehensive Outline Development Plan to this area.²

Proposal

15. The Request seeks to rezone the Site from Rural Inner Plains to Business 2A. In addition to the zone change, the Request includes the insertion of a new Outline Development Plan (ODP) to guide development of the Site, and various amendments to the Township volume of the Plan to include reference to the ODP, the effect of which is to apply certain existing provisions to the Site. These are set out in full in the Request and include: landscaping requirements; a restriction on vehicle access being provided directly onto Maddisons Road; lighting restrictions; and a requirement to generally accord with the landscaping and roading specifications in the ODP.
16. A new rule (16.7.3) is also proposed for the Site which would require any new principal building in an area identified within the ODP as subject to a 200 year average recurrence interval flood hazard event to have a specified minimum floor level.
17. Following the close of the submission period, the applicant has proposed amendments to PC66 to add a bunding requirement to the ODP and to add additional rules applying to the Site. These are discussed further below in the assessment of issues raised in submissions, but relate to:
 - restrictions on noise sensitive activities in proximity to the LPC Midland Port;
 - limitations on occupation of buildings prior to:
 - o roading upgrades being completed; and
 - o vehicle access being provided between the Midland Port site and a legal road within the Site; and
 - requirements to provide sufficient water supply and access to water supplies for fire fighting.

¹ <https://www.selwyn.govt.nz/property-And-building/planning/strategies-and-plans/selwyn-district-plan/plan-changes/operative-plan-changes/plan-change-5-izone-industrial-park>.

² <https://www.selwyn.govt.nz/property-And-building/planning/strategies-and-plans/selwyn-district-plan/plan-changes/operative-plan-changes/plan-change-10-izone-industrial-park>.

4. Procedural Matters

18. The process for making a plan change request and how this is to be processed is set out in the 1st Schedule of the Act.
19. The PC66 Request was formally received by Selwyn District Council on 8 October 2020. A request for further information was issued on 4 November 2020. Following the provision of requested further information, PC66 was accepted for notification at Council's meeting on 9 December 2020. The Request was publicly notified on 27 January 2021, with submissions closing on 25 February 2021. The summary of submissions was notified on 31 March 2021 and further submissions closed on 16 April 2021.
20. In response to points raised in submissions and further submissions, the applicant made amendments to the Request on 26 May 2021. Following further discussions with submitters, an additional amendment was made on 30 June 2021.
21. PC66 has reached the point where a hearing is now required (Clause 8B of the First Schedule to the RMA). Following the hearing, the Council is required to make a decision on the plan change and the associated submissions (Clause 10 of the First Schedule to the RMA).

5. Statutory Framework

22. Section 73(2) of the RMA allows for any person to request that a change be made to the District Plan, in accordance with the process set out in Part 2 or Part 5 of Schedule 1. Part 5 of Schedule 1 is not relevant to this particular Request as it relates to the use of the 'streamlined planning process', which is not proposed in this instance.
23. Clause 21(2) of Part 2 of Schedule 1 requires that the plan change request: explain the purpose of, and reasons for, the proposed change and contain an evaluation report prepared in accordance with section 32 of the RMA; and where environmental effects are anticipated, describe those effects in such detail as corresponds with the scale and significance of the actual or potential environmental effects anticipated from the implementation of the change. The Request considered the actual and potential effects of the plan change on the environment, and where relevant to matters raised in submission, I discuss these further in Section 6 of this report.
24. My understanding of the matters set out in the Part 2 of Schedule 1 are that PC66 requires assessment in terms of whether:
 - a. it is in accordance with the Council's functions (s74(1)(a)) and Part 2 of the RMA (s74(1)(b));
 - b. it will give effect to any national policy statement or operative regional policy statement (s75(3)(a) and (c));
 - c. the objectives of the proposal (in this case, being the stated purpose of the proposal) are the most appropriate way to achieve the purpose of the RMA (s32(1)(a));
 - d. the provisions in PC66 are the most appropriate way to achieve the objectives of the District Plan and the purpose of the proposal (s32(1)(b)).

25. In addition, assessment of PC66 must also have regard to:
- a. any proposed regional policy statement, and management plans and strategies prepared under any other Acts (s74(2));
 - b. the extent to which the plan is consistent with the plans of adjacent territorial authorities (s74(2)(c)); and
 - c. in terms of any proposed rules, the actual or potential effect on the environment of activities including, in particular, any adverse effect.
26. The assessment of PC66 must also take into account any relevant iwi management plan (s74(2A)).
27. These matters are considered in more detail in the Statutory Analysis section of this report. The following section sets out and discusses the matters raised in submissions, which are then in turn discussed in the Statutory Analysis section as they relate to the statutory requirements.
28. I also note that Selwyn District Council has notified a proposed District Plan (PDP). At the time of writing this report, the submission period on the PDP has closed, but hearings are yet to be held. My understanding of the statutory context is that there is no specific requirement to consider PC66 against the PDP; however in my view the PDP is useful in understanding the current issues in the District in terms of the Council's obligations under s74(1) of the RMA.

6. Assessment of Issues Raised by Submitters

29. A total of 10 submissions were received on PC66, and 2 further submissions. A summary of the submissions is available at https://www.selwyn.govt.nz/data/assets/pdf_file/0008/393227/List-of-submitters-and-summary-of-submissions.pdf and the full submissions can be viewed at <https://www.selwyn.govt.nz/property-And-building/planning/strategies-and-plans/selwyn-district-plan/plan-changes/plan-change-66>
30. This section provides an assessment of the submission points received and a summary of the information included with the Request and the expert evidence commissioned to inform the overall recommendations of this report and to make a determination on the relief sought by submitters.
31. I consider that the key matters either raised by submitters, or necessary to be considered in ensuring that the Council's statutory functions and responsibilities are fulfilled, are:
- a. Traffic effects
 - b. Amenity effects
 - c. Impacts on highly productive soils
 - d. Water supply
 - e. Flooding

- f. Contamination
- g. Urban form
- h. Economic effects

Traffic effects

Submissions

32. Several submitters have raised concerns over the anticipated increase in traffic volumes as a consequence of PC66 and the effects of the increased traffic on the functioning of the transport network or on amenity values for surrounding sites.
33. Waka Kotahi NZ Transport Agency (the Agency) (PC66-0005), while neutral to the rezoning, note that it is proposing a series of upgrades in the vicinity of the Hoskyns Road/State Highway 1 intersection intended for completion in 2025, which will include the closure of this intersection. It raises concerns that the applicant has relied on the proposed upgrades to demonstrate that the potential effects of the proposed rezoning on the State Highway are acceptable. However, it considers that the effects of PC66 on the efficiency of the current Hoskyns Road/State Highway 1 intersection (until the Agency's upgrades are completed) are unknown and have not been adequately assessed by the applicant. In particular, it has concerns that if development of the Site progresses quickly, there may be capacity issues at the intersection. The Agency consider that resolution of the issues associated with this intersection is necessary to ensure that the proposal is "*supported by the provisions of the RPS*". Environment Canterbury (PC66-0007) similarly has concerns that mitigation of transport effects is reliant on planned intersection upgrades that may not eventuate as scheduled and that the phasing of development for the Site is not linked to the completion of the upgrades.
34. Lyttleton Port Company (LPC) (PC66-0008) also raises concerns that the proposal will result in increased vehicle movements on the network from those anticipated by the current rural zoning, which may detrimentally affect network safety, efficiency and effectiveness. It is particularly concerned with the main access of Midland Port via Jones Road, and the performance of the intersection of Hoskyns Road / Jones Road and State Highway 1. It describes in their submission the way in which their operations are dependent on the performance and function of the transport network.
35. In light of the above, the Agency requests that the applicant demonstrate that there is sufficient capacity at the Hoskyns Road/State Highway 1 intersection, if the land were to be fully developed prior to the proposed roading upgrades, or alternatively that appropriate controls are provided to manage potential effects on the efficiency of the intersection. Environment Canterbury seeks that if the Plan Chante is approved, an appropriate rule package is incorporated so that the layout and phasing of development addresses the impacts on the wider transport network. LPC opposes the rezoning on the basis of the potential effects on the supporting transport network, or seeks clarification that generated transport movements on the road network will not have material adverse effects, including cumulative effects, on the Midland Port's freight operations.

36. S. Thomas (PC66-0002) is concerned that the Traffic Assessment is premised on no access to the Site being provided via Maddisons Road, but notes that PC66 allows for such access to be proposed through a resource consent application, following the rezoning being granted. He is concerned that if PC66 is approved and then access to Maddisons Road is sought it will result in a loss of amenity to rural residents who are then affected by additional traffic, including heavy trucks, travelling past their properties, and a cost to ratepayers to upgrade affected roads and ongoing maintenance costs. While he ultimately seeks that the plan change be declined, if approved, he seeks that no resource consent can be sought for access to Maddisons Road for at least 20 years *“and any subsequent transfer of title for any reason will include reference to that.”*
37. C. Greenfield (PC66-0010) is similarly concerned that the rezoning will result in more traffic on local roads which are rural in nature and unsuitable for traffic associated with industrial activities. She considers that a significant number of vehicles will *“find their way”* onto Maddisons Road, as it is a convenient link to West Coast Road and the Christchurch Airport Campus. If the rezoning is approved, she seeks that well considered traffic management is introduced in relation to the adjacent local roads.
38. The Ministry of Education (PC66-0009) is supportive of the road access for the Site being provided through the industrial area, with no direct access onto Maddisons Road or Weedons Ross Road. They seek a minor change so that Rule 17.2.2 also refers to non-compliance with Rule 17.2.1.2(iii).

Analysis

39. My understanding of the ITA submitted as part of the Request is that it has set out the traffic volumes, and related levels of service associated with various intersections, that are based on the full development of the existing zoned land. This indicates that there are existing capacity/performance issues with the Jones Road/Hoskyns Road and Hoskyns Road/State Highway 1 intersections, which are expected to increase as a result of use of these intersections by all zoned land being fully developed. The response to this issue is for the upgrades identified in the ITA and confirmed in the Agency’s submission to be undertaken. My understanding is that most submitters agree that these upgrades will also be sufficient to cater for the additional development facilitated by this plan change, as well as the existing issues.
40. However, the concern of some submitters appears to be that if PC66 is approved and development of the Site occurs prior to the upgrades being completed, it may exacerbate the Hoskyns Road/State Highway 1 issues. In my view, it is important to note that the traffic volumes and level of service assume a worst case scenario in terms of all existing zoned land being developed. Thus there is an element of uncertainty not just in terms of when the Site might come online, but also how much of the existing zoned land would also be developed in that time. In my view, this is not an unsurmountable issue, and subsequent to the submissions period, has been addressed through the changes proposed to PC66, to include a non-complying activity for the occupation of any building prior to the over bridge of State Highway 1 between Rolleston Drive and Jones Road being operational (refer below for specific wording). I consider this change is appropriate to address potential interim effects on the transport network until

such time as the identified upgrades are completed and note that Mr Mazey - the Council's Asset Manager Transportation - also considers the amendment as being beneficial.³

41. With respect to LPC's submission, I note that the applicant has, following discussions with this submitter, proposed amendments to the Request which I understand address the concerns of the submitter. The full text of the proposed rule is:

Non-complying Activities – Development within the Business 2A Zone, Rolleston

22.9.8 Within the Appendix E43A Rolleston Business 2A Zone Maddisons Road ODP area, no building shall be occupied until such time as:

- a. the over bridge of State Highway 1 between Rolleston Drive and Jones Road is operational; and*
 - b. vehicular access is provided between the Midland Port site (Lot 2 DP 475847) and a legal road within the Appendix E43A Rolleston Business 2A Zone Maddisons Road ODP area. Such access shall be secured via a right of way easement in favour of Lot 2 DP 475847 and/or a direct connection from Lot 2 DP 475847 to a legal road vested in Council.*
42. Mr Mazey notes that in light of this rule, the roading network for the Site will *"need to take account of how this vehicle access will be made, and the additional traffic use generated from having this connection through to the Midland Port operations."*⁴ He considers that this can be taken into account by the applicant in future consenting and engineering approval processes. I consider the rule proposed to be appropriate, as I consider that the applicant, LPC, the Agency and the Council (as the affected road controlling authorities) are the parties most affected by its application, and note that they have agreed this approach (or in the case of the Council, Mr Mazey does not have any concerns with it). Mr Mazey also recommends that the ODP is amended to show this required vehicle access connection from the LPC site. However, I note that the location of the vehicle access may not yet be agreed, and given its purpose is to address concerns about the effects of traffic on the Midland Port's freight operations, I consider the exact location is better determined between the applicant and LPC (if this is not already agreed). This also allows flexibility for how the access is integrated with future development. I therefore recommend that if the Request is approved, the ODP is either amended to show the required connection, or, if the location is yet to be determined, to include a notation along the southern boundary that cross-references to proposed Rule 22.9.8, for example *"Vehicle access to be provided to Lot 2 DP 475847 (refer Rule 22.9.8)."*
43. In terms of Maddisons Road, I accept that while access to Maddisons Road is not proposed through PC66 itself, it is not precluded from being proposed in future through a resource consent process. In my view it is reasonable, given that access to Maddisons Road has not been enabled, that the effects of PC66 on traffic on this road have not been assessed. In general terms, allowing for consideration of access in future, and in accordance with the specified matters of discretion is a reasonable way to approach this in future. In particular, the matters

³ Andrew Mazey, 'Transport Comments on Plan Change 66, Maddisons Road Rolleston', dated 7 July 2021, at 14.

⁴ Mr Mazey, at 15.

for discretion allow for consideration of: the impacts of an increase in heavy vehicle volumes on the safe operation of surrounding roads; and whether upgrades are required to surrounding roads. The latter would allow for conditions to be placed on any application to undertake upgrades deemed necessary as a result of any access being proposed in future.

44. I also note that Mr Mazey refers to the Council's approach of seeking that developments prevent or limit direct roading or site access to Maddisons Road, because its current level of service is more typical of a standard rural road (rather than a road designed for traffic associated with industrial activities) and due to community concern regarding this use of the road for heavy vehicles and increased traffic generally.⁵ He has concerns that the wording used on the proposed ODP does not align with the related rule framework in relation to access to Maddisons Road, and queries whether the absence of the identification of any internal roading within the ODP would provide greater flexibility for a connection to Maddisons Road to be made in future.⁶ He also notes that the ITA is based on two parallel roads running east – west through the site and referred to as Roads K and D. He therefore considers it reasonable that these roads be shown on the ODP.⁷
45. I note that the ODP notation that Mr Mazey refers to – *"No vehicle entrance off Maddisons Road"* – relates to the version of the ODP that is contained in Appendix 1 of the ITA. This notation is not included in the version of the ODP contained in Attachment 2 to the Request, nor in the amended version of the ODP provided on 26 May 2021. Whilst the rules restricting access to Maddisons Road will apply regardless of any notation on the ODP, I consider it useful to align the ODP with the rules as this makes the two consistent and alerts plan users when reviewing the ODP of the limitations on access. I therefore agree with Mr Mazey's recommendation to amend the ODP to state: *"No roading or other vehicular access to Maddisons Road."*
46. I also note that it is common for key internal roads, and their connection to adjoining sites, to be identified on ODPs. This includes ODPs applying to existing areas within the Business 2A Zone.⁸ Given this, and the reliance on two east – west routes through the site in the ITA, I agree with Mr Mazey's recommendation to identify these road links on the ODP, should PC66 be approved.
47. I also agree with the Ministry of Education that if PC66 is approved, Rule 17.2.2 should be amended to refer to the new clause (17.2.1.2(iii)) introduced by the plan change. Subsequent to the submission period, the applicant has in any case agreed to amend PC66 to include this. The effect of this is that non-compliance with the proposed new standard – which restricts a vehicle accessway from having access directly into Maddisons Road, from the Site – would be a restricted discretionary activity. I consider this is appropriate.

⁵ Mr Mazey, at 8-10.

⁶ Mr Mazey, at 10(b) and (c).

⁷ Mr Mazey, at 10(c).

⁸ Refer to Appendix E22: B2 Rolleston ODP and Appendix E43: Outline Development Plan – Business 2A Zone East, Rolleston.

Amenity Effects

Submissions

48. Several submitters have commented on matters relating to effects on amenity values resulting from PC66.
49. S. Thomas (PC66-0002) is concerned that in absence of a detailed development proposal, the full impact of built form and layout, and its impact on the surrounding area are uncertain, and the effects may be greater than identified in the Landscape and Visual Effects Assessment submitted with the Request. He considers that the proposal will result in *“creeping industrialization of our countryside”*. While he ultimately seeks that PC66 be declined, if approved, he seeks that landscaping be required: along the northern boundary to include a bund of at least 2.5m in height and that the landscaping required is Landscape Treatment Four (rather than One); and that along the eastern boundary the existing shelterbelt be retained, in addition to Landscape Treatment Four being applied.
50. L.J & C.M. Manion (PC66-0004), who own property bordering LPC, raise concerns about a range of amenity-related effects of the proposed rezoning and seek changes to the zone provisions to address these. Firstly, they have concerns about the impact of allowing stacking of containers up to 6 containers high. They consider that containers stacked up to 6 high is visually unappealing, block views and will shade their property from late afternoon sun. They also consider that containers of this height will amplify noise from Hyster container handlers. They seek that containers are restricted to 3 high only.
51. L.J & C.M. Manion (PC66-0004) also consider that landscaping in area 4 will take too long to establish, and as a result, seek that a 3m high landscaped earthbund is required between their property and the Site, similar to but larger than the earthbund bordering their land and LPC Midland Port.
52. Conversely the Ministry for Education (PC66-0009) is supportive of Landscape Treatment 4 being applied along the eastern boundary of the Site, as they consider the requirements associated with the treatment will adequately screen the Site from Weedons School.
53. L.J. & C.M. Manion (PC66-0004) are also concerned that the noise levels applying to the Business 2A zone are too high for the adjoining Rural Inner Plains-zoned houses on 4ha blocks. They seek that conditions are placed on PC66 so that Hyster container handlers are not allowed within the Site unless extra noise suppression is used on their motors. They are also concerned about activities establishing within the Site that would cause dust or odour issues. As such, they seek that conditions are placed on PC66 to ban types of businesses, such as fertiliser plants or compost sites, that would cause dust and odour issues that could not be mitigated.
54. LPC (PC66-0008) has concerns that the proposal has the potential to increase sensitive activities proximate to Port operations at Midland Port. They note that the Port is considered a ‘Significant Regional Transport Hub’, which in turn is considered as both ‘Strategic Infrastructure’ and ‘Regionally Significant Infrastructure’ under the CRPS. They note that Objective 6.2.1(1) and Policy 6.3.5 of the CRPS seek to ensure that new development does not adversely affect the efficient use, operation and future planning of strategic infrastructure, including freight hubs. In terms of the Midland Port, their activities include noise and lighting

effects that they submit cannot be fully internalised within their site. They are concerned that the application of the Business 2A rules to the Site would enable, as permitted activities, custodial dwellings and education facilities near the interface with the Midland Port and that due to the sensitivity of these activities, they could result in amenity and community health effects that may give rise to reverse sensitivity issues. To address this, they seek that provisions are added to avoid noise sensitive activities within 80m of the interface with Midland Port.

55. C. Greenfield (PC66-0010) is concerned that the change of zone will have detrimental effects on the amenity values of the area.

Analysis

56. The Landscape and Visual Effects Assessment (LVEA) submitted as part of the Request acknowledges that at a plan change level, there is limited certainty over the specific development that will occur as a consequence of the zoning changing, and accordingly, the assessment has considered visibility of the Site and its context, rather than assessing a particular development. In my view, this is an appropriate approach to take at the plan change level.
57. It is my view that the visual effects resulting from industrial activities, will in effect 'shift' the boundary at which the effects are felt on the rural environment. In my view there is nothing particularly distinctive about this Site, or the surrounding land, to indicate that application of the interface treatment currently applying to the adjoining Business 2A sites is not appropriate for the Site. In this regard I note that the application of Landscape Treatment 1 along the Maddisons Road boundary is consistent with what is required on the adjoining Business 2A-zoned site to the west. In terms of Landscape Treatment 4, of the four Treatment Areas identified as boundary treatment for the Business 2A Zone, it applies the highest treatment requirement, in terms of the minimum height at the time of planting and the minimum mature height. In my view, this is appropriate.
58. Subsequent to submissions being lodged, the applicant has proposed to amend the ODP to also require a 2.5m bund be established on the northern and eastern boundaries of the Site, including on the southern rural boundary interface. I consider that the proposed bund would effectively increase the mitigation of the effects from the industrial zone on the amenity of surrounding rural sites. I do not consider that additional mitigation requirements beyond this are necessary. For completeness I note that the applicant also proposes a consequential amendment to Rule 17.6.2 (which provides a restricted discretionary activity status for a road crossing that requires a break in a required landscape treatment area) to extend this to apply to the bund. I consider this change to be necessary as a consequence of the proposed bund.
59. These matters have also been considered in the Landscape and Visual Effects Peer Review undertaken by James Bentley, a Senior Principal Landscape Architect from Boffa Miskell. He considers that the LVEA has appropriately considered the worst case scenario of what could be developed under the Business 2A provisions, and agrees that the implementation of the proposed bunding and planting will assist in ameliorating visual effects resulting from the rezoning.⁹

⁹ James Bentley, 'Plan Change 66: Area Plan Change - Business 2A Zone – Landscape and Visual Effects Peer Review', dated 21 June 2021, page 4.

60. Mr Bentley has also considered container height and noted that it is likely that five containers could be stacked as a permitted activity, but if six containers would exceed the 15m height limit, a resource consent would be required. He notes that through such a consent process, the transient nature of containers could be considered.¹⁰ Taking into account Mr Bentley's comments, I do not consider that there is sufficient reason to apply a lower height limit to this Site for containers, than that applying to other Business 2A zoned land, being 15m for buildings and 25m for structures. A 10m setback is also required from boundaries adjoining rural zoned properties (under Rule 16.7.2.7).
61. In relation to noise levels, the applicant has provided a 'Design Advice Memo' from Powell Fenwick. This identifies the noise levels applying to activities within the Business 2A zone under Rule 22.4.1.5, noting in particular that the noise limits apply anywhere within a rural-zoned site, not only at the notional boundary of a dwelling located on an adjoining property. They state that the noise limits applying under the Business 2A zone are "*not unreasonable for a future business activity*" and consider that the limits are sufficiently permissive to allow for a range of business activities to be established within the Site, noting that consideration would need to be given to the nature of activities, their operating hours and the potential need for acoustic input at the planning and design stage to mitigate noise effects. In particular, they state that any "noisy activity" should have a noise assessment carried out at the initial planning stages to reasonably mitigate noise effects and compare noise outcomes to compliance limits.
62. My understanding from the memo is that: the application of the 'default' Business 2A noise limits is appropriate to apply to this Site to manage noise effects; and while the type of business activities facilitated by the rezoning can be noisy, acoustic input at the planning stage for any particular activity should allow for any noise mitigation requirements necessary to meet the noise limits. In my view, this may necessitate noise suppression of the motors of Hyster container handlers, if such mitigation is required to ensure the permitted limits will be achieved. In my view, this approach is appropriate and consistent with how noise is managed under the District Plan. Conversely, a blanket requirement for a particular type of mitigation to be undertaken regardless of actual noise levels would be inconsistent with the current approach, and may be inefficient if such mitigation is not required to achieve the noise limits.
63. In terms of dust and odour issues, I note that under Rule 13.1.4, various activities¹¹ require consent within the Business 2A Zone, as a controlled activity, with matters of control specifically relating to potential nuisance effects arising from dust, odour, smoke and noise. This allows for the Council to consider these effects and place conditions on any consent for such activities to mitigate the effects. Various activities that have the potential to cause nuisance effects also explicitly require consent as a discretionary activity,¹² including composting. I also note that dust and odour are matters that are specifically managed under the Canterbury Air Regional Plan (CARP), which activities within the Site would also be subject to. In my view, application of the

¹⁰ Mr Bentley, pages 4 & 5.

¹¹ Meat processing, cement manufacture, hot mix, asphalt paving manufacture, glass or fibreglass manufacture, foundry processes, electroplating works, melting of metal, steel manufacture and galvanising, natural gas, oil or petroleum distillation or refining, manufacture of hardboard, chipboard or particle board, timber treatment, thermal power generation, any other industry using the combustion of coal, wood or any other bio-mass for space heating or as a source of energy.

¹² Any activity requiring an offensive trade license under the Health Act 1956 (13.1.7.2(a)), composting or disposal on to land of any organic matter (13.1.7.2(e)), tannery, fellmongering or hide curing, wool scouring or washing (13.1.7.2(h)) and scrap yards (13.1.7.2(f)).

current Business 2A provisions, in combination with the CARP, is sufficient to address potential dust and odour effects arising from activities that might seek to establish in the Business 2A Zone.

64. In terms of LPC's concerns regarding the establishment of sensitive activities, I note that the applicant has proposed changes to PC66 to address this, in the form of a non-complying activity rule for development of any Noise Sensitive Activity located within 80m of the Midland Port site. Notwithstanding that this addresses the matter raised by the submitter, I have also considered the appropriateness of this rule, give the requirements of s32 of the RMA. I note that while the concern raised by LPC is a situation which already arises in terms of other Business 2A zones located in proximity to their operations, in response to the direction in the CRPS, the PDP seeks to introduce additional controls on the establishment of sensitive activities within the General Industrial Zone (the zone generally replacing the current Business 2A Zone). These controls include a controlled activity status for custodial on-site residential units; in all other cases residential units are proposed to be non-complying.¹³ Education facilities and visitor accommodation activities are similarly proposed to be non-complying within the proposed zone.¹⁴ Notwithstanding that the PDP is only at the submission phase, with hearings yet to be held, I consider that what is proposed by the applicant to address the matters raised by LPC, in terms of restricting noise sensitive activities near the interface with the Port, is generally consistent with the approach taken in the PDP to restrict the establishment of these types of activities within an industrial zone. In my view this approach is supported by the direction in the CRPS.

Impacts on Highly Productive Soils

Submissions

65. D. Penny (PC66-0003) seeks that PC66 is declined, because the Site is predominantly Land Use Capability Class 2 soils. She notes that there is a proposed National Policy Statement (the proposed National Policy Statement for Highly Productive Land (pNPS-HPL)) that direct councils to protect such soils for the long term and for future production. She considers that Class 1 and 2 soils should not be subject to development, and that land further afield could be used for industrial activities. She is also concerned that rezoning of the Site will lead to further land being taken out of productive use, in addition to other consents granted, and will set a precedent. In addition, she considers that granting the plan change may preclude neighbouring land from being utilised, due to adverse effects from the activity.
66. C. Greenfield (PC66-0010) opposes PC66 on the basis that it will remove productive agricultural land from the Rural Inner Plains Zone, which is irreversible and will lead to the loss of local food production. She also considers that the Council needs to be more mindful of the pNPS-HPL, particularly the requirement for councils to ensure that there is enough highly productive land available for primary production, now and into the future, and to protect it from inappropriate subdivision, use and development.
67. Environment Canterbury (PC66-0007) notes that the LUC Class 2 classification means that that area would likely be identified as highly productive land under the pNPS-HPL. It notes that the

¹³ GIZ-R2

¹⁴ GIZ-R11 and GIZ-R19

purpose of the pNPS-HPL is to protect highly productive land for primary production and submits that although an exemption is proposed for areas already identified for future urban development in district plans, this Site is currently zoned for rural activities.

Analysis

68. The pNPS-HPL was released in 2019 by the Government for public consultation. The Council is required to give effect to an NPS within their District Plan, once it is Gazetted. However, as a proposed NPS, it has no legal weight, and the final form of any NPS is as yet unknown.
69. I accept that the Site is located on soils identified as Class 2 under the Land Use Capability classification. As shown in the figure below, this classification applies to land on the eastern side of the existing urban area of Rolleston and the rural area beyond. The central part of Rolleston, including the remainder of the area zoned for industrial uses contains Class 3 soils. Under the pNPS-HPL, Class 1, 2 and 3 soils would be considered as highly productive by default until more detailed assessments are undertaken. Any expansion of the industrial area into the immediately adjoining area would therefore include some highly productive soils. I also note that the pNPS-HPL does not take the position that urban expansion onto highly productive land is to be avoided in all instances; rather my understanding is that it seeks to elevate the consideration that highly productive land is given in the planning process. In particular, this is through specific consideration being required around the costs and benefits associated with impacts on HPL and feasibility of alternatives. Consideration of the feasibility of alternatives will necessarily require consideration of other factors such as the appropriateness of the location in relation to transport routes and urban form.



Figure 3: Canterbury Maps, NZLRI LUC Classes 1-3 Land Resource Inventory Layer

70. I also consider it important to note that Policy B1.1.8 of the District Plan explicitly directs that the rezoning of land for new business development is avoided, if it is appropriate for other activities and there are other areas adjoining the township that which are appropriate for new business development which do not contain versatile soils. In this case, there is nothing to indicate that the land is unsuitable for ongoing rural use. However, as noted above, any expansion of the industrial area into the immediately adjoining area would include some highly productive soils.
71. Overall, I consider that expansion of the industrial area onto Class 2 land is a relevant matter to consider in weighing up whether the plan change is the most appropriate way to achieve the objectives of the District Plan; but it is only one matter and needs to be considered alongside other matters.

Water Supply

Submissions

72. Fire and Emergency New Zealand (FENZ) (PC66-0006) raises concerns that there is a lack of clarity within the Request regarding the source of water supply to the Site, and a risk that there will be insufficient water supply for firefighting. They consider that significant health and safety risks are posed without this certainty. They do note that erection of a principal building is permitted if connected to reticulated water supply and support this, but note that this excludes the provision of water for fire fighting. Where a reticulated supply is provided, but the supply cannot provide adequate water volume and pressure for fire fighting, as set out in the Code of Practice, they seek an alternate supply is provided in accordance with the Code.
73. The Ministry of Education (PC66-0009) notes that the Weedons School drinking water supply is sourced from a bore on the school site. It is concerned about the potential contamination effects of the activities enabled under the Business 2A zoning, on the bore, resulting from discharges to ground.

Analysis

74. In response to a request for further information in regard to servicing of the Site, a memorandum has been prepared by WSP. This identifies that additional wells will be required to meet the design flows for activities anticipated by the rezoning, but that connection of the Site to the Rolleston water supply network will not have adverse effects or any water supply pipe issues that would impede the rezoning. The assessment explicitly states that fire flow requirements have not been considered within this. The applicant has, subsequent to submissions closing, proposed a rule that would require, within the Site, for provision to be made for sufficient water supply and access to water supplies for firefighting to be made available to all buildings via Council's urban reticulated system, where it is available.
75. Notwithstanding this, s32(1)(b)(ii) requires consideration of the efficiency and effectiveness of this provision in achieving the District Plan's objectives. I note that this matter was also considered in both Plan Changes 60 and Plan Change 62, and that in both those instances, a requirement for the plan change areas to comply with New Zealand Firefighting Code of Practice SNZ/PAS 4509:2008 was not considered to be efficient and effective and the risk of not including it was considered low in any case, because of the existing provisions in the District Plan and the

Council's subdivision Code of Practice. In particular, I note that the provision of water for fire fighting is an existing matter for discretion at the time of subdivision (under Rule 24.1.4.3). Mr England also details the requirements placed on subdivisions in relation to fire fighting capacity under the Council's 'Engineering Code of Practice'.¹⁵ On this basis, should PC66 be approved, I recommend that the standard is not included.

76. While I accept the Ministry of Education's concern regarding their bore, as noted within their submission, water quality is not a matter that is managed by SDC, nor is it within the functions of territorial authorities under the RMA.
77. I note that in response to a request for further information relating to servicing of the Site, a memorandum has been prepared by WSP in relation to wastewater. This concludes that the wastewater network has the capacity to receive wastewater flows predicted from the development of the Site under the proposed zoning. In particular the addition of the proposed wastewater flows from the rezoning is not predicted to cause any capacity issues in the gravity pipe network during peak wet weather flow, and the George Holmes pump station is predicted to have sufficient capacity to cater for the additional flow from the development. Mr England has also confirmed that there is a viable means to dispose of wastewater for this plan change area.¹⁶ As such, the Site is able to be serviced by the Council's wastewater network and will not result in discharges to ground from wastewater.
78. In relation to stormwater discharges, any discharges to ground would need to meet requirements of CLWRP, either in terms of meeting permitted activity conditions, or through the requirement for a resource consent. Mr England considers that the proposed discharge of stormwater to ground via sump to soakhole is appropriate, notes that authorisation of such a discharge will be required from Environment Canterbury in order for a subdivision consent for the Site to be granted, and agrees that there is a viable means of stormwater disposal for the Site.¹⁷ I also note that the regional council's submission does not raise a concern in relation to the ability of stormwater to be appropriately managed (in relation to effects on surrounding water quality). Therefore, I do not consider that the Ministry's concern is sufficient to preclude the Site's rezoning.

Flooding

Submissions

79. Environment Canterbury (PC66-0007), in relation to flooding, acknowledges the proposed rule requiring minimum floor levels to be met where a 200 year ARI flood hazard event risk is identified. However, it states that it has identified *"two well-defined overland flow paths carrying reasonable flows during the 200 and 500 year ARI events"*. It states that the water depth and flow speeds in the western channel are such that this area would meet the definition of a high hazard area in Chapter 11 of the CRPS so any development in this part of the Site should ideally be avoided. If the rezoning is approved, it seeks that development is undertaken in such a way that these channels were maintained in their current form, or realigned so that water could still enter and exit the Site in the same fashion that it would currently – with

¹⁵ Mr England, at 17-19.

¹⁶ Mr England, at 30.

¹⁷ Mr England, at 32-38.

sufficient capacity to avoid overflows onto other areas and address potential diversion issues from associated earthworks. It therefore seek that if PC66 is approved, an appropriate rules package is incorporated so that the layout and phasing of development addresses this matter.

Analysis

80. I note that the Request proposes that a rule is included within the Plan to require any new principal buildings within the Site, in any area that is subject to a 200 year Average Recurrence Interval (ARI) flood hazard event, to meet a minimum building floor level. This rule is the same (in effect) as Rule NH-R2 (3)(c) in the PDP. I therefore consider that it generally addresses flood risk associated with the development of the Site, outside high hazard areas. For completeness I note that the ODP does not identify areas of the Site subject to a 200 year ARI and therefore would require case-by-case assessment against this rule; however my understanding is that this is consistent with the approach proposed in the PDP, whereby areas are identified as being within the Plains Flood Management Overlay, and within this overlay, the minimum floor level requirement is applied where a 200 year ARI applies.
81. The applicant, in response to the request for further information, has also stated that the management of overland flow paths can be appropriately managed at the time of detailed design and in particular at the time of subdivision. They also note that the overland flow paths identified in the further information request show that overland flow paths traverse across existing B2/B2A zoned land in the vicinity that has already been developed and overland flow paths appropriately accounted for. They consider that there is nothing unusual about the Site or the nature of development anticipated on the Site that would render standard engineering solutions for flooding and stormwater management as impractical and state that the presence of overland flow paths will not prevent the Site from being developed for industrial purposes in accordance with the Business 2A Zone provisions. Mr England agrees, in relation to the 200 year ARI flood hazard events, that managing overland flow paths at the time of detailed design and more particularly through the subdivision process, is appropriate.¹⁸ I consider that this approach is reasonable, but not in respect to high hazard areas.
82. In relation to the high hazard areas referred to by Environment Canterbury, I note that Policy 11.3.1 directs that new subdivision, use and development of land in high hazard areas is avoided, unless it meets the criteria specified in that Policy. In respect to this Site, the relevant requirements are that the subdivision, use or development:
- is not likely to result in loss of life or serious injuries in the event of a natural hazard occurrence; and
 - is not likely to suffer significant damage or loss in the event of a natural hazard occurrence; and
 - is not likely to require new or upgraded hazard mitigation works to mitigate or avoid the natural hazard; and
 - is not likely to exacerbate the effects of the natural hazard.

¹⁸ Mr England, at 35.

83. In the PDP, buildings within high hazard areas would not be permitted (refer Rule NH-R1 15(a)).
84. In my view, it has not been demonstrated through the Request that this policy is given effect to through the proposal. In particular, the proposed rule package would only require that new principal buildings located within areas subject to a 200 year ARI flood hazard event achieve a minimum building floor level. There is no technical evidence to determine that this is sufficient to avoid likely loss of life or injuries, or significant damage or loss. The requirement for minimum floor levels may also exacerbate the effects of the natural hazard, by displacing flood flows. Similarly, it is also not clear how the proposed bunding may affect the high hazard area. The matters of discretion for subdivision (set out in 24.1.4) also do not appear to provide for consideration of this matter.¹⁹ In addition, I am not aware of any provisions within the Plan that have been established to give effect to this part of the CRPS. The proposed approach also does not preclude buildings being established as permitted activities in the high hazard area, prior to a subdivision consent being obtained.
85. Given the strong direction in the CRPS in relation to high hazard areas, it is my view that it would be more appropriate to identify the high hazard area on the ODP and preclude permanent built development within this area. Alternatively, if it is anticipated that the high hazard area flow path will be realigned, and that this can be undertaken in such a way that it meets the direction in Policy 11.3.1 of the CRPS, the ODP notation and/or accompanying text could be sufficiently flexible to allow for this (i.e. to allow for buildings in the area, subject to the realignment); while ensuring that the presence of the high hazard is acknowledged and more directly ensuring consideration of this in any subsequent subdivision processes. A further alternate would be to add a further standard and term and related matter of discretion in relation to this to the subdivision rules.

Contamination

Submissions

86. Environment Canterbury (PC66-0007) note that aerial imagery for the Site shows two agricultural buildings that appear to have been there for some time. Remnants of yards are visible so although the Site is not listed in the Listed Land Use Register confirmation that no sheep or stock dipping had taken place in the area historically is advised with an investigation if required to evidence this.

Analysis

87. Contamination is a matter that is managed under the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NESC). My understanding of the NESC is that this applies to any subdivision or change in the use of a piece of land, and therefore would apply to the type of land use change facilitated by the Request. While the Listed Land use Register is of relevance to the NESC, the requirements of the NESC apply regardless, and direct the type of investigation required and depending on the outcome of such an investigation, may require resource consent to be obtained. Therefore in my view, there is no need at this point in time for historic activities to be investigated. Given the limited

¹⁹ 24.1.4.8 – 24.1.4.10 allow for consideration of stormwater disposal, but do not extend further in terms of any explicit reference to the management of high hazard flood flows.

scale of land that may be considered contaminated under the NESCS, I do not consider this to be an impediment to the change in zone, and is a matter that can be appropriately addressed through the NESCS in future.

Urban Form

Submissions

88. The Agency (PC66-0005) considers that the proposed rezoning is a logical extension to the existing Business 2A zoning due to the surrounding land uses, particularly the inland ports. They consider that the Urban Development Strategy, including the settlement pattern update: *Our Space 2018-2048* should be considered when evaluating the Request, and note that PC66 is consistent with industrial development around the I-Zone Southern Business Hub anticipated within Our Space.
89. Environment Canterbury (PC66-0007) note that the Site is located within the Projected Infrastructure Boundary shown on Map A within Chapter 6 of the CRPS, but is not identified as Greenfield Priority Areas for Business, meaning that it is inconsistent with Objective 6.2.1 of the CRPS. However, they accept that planning decisions must now also give effect to the National Policy Statement on Urban Development (NPS-UD), including Policy 8. They state that *“Our Space 2018-2048 did not recommend any Future Development Areas (FDAs) for Business be advanced through changes to the CRPS. The associated capacity assessment findings were that sufficient industrial land was already zoned across Greater Christchurch to meet anticipated demand through to 2048.”* They also note that the Economic Assessment submitted with PC66 does not consider whether at a Greater Christchurch or regional level the rezoning would generate additional economic benefits or simply transfer demand from one district to another. They consider that the Council needs to be satisfied that the plan change meets an identified business demand.
90. Environment Canterbury seeks that careful consideration is given as to whether the plan change will add significant development capacity and contribute to a well-functioning urban environment, that is well-connected along transport corridors in the Greater Christchurch area.
91. LPC (PC66-008) supports the proposed rezoning in terms of it providing additional Business 2A land within the district.

Analysis

92. I consider it relevant that the Site is located within the Projected Infrastructure Boundary. This indicates that from an integration perspective, the site is within an area that I understand forms part of the Council’s planning for infrastructure development and servicing. As such, rezoning of the Site would not result in capacity being ‘taken up’ by a Site which has not been taken into account in the Council’s long-term plan for infrastructure; or necessitate upgrades that have not otherwise been anticipated. Murray England - the Council’s Asset Manager – Water Services - notes that the Site is outside the Rolleston Structure Plan (RSP) area and that to ensure that growth is appropriately integrated with the provision of infrastructure, and planned growth is able to be serviced, priority of water allocation and wastewater capacity should be given to

those developments within the RSP area.²⁰ However, in terms of this particular plan change, he considers that water and wastewater capacity can be made available for this plan change area while still ensuring sufficient supply is available for all areas within the RSP boundary.²¹

93. Mr Foy has considered whether at a Greater Christchurch or regional level the rezoning would generate additional economic benefits or simply transfer demand from one district to another. He states that this cannot be determined at present, because there are no confirmed tenants for the Site.²² In my view, this is understandable given that the proposal is currently for a plan change and such tenancies would not be able to establish unless the rezoning is approved. My Foy's view is that it is equally likely that new business on the Site could be either relocations or new businesses to the District/region, and would likely be some of each.²³
94. Mr Foy has also considered whether the proposal meets an identified business demand. His view is that the work undertaken for *Our Space 2018-2048* demonstrates that there is already sufficient industrial land zoned across Greater Christchurch and that consequently, there is no need for additional industrial land to be zoned, based on the best current understanding of the demand-supply situation. He accepts that one justification for rezoning additional industrial land could be land with specific locational attributes but he has concerns that no evidence has been provided that there is demand for industrial land with the Site's specific characteristics.²⁴ This latter matter, as well as the consideration of whether PC66 will add significant development capacity and contribute to a well-functioning urban environment, that is well-connected along transport corridors in the Greater Christchurch area is discussed further in Section 7, under the analysis of the NPS-UD. Similarly, further consideration of *Our Space 2018-2048* is set out in section 7 below.
95. I also note that the proposed District Plan includes an 'Urban Growth' chapter, the overview to which outlines that the chapter is intended to assist in meeting demands for housing and business opportunities to support growing community needs. New urban areas have an underlying General Rural zoning, but are identified within an 'Urban Growth Overlay' (UGO). UG-P2 directs that the rezoning of land to establish new urban areas within the UGO is provided for; while UG-P3 directs the avoidance of zoning of land to establish new urban areas/township extensions outside this UGO. My understanding is that the UGO is intended to generally identify areas for future growth, while still requiring these areas go through more specific rezoning process before they can be developed for urban purposes. This is particularly relevant for PC66, which is within the UGO. There are a series of policies outlined in the chapter (UG-P7 to UG-P17) that then provide direction on what matters are to be considered or achieved through the rezoning of land within the UGO. The relevant policies are set out in **Appendix 1** to this evidence. I have considered these policies and consider that the proposed rezoning is aligned with them, except as follows:

- a. UG-P8 seeks to avoid high hazard when zoning land to extend the township boundaries. As discussed earlier, in this case, Environment Canterbury have identified

²⁰ Murray England, 'Plan Change 66 – Rolleston Industrial: Officer Comments of Murray England', dated 16 July 2021, at 14 & 27.

²¹ Mr England, at 22 & 28.

²² Derek Foy, 'Plan Change 66 - Economic Review' dated 14 July 2021', dated 14 July 2021, section 5.1.

²³ Mr Foy, section 5.1.

²⁴ My Foy, section 5.1.

a portion of the site that would meet the definition of a high hazard area, but indicated that they consider the hazard can be addressed. In my view it would not be practical to remove this area from the rezoning simply to align with this policy, if the hazard can be appropriately managed in a way that gives effect to the CRPS.

- b. UG-P9 also seeks to recognise and provide for the finite nature of the versatile soil resource when extending the township boundary. In this instance, I assume this was given consideration when the site was identified within the UGO, and as noted earlier, the extension of any part of the Business 2A zone will involve versatile soil, so I consider the versatile soils have been adequately considered.
- c. UG-P15 directs that new areas to support industrial activities only occur when a BDCA and FDS²⁵ demonstrates a need for additional suitable development capacity within the township. Because these are documents identified within the NPS-UD, which only came into force in 2020, my understanding is that such documents, developed under the direction of the NPS-UD, do not yet exist. Therefore due to the timing of this plan change, it cannot meet this policy.

96. As noted earlier, my understanding is that there is no specific requirement to consider PC66 against the PDP. The PDP is also not yet at the hearing stage and therefore its provisions are subject to change. However, I consider that the identification of the site within the proposed UGO, and the general alignment of the Site with the proposed policy direction (where possible/practical) provides some assurances that the rezoning, albeit out of sequence, is not entirely unanticipated, and aligns with future urban form outcomes anticipated for Rolleston.

Economic Effects

97. Mr Foy, in providing a peer review of the economic assessment submitted with the Request, has identified a matter, relating to the potential effects of the proposal, that I believe requires specific consideration. He has identified that while the intent may be for the Site to be used primarily for industrial activities, the Business 2A zone framework currently allows for a range of non-industrial activities, including a diverse range of retail activities, as well as other commercial activities.²⁶ While he acknowledges that the location of the Site is such that retail or commercial development is not the most likely use of the Site, he considers that the potential for such uses should be considered when assessing the merits of PC66.²⁷ His view is that there is significant potential for non-industrial activities to establish within the Business 2A zone, and PC66 would increase that potential.²⁸ He states that *“At some point an agglomeration of retail and commercial activities in the Business 2A zone would begin to function as a centre, whether or not the planning environment recognised it as a centre.”*²⁹ He considers that this would lead to an outcome that would be contrary to Objective 4.3.8. He concludes that *“Some conditions restricting the use of the Site for retail and commercial activities should be considered,*

²⁵ These are not defined but I assume refer to a Business Development Capacity Assessment and a Future Development Strategy required under the NPS-UD.

²⁶ My Foy, section 4.

²⁷ My Foy, section 4.3.

²⁸ My Foy, section 4.3.

²⁹ My Foy, section 4.3.

particularly given the applications lack of assessment of impacts created by those activities, and exclusive focus on the intended use of the Site for industrial activities.”³⁰

98. I acknowledge that Mr Foy’s concerns relate in part to the potential effects of the current rule framework as they apply to existing zoned areas. That is beyond the scope of this plan change to address. However, I consider that it is relevant to consider the potential for the rezoning to exacerbate the potential for Objective 4.3.8 not to be achieved. This objective, as it applies to this Request, seeks that commercial growth is primarily focused within the Rolleston Key Activity Centre (KAC). The KAC encompasses existing (and proposed) commercial centres, which I understand is largely the current Business 1 Zone within Rolleston Township.³¹ Based on Mr Foy’s recommendation, should the Hearings Commissioner be minded to approve the Request, I consider that it would be more appropriate, to achieve Objective 4.3.8, to restrict commercial and retail activities on the Site; rather than amending the current set of Rules in 22.10 to apply to the Site in the same way they apply in the current Business 2A Zone. This could be achieved by adding a new non-complying activity rule (after Rule 22.10.2) as follows:

Non-complying Activities — Retailing and Related Activities within the Business 2A Zone, Rolleston

22.10.3 Any activity which does not comply with Rule 22.10.1.2 or 22.10.1.3 shall be a non-complying activity.

22.10.4 In the Business 2A Zone at Rolleston as depicted on the Outline Development Plan at Appendix 43A, any commercial activity, or any retail activity that is not otherwise specified in Rule 22.10.1.3, shall be a non-complying activity.

7. Statutory Analysis

Functions of Territorial Authorities

99. The functions of Council as set out in s31 of the RMA include the establishment, implementation and review of objectives, policies and methods to:
- a. achieve integrated management of the effects of the use, development and protection of land and associated natural and physical resources; and
 - b. ensure that there is sufficient development capacity in respect of housing and business land to meet the expected demands of the district; and
 - c. control any actual or potential effects of the use, development or protection of land.
100. The Request states that the plan change accords with these stated functions, providing for the use and development of land for industrial activities and seeks to implement existing District Plan Business 2A Zone provisions over the Site, with only such amendments as are necessary to recognise the Site, the proposed ODP and any issues that are particular to the Site. The proposed ODP and the amended Plan rules provide the methods for Council to manage

³⁰ My Foy, section 6.

³¹ As shown in Appendix 29A of the operative Plan.

potential effects of this activity and demonstrates an integrated management approach. I agree with this assessment.

Part 2 Matters

101. Under s 74(1)(b), any changes to the Plan must be in accordance with the provisions of Part 2 of the RMA. This sets out the purpose of the RMA (s5), matters of national importance that must be recognised and provided for (s6) and other matters that particular regard is to be had to (s7).
102. Notwithstanding that the Council has notified the PDP, I consider that the purpose of the RMA is currently reflected in the settled objectives and policies of the District Plan which PC66 does not seek to change. PC66 seeks to change the Plan's zoning pattern and make related changes to the provisions in relation to how the change in zoning is effectively implemented. The appropriateness of the purpose of the plan change in achieving the purpose of the RMA is also a requirement under s32, which is considered below.
103. The only matter of national importance that I consider to be of specific relevance to PC66 is the management of significant risks from natural hazards (s6(f)) which is discussed above in relation to the high hazard areas referred to in the submission of Environment Canterbury, and also considered in more detail below in relation to the more specific direction in the CRPS. In terms of other matters set out in s7 of the RMA, I consider that the efficient use and development of natural and physical resources (s7(b)), the maintenance and enhancement of amenity values (s7(c)) and the quality of the environment (s7(f)), and the finite characteristics of natural and physical resources (s7(g)) are relevant to the plan change. I consider these are matters that are ultimately considered in the effects assessment and submissions set out above.

Statutory Documents

104. As noted earlier, the District Plan (including as amended by any plan change) must give effect to any operative national policy statement (s75(3)(a)) and any regional policy statement (s75(3)(c)); have regard to any management plan or strategy prepared under other Acts (s74(2)(b)(i)); take into account any relevant planning document recognised by an iwi authority and lodged with the territorial authority, to the extent that its content has a bearing on the resource management issues of the district (s75(2A)); and must not be inconsistent with any regional plan (s75(4)(b)). The content of these documents as they relate to PC66 is discussed in the Request and set out further below.

National Policy Statement on Urban Development 2020 (NPS-UD)

105. The applicant notes that the NPS-UD took effect in August 2020. I note that the applicant has identified the provisions within Part 2 of the NPS-UD that are relevant to this proposal, but in addition to their comments on these I also note:
 - a. With respect to Policy 1, the overall direction is for planning decisions to contribute to well-functioning urban environments. The Request does not comment that the definition of such an environment expressly includes the minimum requirements for the environment to have or enable "*a variety of sites that are suitable for different business sectors in terms of location and site size.*" I consider this relevant because while there are already a variety

of sites within Rolleston that are zoned Business 2A and within which a wide range of business activities are enabled, the applicant notes that locationally the Site is significant because it provides additional land with a common boundary to the Midland Port, and is the only land that can provide an extension to the Port's three rail sidings.

- b. Policy 6 directs that when making planning decisions that affect urban environments, decisions-makers must have regard to particular matters, including at (c), the benefits of urban development that are consistent with well-functioning urban environments (by reference back to Policy 1).
106. There are also various directions in Part 3 of the NPS-UD that I consider are also relevant. These include:
- a. Policy 3.3 which requires that "at least" sufficient development capacity is provided within the district to meet the expected demand for business land, including from different business sectors, in the short, medium and long terms. In my view this is important because Our Space, (which is discussed in more detail below), has assessed and determined there to be sufficient capacity for industrial land within Greater Christchurch already; however this NPS-UD policy only requires that sufficient capacity is provided; not that more is precluded. As expanded on further below, the applicant has also argued that there are distinguishing features about this land that mean it is able to meet demand for particular types of industrial activity that could not be provided by other sites.
 - b. Policy 3.5 which requires that local authorities be satisfied that additional infrastructure to service the development is likely to be available. In my view this has been demonstrated through the Request, those part of the response to the request for further information which address servicing capacity, and confirmed by Mr England.
 - c. Policy 3.8, which provides direction on how local authorities are to consider plan changes that provide significant development capacity that is not otherwise enabled in a plan or is not in sequence with planned land release. This requires that 'particular regard' is had to the development capacity provided if that capacity: would contribute to a well-functioning urban environment; is well-connected along transport corridors; and meets the criteria set in a regional policy statement for determining what is considered to add significantly to development capacity. This latter matter is not relevant to this plan change as there are as yet no criteria in the CRPS.
107. The Request states that the proposal provides significant development capacity because of the increase it makes to:
- the Business 2 and 2A zoning within Rolleston and across the district;
 - the area of land with an open boundary to Midland Port, which has logistical efficiency and cost-savings for activities connecting to the Port; and
 - the opportunity to extend the rail sidings, which is expected to help lower transport cost and reduce movement of containers.

108. I consider that the proposal would provide significant development capacity, for the reasons set out, and the plan change was accepted by the Council for notification on that basis.
109. As noted above, particular regard can be had to this development capacity, if the capacity would also contribute to a well-functioning urban environment; and is well-connected along transport corridors. The Request states that the proposal will contribute to a well-functioning urban environment, because the way such an environment is defined under the NPS-UD includes that it provides good accessibility for all people between housing, jobs, community services, natural spaces, and open space. I agree that the plan change achieves this. The definition of a well-functioning urban environment also includes that it has or enables a variety of sites suitable for different business sectors in terms of location and size, and that it supports the competitive operation of land and development markets. I consider that the plan change contributes to both of these. As such, in my view, the rezoning would contribute to a well-functioning urban environment, as that is defined under the NPS-UD. The plan change is also well-connected to transport corridors, including both the road and rail network.
110. Based on the above, I consider that in determining the appropriateness of the plan change, particular regard must be given to the development capacity provided by the proposal. However, my understanding of the NPS-UD is that the development capacity does not in itself act as a 'trump card' and automatically require approval of the plan change; rather the significance of the capacity provided need to be weighed up against other matters.
111. Also relevant, in my view, to the weight that is placed on the development capacity provided by the Request, are the comments of Mr Foy. While he considers it likely that LPC's Midland Port will handle increased volumes in the future, he states that "*no information was provided in the application as to how any additional demand for port activity would translate into additional industrial land needed to support an expansion of LPC activities, either on the LPC Midland Port site or elsewhere (such as the PC66 Site). It is not possible to tell from the information provided how much vacant capacity there is on the LPC site to accommodate its growth, or the extent to which the PC66 Site will be required to support LPC's activities.*"³² He further notes that while the Site is able to accommodate an extended siding, no such need for an extended siding has been identified, either in the BCL report, the AEE or by any submitter.³³ In my view this is relevant because while the Request *may* provide the type of development capacity outlined, if this is not likely to be taken up for these purposes, then the particular characteristics of the Site become less relevant, and there is the potential that the Request simply provides additional industrial land that is beyond what is required to meet demand. In my opinion, this potentially makes the capacity provided less significant.

Canterbury Regional Policy Statement (CRPS)

112. The Request contains an assessment of the plan change provisions against the CRPS. In my view, the applicant has identified the provisions within Chapters 5, 6, 7, 14 and 16 of the CRPS that are relevant to the proposal. I generally concur with the assessment against these provisions, noting however that:

³² My Foy, at 3.3.4.

³³ My Foy, at 3.3.4.

- a. In terms of Objective 5.2.1 and Policy 5.3.7, the conclusion that the proposal will have no adverse effects on any regionally significant infrastructure (which by definition includes the State Highway), and on the safe efficient and effective functioning of the strategic land transport network, is reliant on the matters identified by submitters, with respect to the timing of development in relation to the upgrading of roads, being appropriately addressed. There are similar potential tensions with Objective 6.2.1(9), Objective 6.2.4, Policy 6.3.4 and 6.3.5. However, in line with Policy 6.3.5(2), I consider that these are overcome by the additional rule proposed by the applicant to amend the plan change in a manner that ensures that the timing of new development is co-ordinated with the development, funding, implementation and operation of transport.
 - b. For the reasons set out earlier I do not consider that the proposal in its current form gives effect to Objective 6.2.1(8), which requires the protection of people from unacceptable risk from natural hazards. However I consider that there are amendments that can be made to the plan change to appropriately address this.
113. I also note that the Request explicitly acknowledges that the plan change is not consistent with Objective 6.2.1(3), Objective 6.2.6, Policy 6.3.1 or Policy 6.3.6, because it proposes urban development outside an existing urban areas or identified greenfield priority areas. In my 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. This is discussed further below.
114. I also consider that the following provisions within Chapter 11 (Natural Hazards) and Chapter 15 (Soils), which have not been considered in the Request, are relevant to PC66:

11.2.1 Avoid new subdivision, use and development of land that increases risks associated with natural hazards

New subdivision, use and development of land which increases the risk of natural hazards to people, property and infrastructure is avoided or, where avoidance is not possible, mitigation measures minimise such risks.

11.2.2 Adverse effects from hazard mitigation are avoided or mitigated

Adverse effects on people, property, infrastructure and the environment resulting from methods used to manage natural hazards are avoided or, where avoidance is not possible, mitigated.

11.3.1 Avoidance of inappropriate development in high hazard areas

To avoid new subdivision, use and development (except as provided for in Policy 11.3.4) of land in high hazard areas, unless the subdivision, use or development:

1. *is not likely to result in loss of life or serious injuries in the event of a natural hazard occurrence; and*
2. *is not likely to suffer significant damage or loss in the event of a natural hazard occurrence; and*
3. *is not likely to require new or upgraded hazard mitigation works to mitigate or avoid the natural hazard; and*
4. *is not likely to exacerbate the effects of the natural hazard; or*

5. *Outside of greater Christchurch, is proposed to be located in an area zoned or identified in a district plan for urban residential, industrial or commercial use, at the date of notification of the CRPS, in which case the effects of the natural hazard must be mitigated; or*
6. *Within greater Christchurch, is proposed to be located in an area zoned in a district plan for urban residential, industrial or commercial use, or identified as a "Greenfield Priority Area" on Map A of Chapter 6, both at the date the Land Use Recovery Plan was notified in the Gazette, in which the effect of the natural hazard must be avoided or appropriately mitigated; or*
7. *Within greater Christchurch, relates to the maintenance and/or upgrading of existing critical or significance infrastructure.*

11.3.2 Avoid development in areas subject to inundation

In areas not subject to Policy 11.3.1 that are subject to inundation by a 0.5% AEP flood event; any new subdivision, use and development (excluding critical infrastructure) shall be avoided unless there is no increased risk to life, and the subdivision, use or development:

1. *is of a type that is not likely to suffer material damage in an inundation event; or*
2. *is ancillary or incidental to the main development; or*
3. *meets all of the following criteria:*
 - a. *new buildings have an appropriate floor level above the 0.5% AEP design flood level; and*
 - b. *hazardous substances will not be inundated during a 0.5% AEP flood event; provided that a higher standard of management of inundation hazard events may be adopted where local catchment conditions warrant (as determined by a cost/benefit assessment).*

When determining areas subject to inundation, climate change projections including sea level rise are to be taken into account.

15.2.1 Maintenance of soil quality

Maintenance and improvement of the quality of Canterbury's soil to safeguard their mauri, their life supporting capacity, their health and their productive capacity.

15.3.1 Avoid remedy or mitigate soil degradation

In relation to soil:

1. *to ensure that land-uses and land management practices avoid significant long-term adverse effects on soil quality, and to remedy or mitigate significant soil degradation where it has occurred, or is occurring; and*
2. *to promote land-use practices that maintain and improve soil quality.*

Methods

...

Territorial authorities:

Will:

6. *Set out objectives and policies, and may include methods in district plans that help ensure land use activities and land management practices do not cause significant long term adverse effects on soil quality.*

Principal reasons and explanation

A secure foundation for the long term supply of food for domestic and export markets requires the productive capacity of soils to be maintained. It is the combination of all elements of soil quality, including its versatility, that determines the productive capacity of soil. Significant long-term effects are effects that cannot be reversed within a generation, i.e. within 25 years...

... The protection of soil quality is not absolute. There will be situations where soil will be degraded as a result of land-uses and where it is not necessarily appropriate to foreclose a development option purely for soil conservation or soil quality reasons, such as in existing urban locations, or when alternative areas or options are not available.

115. In terms of flood hazards, outside of the area stated by the regional council as being a high hazard area, I am satisfied that the proposed minimum flood level rule is sufficient to implement Policy 11.3.2. However, in terms of the high hazard area, for the reasons set out earlier, I consider that in its current form the proposal would not give effect to the direction in Policy 11.3.1 to avoid subdivision, use and development in the area of the Site to which the high hazard area applies (and the exemption criteria are not met). As noted earlier, I consider that it is likely that changes can be made to the proposal to meet the policy direction without necessitating that the Request is declined in its entirety.
116. In terms of soil quality, I note that the versatility of the soil and the irreversibility of impacts on it from the zoning change is a matter raised by submitters and discussed earlier. The CRPS provisions are however not specifically directed towards versatile soils and are about maintaining and improving soil quality more broadly. To the extent that the provisions relate to productive capacity of soils, and in the absence of a finalised NPS, my view is that while the productive capacity of the Site will be reduced, the overall productive capacity of soils within the district will still be maintained.

Our Space 2018-2048: Greater Christchurch Settlement Pattern Update Whakahāngai O Te Hōrapa Nohoanga (Our Space)

117. Our Space is a strategic planning document adopted by the Greater Christchurch Partnership. The partnership is made up of Christchurch City Council, Environment Canterbury, Selwyn District Council, Waimakariri District Council, Te Rūnanga o Ngāi Tahu, New Zealand Transport Agency, Canterbury District Health Board and the Greater Christchurch Group of the Department of Prime Minister and Cabinet. The particular stated focus of Our Space is how to best accommodate housing and business land needs in a way that integrates with transport and other infrastructure provision, builds greater community resilience, and contributes to a sustainable future for Greater Christchurch that meets the needs and aspirations of communities. Our Space seeks to ensure a balance between providing sufficient capacity for growth while also maintaining an urban form that achieves the vision and goals in the Greater Christchurch Urban Development Strategy prepared in 2007 and updated in 2016.
118. Our Space also met the obligations of the previous National Policy Statement for Urban Development Capacity (since replaced by the NPS-UD) for a future development strategy to be developed to identify that there would be sufficient development capacity to meet future needs. Table 4 in Our Space identifies that there is expected to be sufficient industrial development capacity within Selwyn District in both the medium and long term (to 2048).

However, in the table identifying what urban growth will look like in different areas, the following is included: *“Industrial and large format retail expand around the I-Zone Southern Business Hub, benefitting from improved connections across State Highway 1.”*

119. Our Space is also informed by an underlying Business Development Capacity Assessment, completed in 2018. In relation to industrial land in Selwyn, it concludes:

... the modelling suggests that there will be more than sufficient supply to meet the demand for industrial land through to 2048. This plan-enabled land is serviced and relatively free from any development constraints that may limit its feasibility to be developed or redeveloped for some form of industrial activity. Ongoing stakeholder engagement and monitoring of the uptake of industrial land is required to quantify whether this projected over-supply reflects market realities.

120. In my view, Our Space demonstrates that the Selwyn District Council, as part of the Greater Christchurch Partnership, has adequately considered the capacity provided for industrial development, taking into account future needs. As such, the rezoning is not ‘needed’ to meet demand for further industrial development, at a broad level. However, my understanding is that the assessment undertaken for Our Space is of a broad scale, and does not go into detail about different types of industrial needs. In this instance, the applicant argues that the contribution the rezoning will make to development capacity is significant because it provides additional land that has a common boundary with the Midland Port, and that this creates logistical efficiencies and provides significant cost-savings; and that is the only land that can provide an extension to the Midland Port’s three rail sidings, allowing for containers to be efficiently loaded and unloaded on the straight portion of rail siding. This in turn is expected to allow for longer trains and therefore lower transport costs.

Canterbury Land and Water Regional Plan (LWRP) and Canterbury Air Regional Plan (CARP)

121. Under s75(4)(b) of the RMA, the District Plan cannot be inconsistent with a regional plan, which in respect to this Request include the LWRP and CARP. I agree with the applicant’s assessment that the establishment of activities within the Site will either need to meet the permitted activity conditions of these plans, or be required to obtain a resource consent. I agree that the effects associated with discharges from future development of the Site will therefore be considered at the time of detailed development, and note that there is nothing particular about the Site or its proximity to other land uses that I would consider would impede the ability to appropriately mitigate effects such that consent could be obtained. I also note that Environment Canterbury, in their submission, did not raise any concerns with the incompatibility of the development of the Site for a range of industrial uses with the provisions of the LWRP or CARP.

Mahaanui Iwi Management Plan (IMP)

122. The Mahaanui Iwi Management Plan (IMP) is a planning document recognised by an iwi authority and lodged with the council, which includes content that relates to the district’s resource management issues. Under s74(2A) of the RMA, the Council, in considering this plan change, must take into account the IMP. The Request includes an assessment of the relevant provisions within the IMP and I agree with the content and conclusions of that assessment.

Consistency with the plans of adjacent territorial authorities

123. I do not consider there to be any directly relevant provisions in the District Plans of neighbouring territorial authorities that are affected by PC66.
124. Matters of cross-boundary interest are outlined in the District Plan (in Section A1.5 of the Township Volume). I do not consider that any of the identified issues are applicable to PC66.

Consideration of alternatives, benefits and costs

125. Section 32 requires the consideration and evaluation of the extent to which the objectives of the proposal are the most appropriate way to achieve the purpose of the Act (s32(1)(a)); as well as an assessment of whether the provisions in the proposal are the most appropriate way to achieve the objectives (of both the proposal and the existing District Plan objectives), having regard to the efficiency and effectiveness of the provisions and having considered other reasonably practicable options (s32(1)(b)).

Extent to which the Objectives of the Proposal are the Most Appropriate Way to Achieve the Purpose of the Act

126. As set out in the Request, the proposal does not involve any new objectives, or any changes to the existing objectives within the District Plan. The assessment required under s32(1)(a) is therefore the extent to which the purpose of the proposal is the most appropriate way to achieve the purpose of the RMA. The stated purpose of the proposal is to provide for the establishment of new industrial development on the Site. The Request then goes on to evaluate the extent to which enabling the establishment of industrial development on the Site achieves the purpose of the Act. This includes the purpose as set out in Section 5, as well as considering sections 6-8 of the RMA which includes matters to be taken into consideration in achieving the RMA's purpose. The applicant considers that:
- Those matters identified in section 6 & 8 of the RMA are not relevant to this Site.
 - The proposal provides for the economic and social well-being of residents of Selwyn District and the Greater Christchurch area by providing for employment opportunities and growth, while avoiding or mitigating adverse effects associated with the proposal (s5).
 - The maintenance and enhancement of: amenity values (s7(c)); and the quality of the environment (s7(f)) is met, as although there will be some impact on rural character and therefore amenity values from the establishment of the extended Business 2A Zone these are considered to be minor and mitigated through: the location of the Site being adjacent to the existing Business 2A Zone; and the proposed ODP and Business 2A Zone rules ensuring that any adverse effects are appropriately managed and the quality of the environment is generally maintained.
 - The proposal is an efficient use of the existing physical resources of the area (s7(b)), due to the Site's proximity to, and accessibility from the State Highway 1 and the main north south rail corridor.
127. In terms of section 6, I consider s6(h) is relevant, which requires that the management of significant risks from natural hazards is recognised and provided for.

128. I note that matters raised in submissions that relate to amenity values and quality of the environment have been considered in the assessment of issues raised in submissions set out above, and in my view, the rezoning achieves s7(c) and 7(f) of the RMA.
129. While I accept that the proposal is an efficient use of physical resources, I note the concerns raised in submissions that the plan change would result in the versatile soils being lost from production. Ultimately the concern is that the proposal would not result in an efficient use of the natural resources associated with the Site. However, I note that this is in part based on the pNPS-HPL, which as yet has no legal effect, and the final form of that direction is not yet known.
130. I also consider that the location of the Site outside areas identified for urban development in the CRPS is relevant to the consideration of whether the proposal results in an efficient use of natural and physical resources. Physical resources include various infrastructure, such as transport networks, as well as reticulated services. I am satisfied that the proposal results in an efficient use of the transport network, for the reasons set out earlier. I am also satisfied that while outside the current urban boundary, the identification of the Site within the Projected Infrastructure Boundary, and the comments of Mr England, demonstrate that the Site can be appropriately serviced, without this disrupting the strategic planning that the Council has undertaken around integration between land development and infrastructure. Similarly, I also consider that the Site's inclusion within the UGO of the PDP signals that the development of the Site is anticipated over time.
131. I also note that the question under s32(1)(a) of the RMA is not simply whether or not the proposal would achieve the purpose of the RMA, but whether or not is it the *most* appropriate way to achieve the purpose of the RMA. In my view, there are some key factors in this assessment that need to be weighed up before determining that the proposal is the *most* appropriate approach to achieving the purpose of the RMA. These are:
- a. Whether or not those factors that make the development significant (from a capacity perspective) are sufficient to outweigh that:
 - i. There is considered to be sufficient development capacity for industrial activities (at a broad level) already; and
 - ii. That the proposal would not give effect to the CRPS Objective 6.2.1(3), Objective 6.2.6, Policy 6.3.1 or Policy 6.3.6, because it proposes urban development outside an existing urban area or identified greenfield priority areas; and
 - b. The weight that should be given to the loss of versatile soils that result from the rezoning, when considered alongside other matters, including that the Site is a natural extension of the industrial area, is well-connected to transport routes and increases capacity for certain activities associated with the Midland Port; and
 - c. The extent to which the inclusion of the site within the UGO in the PDP should also be factored into the above considerations under a. and b. above.
132. If the plan change is considered to be the most appropriate approach, then a further assessment is required of the appropriateness of the provisions in the proposal, which is set out below.

Whether the Provisions in the Proposal are the Most Appropriate way to Achieve the Objectives

133. The Request contains identification of other reasonably practicable options for achieving the purpose of the proposal, and provides an assessment of the benefits and costs and efficiency and effectiveness of the plan change. I agree that other reasonably practicable options have been identified, and generally concur with the assessment.
134. The Request also identifies the existing objectives of the District Plan and evaluates the proposal against these objectives.
135. I generally agree with the assessment, taking into account subsequent changes that have been proposed to the Request, and in particular, the addition of a mechanism to limit the development prior to the completion of roading upgrades which the Request relies on to manage transport effects.
136. I also note that the assessment identifies that the proposal will not achieve Objective B4.3.3 which seeks that within the Greater Christchurch area, new business development is contained within existing zoned areas or priority areas identified within the Regional Policy Statement. It is my view that the provisions within the plan change are the most appropriate way to achieve the objectives of the District Plan, except in relation to Objective B4.3.3, which the plan change will not achieve. The applicant considers that this inconsistency is overcome by NPS-UD. Similar to my earlier comments, I do not consider that the direction in the NPS-UD automatically 'overcomes' the inconsistency, in the sense that I consider the inconsistency needs to be considered and balanced against the significance of the development capacity the proposal will provide.

8. Proposed Amendments to the District Plan

137. If the Hearings Commissioner is minded to approve PC66, then I consider that the proposed amendments to the District Plan set out in the Request (including amendments subsequently made to it following the submission period) should be approved, except, or in addition to, the following matters identified earlier in the report:
 - a. Not including proposed Rule 16.3.2
 - b. Amending the Plan rules and/or ODP to identify and appropriately manage those areas that meet the CRPS definition of a high hazard area in a way that gives effect to the CRPS direction.
 - c. Amending the ODP to:
 - i. show the connection required to Lot 2 DP 475847, or, if the location is yet to be determined, include a notation along the southern boundary that cross-references to proposed Rule 22.9.8.
 - ii. Include the notation: *"No roading or other vehicular access to Maddisons Road."*
 - iii. Identify key internal roads on which the ITA is based.

- d. Including a new rule in Section 22.10 of the Plan to restrict commercial and retail activities within the Site.

9. Conclusions and Recommendation

138. As set out in Section 5, the statutory matters that must be considered in relation to a plan change require the assessment of sections 31, 32, 74 and 75, and regard must be had to the overall purpose and principles set out in Part 2 of the Act.
139. In my view, the key determination for this plan change is whether or not the significance of the development capacity it provides outweighs the inconsistency with Objective B4.3.3 of the Plan and various provisions within the CRPS and the loss of versatile soils that will result from the rezoning. In my view, this consideration is the crux of whether or not the rezoning is the *most* appropriate way to achieve the purpose of the RMA.
140. My preliminary view is that further evidence is required of the *demand* for the type of development capacity provided by the Site as the reason for its significance. If there is not, or unlikely to be, demand for this particular type of capacity, then in my view the particular characteristics of the Site become less relevant, and as additional industrial land is not generally required to meet demand, the capacity provided is less significant and, in my view, may not outweigh the inconsistency with Objective B4.3.3 of the Plan and various provisions within the CRPS. Notwithstanding this, I consider the matter is finely balanced, given: the identification of the Site within the UGO in the PDP; the location of the Site within the Infrastructure Boundary; the ability for the Site to be serviced without compromising the Council's strategic planning for water supply and wastewater; the Site's location as a natural extension of the industrial area; and Site's connectedness to transport routes. Therefore, subject to some further evidence being provided by the applicant of actual or likely demand for industrial land with the Site's specific characteristics, I consider it appropriate for the Plan Change to be approved, subject to minor amendments set out above.



Liz White

15 July 2021

Appendix 1 – Proposed Policies from the Urban Growth Chapter of the proposed Selwyn District Plan

UG-P7	Any new urban areas shall deliver the following urban form and scale outcomes: <ol style="list-style-type: none"> 1. Township boundaries maintain a consolidated and compact urban form; 2. The form and scale of new urban areas support the settlements role and function within the District's Township Network; 3. The natural features, physical forms, opportunities, and constraints that characterise the context of individual locations are identified and addressed to achieve appropriate land use and subdivision outcomes, including where these considerations are identified in any relevant Development Plans; and 4. The extension of township boundaries along any strategic transport network is discouraged where there are more appropriate alternative locations available.
UG-P8	Avoid the following locations and areas when zoning land to extend township boundaries to establish new urban areas: <ol style="list-style-type: none"> 1. Sites and Areas of Significance to Māori; 2. Significant Natural Areas; 3. Outstanding Natural Landscapes and Visual Amenity Landscapes; and 4. High Hazard Areas.
UG-P9	Recognise and provide for the finite nature of the versatile soil resource when zoning land to extend township boundaries to establish new urban areas.
UG-P10	Ensure the establishment of high-quality urban environments by requiring that new urban areas: <ol style="list-style-type: none"> 1. Maintain the amenity values and character anticipated within each township and the outcomes identified in any relevant Development Plan; 2. Recognise and protect identified Heritage Sites, Heritage Settings, and Notable Trees; and 3. Preserving the rural outlook that characterises the General Rural Zone through appropriate landscape mitigation, densities, or development controls at the interface between rural and urban environments.
UG-P11	When zoning land to establish any new urban area or to extend any township boundary, avoid reverse sensitivity effects on: <ol style="list-style-type: none"> 1. any adjoining rural, industrial, inland port, or knowledge zone; and 2. on the safe, efficient and cost-effective operation of important infrastructure, land transport infrastructure, and the strategic transport network.
UG-P12	Ensure the zoning of land to extend township boundaries to establish new urban areas demonstrates how it will integrate with existing urban environments, optimise the efficient and cost-effective provision of infrastructure, and protect natural and physical resources, by: <ol style="list-style-type: none"> 1. Aligning the zoning, subdivision and development with network capacity and availability of existing or new infrastructure, including through the staging of development; 2. Avoiding adverse effects on the ground and surface water resource by requiring connections to reticulated water, wastewater, and stormwater networks where they are available, or by demonstrating that the necessary discharge approvals can be obtained for all on-site wastewater and stormwater treatment and disposal facilities; 3. Ensuring the land is located where solid waste collection and disposal services are available; 4. Prioritising accessibility and connectivity between the land and adjoining neighbourhoods, commercial centres, open space reserves, and community facilities, including education providers, public reserves, and health services; and 5. Requiring safe, attractive and convenient land transport infrastructure that promotes walking, cycling, and access to public transport and public transport facilities to encourage energy efficiency and improve peoples' health and wellbeing.
UG-P15	Business growth – Greater Christchurch area Any new areas to support commercial activities, industrial activities, or activities provided for in the Port Zone or Knowledge Zone in the Greater Christchurch area shall only occur where:

	<ol style="list-style-type: none"> 1. A BDCA and FDS demonstrates a need for additional suitable development capacity within the township and the additional suitable development capacity supports the rebuild and recovery of Greater Christchurch; 2. The land is subject to the Urban Growth Overlay and the area is either: <ol style="list-style-type: none"> a. a 'greenfield priority area', or any subsequent urban growth areas or urban containment boundaries, in the CRPS where it is an industrial activity; or b. consolidated within a Key Activity Centre or within an existing General Industrial Zone, Port Zone or Commercial and Mixed Use Zone. 3. A diverse range of services and opportunities is provided for to respond to the social and economic needs identified in a BDCA, FDS or any relevant Development Plan; 4. The type, scale and function of new commercial areas are consistent with the Activity Centre Network and support mixed use activities, unless located in a Large Format Retail Zone; 5. The location, dimensions and characteristics of the land are appropriate to support: <ol style="list-style-type: none"> a. activities that are anticipated within the existing General Industrial Zone, Knowledge Zone or Commercial and Mixed Use Zone; b. community facilities and public spaces where these are anticipated by the land use zone; and 6. An ODP is prepared and incorporated into this Plan before any subdivision proceeds.
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