

**BEFORE THE SELWYN DISTRICT PLAN INDEPENDENT HEARINGS PANEL**

**IN THE MATTER** of the Resource Management Act 1991

**AND**

**IN THE MATTER** of Proposed Plan change 73 to the Operative District Plan

**STATEMENT OF EVIDENCE OF IVAN THOMSON**

On behalf of

**GALLINA NOMINEES LTD AND HEINZ-WATTIE LTD PENSION PLAN**

20 October 2021

## SUMMARY STATEMENT

1. Gallina Nominees Ltd and Heinz-Wattie Ltd Pension Plan ('the landowners') lodged a submission on Proposed Plan Change 73 supporting in part the proposed rezoning of both the Skellerup Block and the Holmes Block. Their respective properties are shown in Figure 1 below, and their location in the context of the adjoining Holmes Block, is shown in Figure 2.
2. The submission is as follows:
  - i. Amend the District Planning Map by replacing the current Living 3 zoning with a Living Z Zone over both blocks sought to be rezoned under PC73.
  - ii. Amend the District Planning Map by replacing the current Rural Outer Plains zoning with a zoning that enables urban development, most likely to be a Living Z Zone over our land at 201-236 Dunns Crossing Road Rolleston, legally described as Lots 3-4 DP 20007 BLKS 111, V11 Leeston SD (46.3188ha), or
  - iii. less preferred Living 3A (minimum lot size 1000m<sup>2</sup> , minimum average lot size 2000m<sup>2</sup> ).
  - iv. Amend Rules 4.9.39 and 4.9.58 relating to the Odour Constrained Area to the effect that the constraint area and associated set backs on the ODPs will cease to have effect upon the adjoining land being zoned for urban purposes; and any other consequential amendments.
  - v. Insert the ODPs into the Operative Plan with an amendment to the legend to give effect to the amendment to Rules 4.9.39 and 4.9.58.
  - vi. Any alternative, additional or consequential changes to the ODP as gives effects to the intent of this submission and the interests of the submitter.
3. Gallina Nominees Ltd & Heinz-Wattie Ltd Pension Plan (HW), own the 46.3188-hectare specialised poultry breeder complex property, comprising 7 x 1,375m<sup>2</sup> sheds, egg storage rooms, storage, and staff facilities, 3 x manager dwellings, plus ancillary outbuildings, landscaping, and utilities. Tegel operates seven breeder (egg lying) sheds between Dunns Crossing Road and Edwards Road, which are in close proximity to Skellerup Block.
4. The primary reason for the submission is to promote an integrated development of nearly all the land fronting on to the south-west side of Dunn's Crossing Road, which would include rezoning the Submitters' land for urban residential purposes as part of any development stemming from Plan Change 73 (the Change). I accept there is likely to be a scope issue with aspects of the relief sought for the reasons set out in Ms White's report. However, should the Council approve the Change the Submitters request that, as a minimum particular regard to be had to how the two ODPs in the Change promote a medium to long term development option for the remainder of the land fronting on to Dunns Crossing Road between Selwyn Road and State Highway 1.



Figure 1: Aerial photograph of submitter's land

5. The landowners also seek amendments to Rules 4.9.39 and 4.9.58, which relate to the Odour Constrained Area protecting existing poultry operations on their site. The decision sought from the Council that the constraint area and associated setbacks on the ODPs will cease to have effect upon the adjoining land being zoned for urban purposes, with related amendment made to the legend of the ODPs. Ms White considers that this is something that would be more appropriately considered at the time a change in zoning is proposed for the *Landowner's land* and I concur with that in part. I consider it would be more appropriate for it to be a matter to be dealt with at the subdivision stage for reasons set out below in my evidence.
6. I understand the reason for wanting this on-going protection is that there is a level of uncertainty regarding the future use of the property and whether Tegel (current lessee) will extend / enter a new lease arrangement. The landowners need some flexibility around the timing of a future change to residential development.

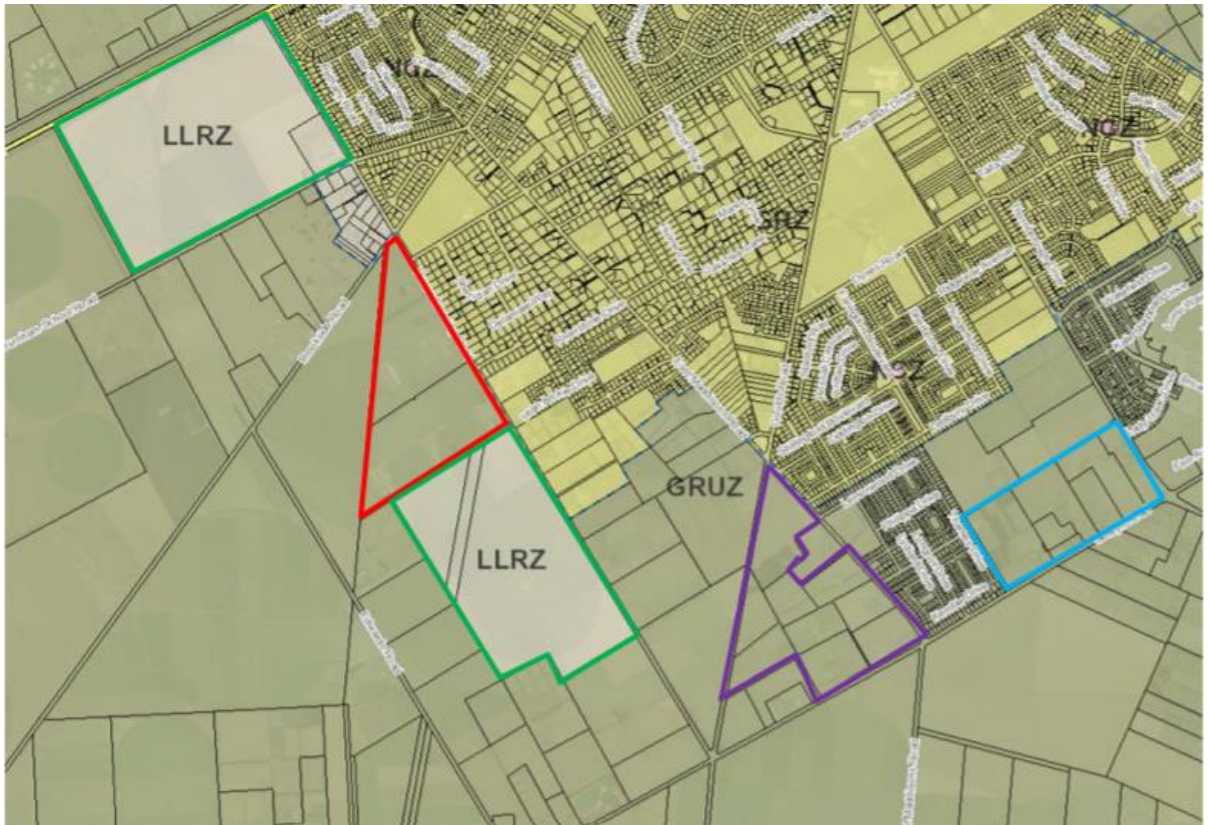


Figure 2: Location of submitters' land (outlined in red). Homes and Skellerup blocks outlined in green. PC 70 – purple: PC 64 – blue.

3. I note that both Ms White and the Council's transport expert Mr Collins both see the need for a wider examination of cumulative effects and other planning implications arising out of the Change. I also note that the Council's Urban Design and Landscape adviser, Mr Nicholson supports a more strategic approach being taken when considering the Change, but goes further by suggesting that other growth options for Rolleston's expansion beyond its current boundaries needs evaluation prior to a zoning commitment on the south west side of Dunns Crossing Road.
4. In my opinion Plan Change 73 has merit insofar as making more efficient use of the land resource. However, if the Change is approved, I consider that it is important that there is provision made for the integration of the three waters, roading, and pedestrian/cycle connections the submitters' land to the north of the Skellerup Block, and south of the Holmes Block.
5. I also consider that the area fronting on to Dunns Crossing Road between Selwyn Road and State Highway 1 is a viable option for expanding Rolleston beyond its current urban boundary but accept that further and more detailed planning assessments would be needed to develop beyond the Plan Change 73 land than have been done as part of the submission.

## INTRODUCTION

6. My full name is Ivan Thomson and I hold the position of Senior Planner with Aston Consultants. I have a Master's Degree in Urban and Regional Planning (M.Phil) from Reading University in England. I have 38 years' post graduate experience in urban and regional planning and I am a Fellow Member of the New Zealand Planning Institute.
7. My experience includes 30 years at the Christchurch City Council including 12 years' involvement with preparation, hearings and appeals for the former Christchurch City Plan, four years leading an Area Plans programme, with the remainder of my time there being in a leadership/management role, including the Christchurch Replacement District Plan.
8. I confirm that I have read the Code of Conduct for Expert Witnesses contained in Part 7 of the Environment Court Practice Note 2014, and that I agree to comply with it. I also confirm that I have considered all the material facts that I am aware of that might alter or detract from the opinions that express, and that this evidence is within my area of expertise, except where I state that I am relying on the evidence of another person.
9. The key documents I have used, or referred to, in forming my view while preparing this evidence are:
  - a) Selwyn District Development Strategy.
  - b) Canterbury Regional Policy Statement (CRPS).
  - c) National Policy Statement on Urban Development (NPS-UD).
  - d) Rolleston Structure Plan 2009.

## PURPOSE AND SCOPE OF EVIDENCE

10. My evidence concerns the submissions on Proposed Plan Change 73 (the Change) by Gallina Nominees Ltd and Heinz-Wattie Ltd Pension Plan ('the landowners'). The landowners lodged a submission on Proposed Plan Change 73 supporting in part the proposed rezoning of both the Skellerup Block and the Holmes Block. Their respective properties are shown in Figure 1 above, and their location in the context of the adjoining Skellerup Block, is identified above in Figure 2.
11. The submission is as follows:
  - I. Amend the District Planning Map by replacing the current Living 3 zoning with a Living Z Zone over both blocks sought to be rezoned under PC73.
  - II. Amend the District Planning Map by replacing the current Rural Outer Plains zoning with a zoning that enables urban development, most likely to be a Living Z Zone over our land at 201-236 Dunns Crossing Road Rolleston, legally described as Lots 3-4 DP 20007 BLKS 111, V11 Leeston SD (46.3188ha), or
  - III. less preferred Living 3A (minimum lot size 1000m<sup>2</sup>, minimum average lot size 2000m<sup>2</sup>).
  - IV. Amend Rules 4.9.39 and 4.9.58 relating to the Odour Constrained Area to the effect that the constraint area and associated set backs on the ODPs will cease to have

effect upon the adjoining land being zoned for urban purposes; and any other consequential amendments.

- V. Insert the ODPs into the Operative Plan with an amendment to the legend to give effect to the amendment to Rules 4.9.39 and 4.9.58.
- VI. Any alternative, additional or consequential changes to the ODP as gives effects to the intent of this submission and the interests of the submitter.

12. By way of context, the landowners also lodged submissions on the Proposed Selwyn District Plan (PSDP) requesting their land be rezoned, from General Rural Specific Control Area 1 (SCA1) Inner Plains to General Residential. The submission also includes less preferred zoning options for rezoning the site Large Lot Residential with various average and minimum lot sizes. The submission also requested other amendments to the PSDP objectives, policies and/or rules which are appropriate in terms of the Resource Management Act, and a prerequisite, or at least help, to securing the requested rezoning (ID 493).
13. Another party (CSI Property Ltd) has lodged a submission on the PSDP in relation to the landowner's land and adjoining land to the west (submitter 392) as shown on the map below, seeking it be rezoned General Industrial Zone (GIZ). I do not consider this is a matter for this hearing however.

## **PLANNING ISSUES**

### **Scope**

14. I generally concur with the Section 42A Report that there could be scope issues with that part of the landowners' submission that is seeking a change of zone for their land on its own. This is acknowledged in the submission. If outside scope, they request that PC73 be designed and approved in a manner which 'future proofs' it to facilitate rezoning of adjoining land, including their land for urban development. Future residential zoning of the submitters' land should be an integral part and logical component of the Plan Change 73 development, albeit if necessary due to scope issues, through a different process that is subject of course to public scrutiny and submissions.

### **Integration of Development**

15. In my opinion there is planning merit in considering the Gallina/Heinz Wattie land and the Skellerup Block as a single planning unit and ensuring there is adequate integration of infrastructure and movement networks between the two blocks. Similarly, there needs to be provision made for the future development of all the intervening land between the Skellerup Block and Holmes Block, and southwest of the Skellerup Block.
16. From an urban form perspective (and ideally where statutory plans and timeframes lined up and the housing market was not overheated), there is an obvious benefit in all the land on the west side of Dunns Crossing Road being considered in a comprehensive manner, and preferably all zoned at the same time. This would overcome concerns raised by the Council's urban designer that *"the Skellerup Block would have a low level of connectivity with Rolleston and would not contribute to a compact urban form, creating an urban 'peninsula' surrounded on three sides by land zoned for rural land uses with a single frontage addressing Dunns Crossing*



Road”<sup>1</sup> However I consider that, having regard to the NPS-UD directives, and the need to be expeditious in bringing significant housing land to the market, a more responsive approach could be required.

17. The Gallina/Heinz Wattie land well located to form part of an integrated residential development. It is opposite well-established residential development on the west side of Dunns Crossing Road, within easy walking distance of the Stonebrook shopping centre, and closer to the Rolleston town centre than the Skellerup block, as illustrated on graphic below, which is part of the Council Urban Designer’s evidence (Hugh Nicholson).

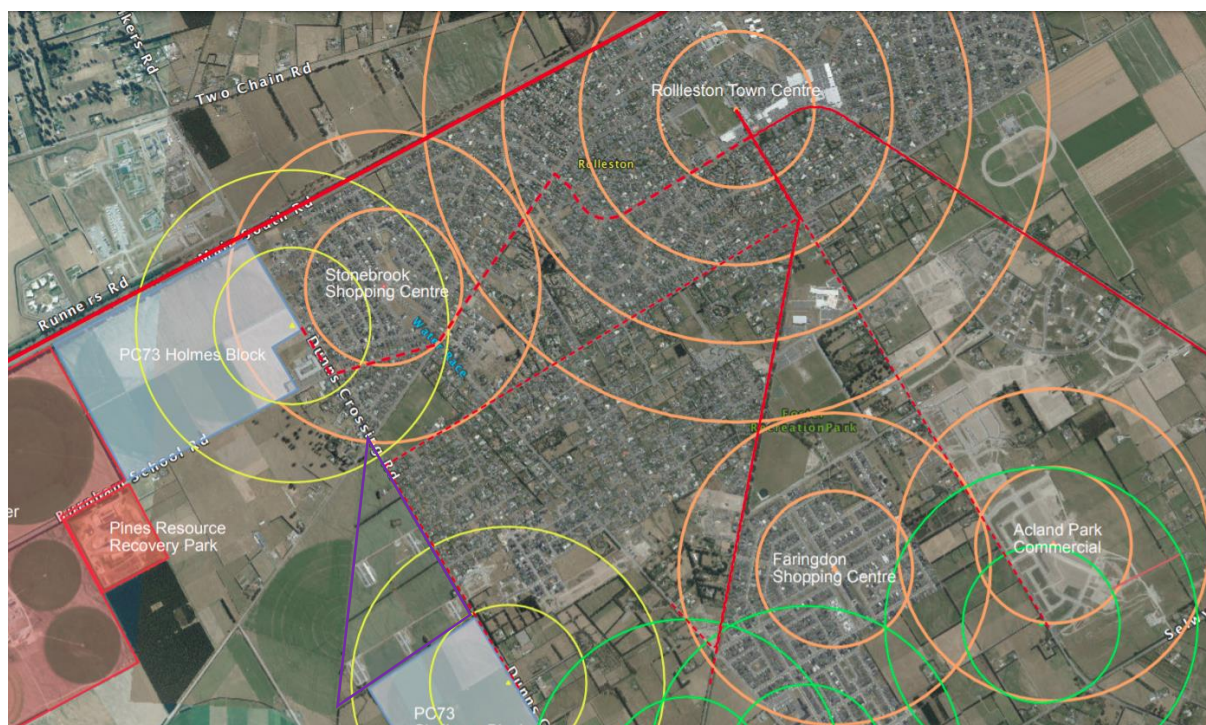


Figure 3: 400m walking catchments (extract from Hugh Nicholson’s evidence on PC73). Submitter’s land outlined in purple.

18. Rezoning the Gallina/Heinz Wattie land for urban residential purposes will also facilitate a more efficient use of the PC73 site. It will mean the Odour Constrained Area along the northern portion of the PC73 site, where no sensitive activity, including dwellings, are permitted, can be removed, releasing this land for residential subdivision.
19. The landowners support the proposed amendments to the PC73 ODP for the Skellerup block as they relate to their adjoining land, subject to my comments below. The amended ODP includes three indicative roading links to their land, a primary road and two secondary roads.

#### **Odour Constrained Area**

20. The Submitter’s property is currently leased to Tegel and contains a significant poultry operation. In terms of the RMA it is, in my estimate a significant legally established physical resource in the adjoining rural area. I understand there may be uncertainty whether Tegel will

<sup>1</sup> Mr Nicholson report on PC73 paragraph 11.9

renew the current lease when it terminates in 2027 because of factors such as the age of breeder sheds and infrastructure, high operating costs relative to newer sheds, and trends in the poultry industry.

21. The proposed ODP also shows an Odour Constrained Area (OCA) along the northern boundary with the Gallina/Heinz Wattie block as below. Its purpose is to avoid reverse sensitivity issues between a legal established rural activity that cannot realistically internalise all of its effects, and 'odour sensitive' urban development.

22. Policy B3.4.39 in the Operative Plan states

Avoid rezoning land for new residential development adjoining or near to existing activities which are likely to be incompatible with residential activities, unless any potential 'reverse sensitivity' effects will be avoided, remedied or mitigated.

The explanation supporting the Policy states that rezoning land for new residential development around townships should not create 'reverse sensitivity' issues with existing activities in any zone.

23. UG -P 11 in the PSDP provides that when zoning land to establish any new urban area or to extend any township boundary, avoid reverse sensitivity effects on any adjoining rural, ..... zone.



Figure 4: Northern portion of PC73 ODP. Odour Constrained Area/Green Boundary red/green diagonal strips

24. I understand that the OCA is based on a minimum 150m setback from the existing Tegel Chicken sheds. It is less than the equivalent OCA, that applies to the existing Living 3 zoning under the Operative District Plan, which requires a 300m setback from the northern boundary of the L3 zone. It is referred to in the ODP narrative:



The development area shall achieve a minimum net density of 12 household per hectare, averaged over the area of the block, excluding the area identified as an Odour Constrained Area where dwellings are not permitted.....

No sensitive activities are provided for in the development area 'Odour Constrained Area' adjoining the area's northern boundary (with the adjacent rural zoned land). This Area provides are subject to a 150m setback from the poultry sheds existing as at 1 January 2021 located on the property at 243 Dunns Crossing Road (which is legally described as Lots 3-4 DP 20007 BLKS III VII LEESTON SD). The restrictions in this area shall be , supported by an appropriate, enduring legal mechanism (such as a covenant, consent notice, etc) imposed at the time of subdivision.

25. The Gallina/Heinz Wattie submission sought the following amendments to PC73 with respect to the OCA (in the event land was not also zoned for urban residential development as part of PC73 :

Amend Rules 4.9.39 and 4.9.58 relating to the Odour Constrained Area to the effect that the constraint area and associated set backs on the ODPs will cease to have effect upon the adjoining land being zoned for urban purposes; and any other consequential amendments.

Insert the ODPs into the Operative Plan with an amendment to the legend to give effect to the amendment to Rules 4.9.39 and 4.9.58.

26. I recommend the following amendments (in bold and underlined and highlighted) be included as part of PC73:

4.9.39

Any dwelling, family flat, and any rooms within accessory buildings used for sleeping or living purposes in the Living ~~3~~ **Z** Zone at Rolleston (as shown on the Outline Development Plan in Appendix 39 (Holmes Block) **or Appendix 40 (Skellerup Block)** located outside the 'Odour Constrained Area' ~~as shown in Appendix 40 (Skellerup Block)).~~ **This rule shall cease to apply if and when a residential subdivision is approved for the adjoining land to the north containing existing poultry sheds, and the land ceases to be used for poultry farming purposes.**

Non-Complying Activities — Buildings and Building Position

4.9.58

Erecting any new dwelling in the ~~Countryside Area or the~~ 'Odour Constrained Area' identified on the Outline Development Plan in Appendix 39 and Appendix 40. **This rule shall not apply if and when a residential subdivision is approved for the adjoining land to the north containing existing poultry sheds, and the land ceases to be used for poultry farming purposes.**

27. The officer's response to this part of the Gallina/Heinz Wattie submission is that the submission point is something that would be more appropriately considered at the time a change in zoning is proposed for the adjoining land, i.e. as a consequential change arising from and forming part of that rezoning request. I understand this sentiment but consider in the circumstances where it is agreed by all parties that there is considerable planning merit in the entire west Duns Crossing Road area being considered comprehensively, it is appropriate to include such a rule now to provide certainty.
28. Further clarification could also be provided in the Reason for Rules (Living Zones, Building Position), as below:

In regard to the Poultry Farm identified on Lot 3 DP 20007 at Rolleston a ~~300~~**150m** setback has been imposed from the existing Poultry sheds and in relation to the northern boundary of the Skellerup Block (as shown on the Outline Development Plan in Appendix 40). Building within this area is a non-complying activity as reverse sensitivity issues may arise if this setback area is not applied. **It is anticipated that the rule will be removed if the and when the land use is changed to residential. The existing Poultry Farm is 'sandwiched' between adjoining Living Z zoning to the north and south along the west side of Dunns Crossing Road, and there is existing established residential development opposite. For urban form and land use compatibility reasons at least, future development of the land for residential purposes is likely to be appropriate.**

29. I note that PC73 does not propose to amend the separation distance in the above Reason for Rules from 300m to 150m or clarify that it applies from the poultry sheds not the property boundary. This creates an inconsistency with the position of the Odour Constrained Area on the PC73 ODP.

30. For completion, I also note that the Paddle Delamore review of the PC73 odour report states

**Tegel Poultry Sheds**

29. The recommended separation distance from the poultry sheds in the Golder odour assessment was 150 metres based on a dispersion modelling assessment undertaken in 2008 for the Selwyn Plantation Board to support a plan change to the Skellerup block. Subsequent reviews of the modelling assessment as described in the Section 42A report<sup>8</sup> for that plan change called into question the use of the AUSPLUME dispersion model as well as the use of emission factors for broiler chicken farms which may differ from the emissions at the Tegel poultry sheds which house breeder chickens.
30. Golder notes in the RFI Response (1 February 2021) that the modelling and associated separation distance of 150 metres has been validated in other modelling although these assessments were not referenced in the RFI Response. In the 2008 modelling, the odour emission rates were calculated from published emission factors for full grown broiler birds to represent the breeder chickens, which would result in higher emission rates from the poultry sheds. I consider the emission factors to be appropriate and are likely be conservative. Golder also notes that in flat terrain AUSPLUME is an appropriate model given that the odour criteria were developed using the AUSPLUME model. I note that in my experience, in conditions of flat terrain that AUSPLUME and CALPUFF will give similar results.
31. Notwithstanding the reverse sensitivity issues with rezoning, I note that the Tegel poultry sheds are already adjacent to residential areas to the east of the sheds, with the nearest houses being around 70 metres from the closest chicken shed directly to the east of the shed and downwind of the predominant wind direction for the area. If there were odour issues associated with the operation of the poultry sheds, they would likely be affecting the existing residences in these locations. The applicant has not stated whether there are odour complaints regarding the chicken sheds in the residential area, but assuming there are none, a 150 metre separation distance from the poultry sheds is likely to be adequate.

31. The submitter has not obtained further odour expertise on this matter. This is partly on the basis, that if PC73 is approved, it is logical and sound resource management practice for their land also to be rezoned for urban residential development, preferably as part of PC73, but if not, through another process, and in quick succession.

32. I consider that my proposed change to the rule and reason for rules serves an additional resource management purpose of indicating that the constraint is not likely to apply permanently, which might be relevant on development of the PC73 site (in terms of lot layout, or calculating servicing requirements, etc). It also explains why connectivity is provided through the odour constrained area to land on the other side.
33. I recommend additional wording be added to the ODP as follows for greater clarity.

#### Land Use

The development area shall achieve a minimum net density of 12 household per hectare, averaged over the area of the block, excluding the area identified as an Odour Constrained Area where dwellings are not permitted, **if and until such time as a residential subdivision is granted for the adjoining land to north containing existing poultry sheds, and the land ceases to be used for poultry farming purposes. Given the location of Poultry Farm 'sandwiched' between adjoining Living Z zoning to the north and south along the west side of Dunns Crossing Road, and opposite existing established residential development opposite, there would be urban form and land use compatability benefits for its future development for urban residential development. It is important that the PC73 ODP is 'future proofed' to enable future integrated and comprehensive residential development with this adjoining land and the wider area. For this reason, roading linkages are included through the OCA to the Poultry Farm property to the north.**

.....

No sensitive activities are provided for in the development area 'Odour Constrained Area' adjoining the area's northern boundary (with the adjacent rural zoned land) **if and until such time as a residential subdivision is granted for the adjoining land to north containing existing poultry sheds.** This Area provides are subject to a 150m setback from the poultry sheds existing as at 1 January 2021 located on the property at 243 Dunns Crossing Road (which is legally described as Lots 3-4 DP 20007 BLKS III VII LEESTON SD). The restrictions in this area shall be supported by an appropriate, ~~enduring~~-legal mechanism (such as a covenant, consent notice, etc) imposed at the time of subdivision.

#### Development Capacity

34. I note Mr Baird, in his report observes that a medium-term shortfall of 2263 dwellings in Rolleston which means that, without the Future Development Areas (FDAs), Rolleston will literally run out of housing land around 2025. The capacity of the FDAs is 5750<sup>2</sup> dwellings leaving a surplus of around 3500 at 2031, or nine-years supply at average consenting rates of 400 per annum ( significantly below current rates), before the start of the projected long-term shortfall arrives. When factors are considered such as the time lags due to zoning processes, subdivision, building consent and housebuilding, action needs to start well before land runs out.
35. By 2025, the medium term will be 2035 so I do not consider that the FDAs on their own will be sufficient to meet Rolleston's statutory requirements to ensure there is at least sufficient capacity to meet medium- and long-term demand going forward. Additional capacity will need to be provided in the short term either through the Review or private plan changes.

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<sup>2</sup> Ben Baird, Policy Analyst: Growth Planning in Selwyn District 19 August 2019.

**Shortfall by Sub Area in the Medium Term**

Sub Area	Capacity	Demand	Surplus / Shortfall
Rolleston	2,154	4,417	-2,263
Lincoln	1,461	1,774	-313
West Melton & Prebbleton	181	1,859	-1,678
Darfield & Leeston	2,656	491	2,165

**Table 5: Surplus / Shortfall within Sub Areas in the Medium Term**

58. The total shortfall in Rolleston, Lincoln, West Melton and Prebbleton is 4,254. This can be met by the FUDA area, some in Darfield & Leeston, and potential intensification work.

**Shortfall by Sub Area in the Long Term**

Sub Area	Capacity	Demand	Surplus / Shortfall
Rolleston	7,910	13,084	-5,174
Lincoln	1,461	5,267	-3,806
West Melton & Prebbleton	181	5,530	-5,349
Darfield & Leeston	2,656	1,457	1,199

**Table 6: Surplus / Shortfall within Sub Areas in the Long Term****Options for allocating future growth**

36. How and in what locations in and around Rolleston this additional capacity is to be provided is a key question. I note that Mr Nicholson suggests from an urban design and landscape perspective that different options for urban expansion need to be evaluated. From a broader urban planning perspective I would agree that this is one approach. However I suggest that the growth options for Rolleston additional greenfields expansion in Rolleston are limited, depending on where the remodelled air noise contours land so to speak.
37. The area southwest of Dunns Crossing Road appears to be an obvious area given its proximity to trunk road and rail routes, relative closeness to the Rolleston Wastewater Treatment Plant (because of operational cost savings), and other factors. I also note this land does not comprise versatile soils i.e. it is not Class 1 & 2 land, as illustrated below. (Figure 5). Land beyond the Rolleston Future Development Area (as identified on Map A of the Canterbury Regional Policy Statement) to the east of Weedons Ross Road, and south of Selwyn Road does comprise versatile soils (see Figure 6 for Map A). Size of land parcels and other factors will of course affect this land's realistic potential for productive use.



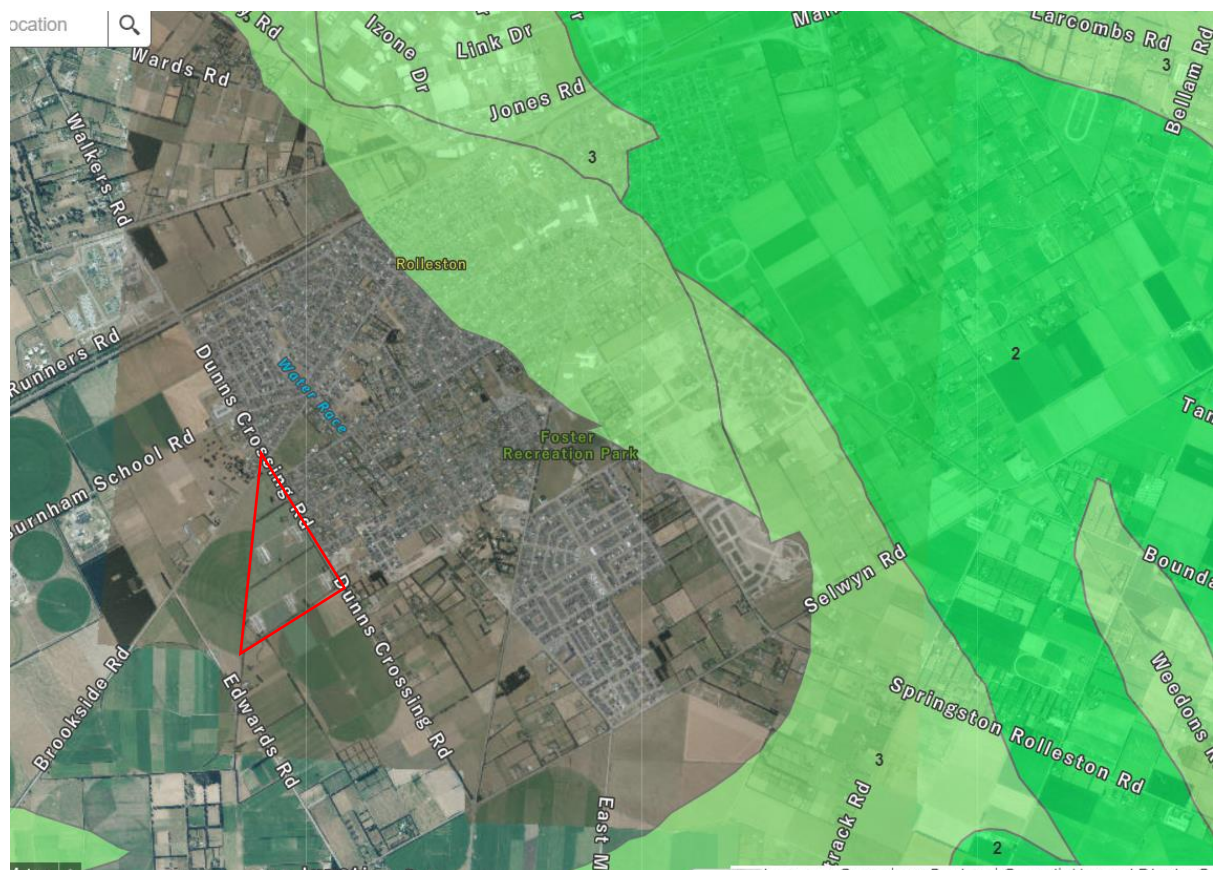


Figure 5: Rolleston and environs - Land Use Capability. Site outlined in red.

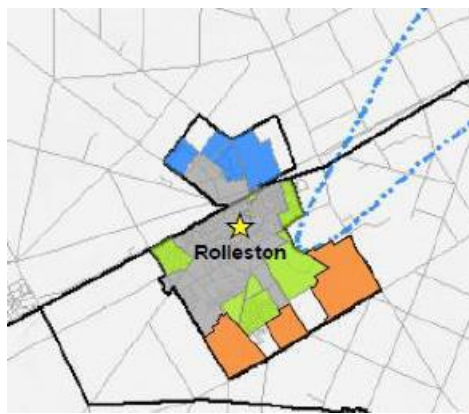


Figure 6: Figure 4: Map A, CRPS. Future Development Areas – orange; Greenfield Priority Areas Residential – green; existing Housing Accord Areas at South Rolleston – white.

38. Planning the future growth of Rolleston is beyond the scope of my evidence. But my concern is that Rolleston and probably other settlements in the Greater Christchurch part of Selwyn do not have the luxury of a waiting for the outcome of the current spatial planning by the Greater Christchurch Partnership. While this will provide an appropriate framework to consider future growth options, the timeframes for getting the framework into statutory plans and becoming operative are uncertain. Moreover from my perspective, it is unclear as to how long the transition to the Natural and Built Environment Planning Act framework will take.



39. In my opinion, there is a need now for some tactical short term and pragmatic responses while the longer-term strategic picture emerges, including the sub regional public transport arrangements. There are potential legal and other risks in this approach e.g. ad hoc development, but, leaving aside the rigid application of Map A there is in my opinion sufficient policy guidance in the relevant statutory documents to provide some scope to approve private plan changes to maintain a well-functioning urban environment.

## **CONCLUSION**

40. I consider that the landowners' submission on the Change has resource management merit through trying to ensure that Plan Change 73, if approved, provides a design and layout that promotes an integrated development for its adjoining sites. The submission provides an opportunity for further rezoning adjacent to the Skellerup Block if the Commissioner is comfortable that there is scope to do so.
41. I also consider that Plan Change 73 has merit to the extent that makes more efficient use of a land resource in a context where there are significant and sub regional growth pressures.