

Before the Selwyn District Council

under: the Resource Management Act 1991

in the matter of: Proposed Private Plan Change 80 to the Operative District Plan

and: **Two Chain Road Limited**
Applicant

Evidence of Kim Seaton (planning)

Dated: 5 October 2022

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EVIDENCE OF KIM SEATON

INTRODUCTION

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

CODE OF CONDUCT

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

SCOPE OF EVIDENCE

- 7 My evidence covers the following:
 - 7.1 The proposal and site description;
 - 7.2 Submissions;

- 7.3 Assessment of issues raised by submitters and the Officer's Report;
 - 7.4 Statutory analysis, including of the National Policy Statement on Urban Development 2020 (NPS UD) and National Policy Statement on Highly Productive Land 2022 (NPS HPL);
 - 7.5 Consideration of alternatives, costs and benefits.
- 8 In preparing my evidence, I have reviewed the following statements of evidence:
- 8.1 Mr Nick Fuller – transport;
 - 8.2 Mr Chris Blackmore – transport modelling;
 - 8.3 Mr David Compton Moen – urban design, landscape and visual;
 - 8.4 Ms Nicole Lauenstein – urban design;
 - 8.5 Ms Natalie Hampson – economics;
 - 8.6 Mr Sam Staite – market demand;
 - 8.7 Mr Nick O'Styke – market demand;
 - 8.8 Mr Ben Turner – rural real estate;
 - 8.9 Mr Tim McLeod – flood hazard and water supply;
 - 8.10 Mr Tim Carter – company evidence;
 - 8.11 Mr Victor Mthamo – versatile soils;
 - 8.12 Mr Mark Everest – agricultural economics;
 - 8.13 Mr Mark Taylor – ecology;
 - 8.14 Mr Paul Farrelly – greenhouse gas emissions; and
 - 8.15 Mr Mark Lewthwaite – acoustic.
- 9 I have also considered:
- 9.1 The Section 42A Report prepared by the Council (the *Officer's Report*);
 - 9.2 Other statutory documents as listed in my evidence, including the NPS UD and NPS HPL; and

9.3 Submissions.

SUMMARY OF EVIDENCE

- 10 Matters raised in submissions have been adequately addressed, including through the introduction of further amendments to the ODP and new rules. This includes strengthening of the landscaping requirements on the Two Chain Road frontage to maintain an appropriate level of rural amenity to the north, and restrictions on activities near Rolleston Prison in recognition of the particular needs of the Prison and its residents.
- 11 The presence of 18.1ha of highly productive land at the eastern extent of the site is acknowledged. The implications of the NPS HPL will be addressed in legal submissions. Whilst it is preferable from an urban form and connectivity point of view that the land is rezoned to industrial purposes, any possible exclusion of this land should not prevent the remainder of the site from being zoned industrial, i.e. the rezoning of the remainder of the site would still be appropriate.
- 12 On the basis of Mr McLeod and Mr Mthamo's evidence, the site can be adequately serviced with water.
- 13 The rezoning will provide significant development capacity. Mr Foy and Ms Hampson confirm that there is a long term shortage of industrial land capacity within the District, while the evidence of Mr Staite and Mr O'Styke confirm the continuing demand for large greenfield areas of unencumbered industrial land.
- 14 The Proposal gives effect to the NPS UD, including because it will provide significant development capacity, will contribute to a well functioning urban environment, has good accessibility to transport corridors and can be serviced without undermining other areas. It is therefore appropriate for Council to be responsive to PC80 under Policy 8 of the NPS UD.

PART 1: THE PROPOSAL AND SITE DESCRIPTION

Site and Surrounding Environment

- 15 A description of the site and surrounding environment is provided in the Officer's Report (paragraphs 9-13), and I concur with that description. Further detailed description is also contained in Section 3.1 of the Landscape and Visual Impact Assessment attached as Appendix C to the Section 32 report.
- 16 In summary, the site sits at an existing industrial-rural interface, in close proximity to State Highway 1 and the North-South rail corridor, at the north-east of Rolleston's existing urban boundary.

Description of the Proposal

- 17 A full description of the proposal is provided in the Application document, and is summarised in the Officer's Report. I will not repeat those descriptions, referring the Commissioner instead to those documents. To summarise however, the proposal provides for:
- i. The rezoning of 98ha of land from Rural Inner Plains to Business 2A;
 - ii. Provision for an Outline Development Plan (ODP), inclusive of landscaping requirements on the Two Chain Road frontage, and road link locations;
 - iii. Generally adopting existing Business 2A zone rules with minimal amendment except to reflect the existence of a new Business 2A area and ODP, and to provide for site-specific mitigation;
 - iv. Direct vehicle access to Two Chain Road, Walkers Road and Runners Road only by way of resource consent;
 - v. Occupation of buildings on site is a non-complying activity in advance of specified roading upgrade requirements.

Further Revisions to the Proposal

- 18 In response to matters raised in submissions, discussions with submitters, and matters raised in the Officer's Report, further amendments to the Proposal are now proposed (see **Attachments 1 and 2**). I will address these changes further below, but in summary they include:
- i. Amendments to the ODP to require a 2.5m high earth bund on the Two Chain Road frontage, and to limit the potential extension of rail sidings to the southern side of the east-west oriented primary road;
 - ii. Amendments to Chapter C13 Status Activities, to list a range of heavy industrial activities as discretionary or non-complying within 500m of the Walkers Road boundary of Rolleston Prison;
 - iii. Direct vehicle access to Walkers Road, north of the primary road intersection, only by way of resource consent;
 - iv. Amending proposed Rule 22.9.x, which as notified specified buildings could not be *occupied* prior to roading upgrades being completed, so that buildings must not be *constructed* prior to upgrades. Also amending the list of required

upgrades to include the requirement for the Two Chain Road rail level crossing be upgraded;

- v. A new Rule 22.9.x, specifying that any business operating between 10.00pm and 7.00am within 150m of the Walkers Road boundary of Rolleston Prison is a restricted-discretionary activity;
- vi. Increasing the landscape strip width on Two Chain Road to a minimum of 15m, with amendments to the list of plants required within the secondary planting strip. For simplicity and to better reflect the landscape treatment discussed between Ms Faulkner and Mr Compton Moen, proposed amendments to Landscape Treatment Three in Rule 24.1.3.13 have been deleted, and instead a new Landscape Treatment Five is proposed; and
- vii. A new rule 24.1.3.x proposed for chapter C24 BZ Subdivision, specifies no development (including earthworks) is to occur prior to the commencement of the upgrade of the SH1/Dunns Crossing Road/Walkers Road intersection, and no subdivision is to occur until a potable water supply is available.

PART 2: SUBMISSIONS

- 19 The Officer's Report states in paragraph 29 that a total of 12 submissions were received on PC66 and no further submissions. I agree with the Officer's synopsis and summary of submission points that are listed through the report.

PART 3: ASSESSMENT OF ISSUES RAISED BY SUBMITTERS

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

Traffic Effects

- 21 As with the Officer's Report, I focus my comment in this section on traffic safety issues, reserving comment on amenity-related traffic issues for later in my evidence.
- 22 I note that Mr Collins for the Council, and Mr Fuller for the applicant, are broadly in agreement as to the likely traffic effects of the proposal, including of the required roading upgrades and the timing of those upgrades relative to the development of the PC80 site.
- 23 Following the close of submissions, the applicant has undertaken further consultation with NZTA/Waka Kotahi, in regard State Highway intersection upgrades. Those discussions have resulted in

amendments to proposed transport-related provisions of PC80. The applicant's participation in other plan change hearings, specifically PC81/82, has also informed the road transport rule amendments now proposed. Further to those discussions, Mr Collins' report identifies additional requirements or restrictions that he considers are required to address traffic effects arising from the plan change. Those are set out again in the Officer's Report at paragraph 45. Mr Fuller has agreed those additional requirements are appropriate and I have therefore incorporated them into the proposed rule package (see **Attachment 2**).

- 24 In summary, the amendments proposed to address potential road safety and network operation concerns¹ are:
- i. Amending proposed Rule 22.9.x, so that buildings must not be *constructed* prior to upgrades²;
 - ii. Amending Rule 22.9.x, to amend the list of required upgrades to³:
 - A. Include the requirement for the Two Chain Road rail level crossing be upgraded (clause f);
 - B. Refer to the Two Chain Road/Wards Road intersection, rather than Jones Road/Wards Road (clause d);
 - C. Amend clause (e) so that either the primary road link is operational, or the intersection of Two Chain Road and Walkers Road is upgraded to a roundabout.
 - D. A new rule 24.1.3.x proposed for chapter C24 BZ Subdivision, specifying no development (including earthworks) is to occur prior to the commencement of the upgrade of the SH1/Dunns Crossing Road/Walkers Road intersection⁴.
- 25 In respect of the number of accesses to Two Chain Road, both Mr Fuller and Mr Collins have agreed that from a transport perspective, a single intersection to Two Chain Road is not advisable for transport safety and efficiency reasons, including network resilience, distribution of traffic and site access efficiency. Mr Carter has also

¹ Amendments to address amenity concerns, for example limits on the rail siding location and access to Walkers Road, are addressed below.

² Requested by Waka Kotahi.

³ Requested by Mr Collins and Ms White.

⁴ Requested by Mr Collins and Ms White.

advised that in his experience, multiple accesses provide for the most efficient use of the site⁵. I accept and agree with their advice.

- 26 On the basis of the inclusion of the amendments listed in paragraph 24 above, both Mr Collins and Mr Fuller agree that the transport effects of the Proposal are acceptable. I therefore agree with the Officer's Report, that from a transport perspective, the potential adverse effects arising from the rezoning can be appropriately managed⁶.

Character and Amenity Effects

- 27 As set out in the Officer's Report, an Urban Design, Landscape and Visual Impact Assessment was provided in support of the PC80 application. That report has since been peer reviewed by Ms Faulkner on Council's behalf, with her review forming part of the Officer's Report. That peer review indicates some areas of disagreement between the two landscape architects, including in regard the significance of effects on residents on Two Chain Road, and the extent of landscape mitigation required for the wider PC80 area.

Two Chain Road

- 28 Following the publication of the peer review, Ms Faulkner and Mr Compton Moen engaged with each other directly, to discuss Ms Faulkner's recommendations. The outcome of that engagement was an amendment to Mr Compton Moen's recommendations for landscape treatment on the Two Chain Road frontage. Mr Compton Moen's recommendations essentially allow for the filling of gaps in the existing shelter belt, provision for maintenance of the existing shelterbelt, inclusion of a 2.5m high earth bund and planting on that bund. The overall landscape strip width is now specified as a minimum of 15m.
- 29 I have recommended changes to the Landscape Treatment rules and the ODP to reflect Mr Compton Moen's recommendations, refer **Attachments 1 and 2** to my evidence. The ODP now specifies the requirement for a 2.5m high bund on the Two Chain Road frontage. The ODP also refers to the Two Chain Road landscape treatment area is area 5. This is in effect a new type of landscape treatment and I have amended Rule 24.1.3.13 of the Subdivision chapter to specify what Landscape Treatment 5 must encompass. I prefer a new Landscape Treatment 5 specification rather than amending the Landscape Treatment 3 provisions, as the Two Chain Road treatment is now different to what is required in other Landscape

⁵ Mr Carter's evidence, paragraph 20.1.

⁶ Officer's Report, paragraph 48.

Treatment 3 areas. Amending the Landscape Treatment 3 provisions would therefore unhelpfully complicate those provisions.

- 30 Both Mr Compton Moen and Ms Lauenstein have confirmed that they consider the Two Chain Road frontage mitigation is appropriate to mitigate adverse visual and landscape effects on Two Chain Road residents. I agree with their conclusions in this regard. I further note that the landscape treatment now proposed on the Two Chain Road frontage is generally consistent with, or more comprehensive than, the requirements on other Business2A/Rural zone road interfaces. Business 2A zone frontage to Maddisons Road, for example, (ODPs in Appendices E43 and E43A), requires only a single strip of landscaping 2.5m in width to a minimum height of 6.5m, though Appendix E43A (PC66) does additionally require a 2.5m high earth bund. The ODP in Appendix E22 requires a single landscape strip of 5m minimum width and minimum height of 6.5m on Hoskyns Road.
- 31 I acknowledge that there are currently more dwellings located on Two Chain Road opposite the PC80 site than can be seen on the industrial interface of Maddisons or Hoskyns Road, and for that reason agree that a more comprehensive landscape treatment is appropriate.
- 32 In regard the "typical section" that Mr Compton Moen has prepared for the Two Chain Road frontage, it is not currently proposed to form part of the ODP documentation and it is my preference that this remain the case. I consider the new Landscape Treatment 5 rule that I have written is sufficient to set out what is required on that frontage. In my view, inclusion of the Typical Section has the potential to confuse rather than clarify what is required, particularly if there are small discrepancies between the rule and the Section. If the Commissioner is minded that the Typical Section is helpful and recommends it be included with the ODP, I recommend that it be clearly labelled as "Indicative" only, so that in the event that there is any discrepancy between the Section and the applicable rule, the provisions of the rule will prevail.
- 33 In regard the number of road accesses to Two Chain Road from the PC80 site, some submitters have requested that access to Two Chain Road be limited to one road intersection. I have addressed this in relation to traffic above, with both Mr Fuller and Mr Collins confirming that more than one road crossing is preferable. Ms Lauenstein has similarly confirmed that from an urban form viewpoint, a single crossing is not advisable⁷. Mr Compton Moen has confirmed his view that three road intersections would not be excessive onto Two Chain Road⁸. I agree with Ms Lauenstein and

⁷ Ms Lauenstein's evidence, paragraph 33.

⁸ Mr Compton Moen's evidence, paragraph 42.

Mr Compton Moen's opinions, and consider that up to two to three road crossings across a 2.1km road frontage is not excessive, nor inappropriate.

Walkers Road and Rolleston Prison

- 34 Ms Faulkner and Mr Compton Moen have agreed that the 3m wide landscape strip requirement on Walkers Road is adequate for that frontage⁹.
- 35 I can also confirm that I participated in direct engagement with the Department of Corrections in regard their submission on PC80. In that engagement, the Department confirmed that it does not seek any amendment to the 3m wide landscape strip requirement, that it would be opposed to the establishment of an earth bund on Walkers Road for security reasons, and that any specification of high and dense planting (such as is proposed on Two Chain Road) would also likely be undesirable from a security viewpoint. For this reason, I recommend that the Walkers Road landscape requirement remain at 3m and that additional planting requirements are not specified.
- 36 The engagement with Department of Corrections helpfully provided further insight into the Department's specific concerns for Rolleston Prison, as summarised in their submission. In particular, the Department expressed concern over the potential for heavy and noisy or odorous industry to locate in close proximity to the Prison. The Department indicated particular concern for Prison residents who may reside on site for many years and, in some cases, who may be required to remain in their cells up to 23 hours a day and therefore be unable to leave and gain respite from external emissions in the way that a normal, non-custodial, resident or worker would. The Department also reiterated their submission point that prison residents have higher rates of mental health disorders, history of trauma and are in poorer physical health than the general population, and therefore can be particularly sensitive to external environmental factors. They further noted that the Department of Corrections is currently undertaking master planning exercises at various sites across New Zealand, and that as the site is designated for prison use, there is the potential for new cell blocks to be established anywhere on the site in the future (i.e. we cannot rely on the current location of cell blocks as being the only location into the future).
- 37 Mr Lewthwaite has considered the Prison circumstances in his evidence and concluded that from an acoustic viewpoint, he does not consider the Prison requires lower noise limits¹⁰ and I accept that advice. Nevertheless, the applicant has accepted the

⁹ Rule 16.1.2.1 of Chapter 16 BZone Buildings.

¹⁰ Mr Lewthwaite's evidence, paragraph 81.3.

Department of Corrections' concerns can be distinguished from that of a more typical rural or rural residential site, and for this reason I have recommended the following rule changes specifically to address the Department of Corrections' concerns and particular circumstances:

- i. Amendments to the list of heavy industries that are controlled activities under Rule 13.1.4 so that the list only applies to that part of the PC80 site that is in excess of 500m from the Walkers Road boundary of Rolleston Prison. In effect that means that there are no controlled activity heavy industries near the Prison;
- ii. Introduce a new rule 13.1.7.3 specifying a list of heavy industries that would be a discretionary activity within 500m of the Walkers Road boundary of Rolleston Prison. That list includes industries that were previously listed as controlled, and industries specifically requested by the Department of Corrections. Beyond 500m, the existing heavy industrial discretionary activity list applies;
- iii. Introduce a new rule 13.1.11.3 specifying four additional heavy industrial activities that are non-complying activities within 500m of the Walkers Road boundary of Rolleston Prison. The listed industries were requested by the Department of Corrections;
- iv. Amend rules 17.2.1.2 (vehicle accessways), 17.3.1.7 (site access) and 17.6.2 (road crossings), so that no accessways or crossings are permitted to Walkers Road north of the primary road intersection to PC80. As with direct accesses to Two Chain Road and Runners Road, resource consent would be required as a restricted discretionary activity and I have inserted a new assessment matter in regard the Prison and its residents. The Prison requested this restriction as the area north of the primary road intersection directly adjoins current cell blocks on the Prison site.

- 38 I understand from my discussion with Corrections staff, that these amendments are sufficient to address the Department's concerns.
- 39 I agree with the Officer's Report, that the provisions introduced to protect Rolleston Prison residents should also address the concerns noted by Oranga Tamariki, given their site is located further from the PC80 site than Rolleston Prison.

Railway Corridor Frontage, including the Eastern Boundary

- 40 Ms Faulkner has expressed the opinion that landscape treatment should be applied along the boundary of the railway corridor/State

Highway 1, and that the existing trees on the curved eastern boundary should be retained.

- 41 Mr Compton Moen has confirmed in his evidence that he does not consider it is necessary to place any additional landscape treatments to the southern boundary adjoining the railway corridor¹¹. His reasoning is that rail sidings are likely to be extended into the PC80 land and any planting on that boundary would be impractical for that reason. He also does not consider the State Highway to be a sensitive environment, and the residential areas to the south of the State Highway predominantly turn their back to the Highway. I agree with that reasoning and agree that landscape treatment on the southern boundary would not be appropriate. I also note that it has not been a requirement of the existing Business 2 Zone industrial areas fronting the rail corridor/State Highway 1 to the immediate east of the PC80 land.
- 42 Regarding the eastern boundary, Mr Compton Moen has confirmed that he does not consider it is necessary to retain existing trees on the far eastern boundary of the PC80 area as he does not consider that this would address any adverse amenity effects¹². I agree with Mr Compton Moen, noting also that at least one row of trees lies within the adjoining property to the east, though I do not know who owns this land (possibly New Zealand Rail or the Crown), and the presence of those trees cannot be relied upon for landscape mitigation purposes.

Other Acoustic

- 43 The Officer's Report has requested that the potential effects of road and rail noise on rural residents be assessed. Mr Lewthwaite has provided that assessment in his evidence. He notes that there will be a significant increase in road traffic on Two Chain Road as a result of Waka Kotahi upgrades on the State Highway 1 corridor, and I understand that that will occur regardless of whether PC80 is approved or not. He concludes that noise generation from additional traffic on public roads, as a result of PC80, will incrementally increase the noise exposure of rural dwellings adjacent to the east section of Two Chain Road¹³, though he estimates the level of noise increase will be in the order of 1-2dB, which I understand to be a very small increase. Notably, noise levels from traffic at the western end of Two Chain Road (i.e. west of the primary road intersections) are not anticipated to increase as a result of PC80.

¹¹ Mr Compton Moen's evidence, paragraph 45.

¹² Mr Compton Moen's evidence, paragraph 44.

¹³ Mr Lewthwaite's evidence, paragraph 88.

- 44 In regard rail noise, as noted by Mr Lewthwaite, any loading or unloading of trains is subject to the PDP noise rules (Rule Noise-R1.3). I am unclear as to whether the PDP noise rules apply to other activity on private rail sidings, for example the movement of carriages, as it is unclear whether private rail sidings form part of the "rail corridor". Mr Lewthwaite has in any case considered general use of the rail sidings in his assessment, including where he states his expectation that rail noise activities are likely to be able to be managed to meet the PDP noise limits, though the scale of additional rail activities on new sidings within PC80 is not known at this stage¹⁴. To assist with minimising the potential for rail siding activity to disturb residents north of Two Chain Road, the proposed ODP has now been amended to make clear that rail sidings may not extend further into the site than the east-west aligned primary road.
- 45 Overall, on the basis of Mr Lewthwaite's advice, it is my view that while there is likely to be some increase in the ambient noise environment for Two Chain Road residents as a result of the PC80 land being developed for industrial purposes, that increase will be small, will be experienced in the context of upgrades to Two Chain Road and heavy vehicle increases that will occur regardless of the outcome of the PC80 hearings, and will be experienced primarily at the eastern end of Two Chain Road.

Burnham Military Camp

- 46 The New Zealand Defence Force (NZDF) in their submission, have requested that no complaints covenants be imposed on allotments created within the PC80 land, to ensure reverse sensitivity effects do not arise in regard the Burnham Military Camp activities. I agree with the Officer's Report that sensitive activities are not provided for in the Business 2A zone and any permitted activities in the Business 2A Zone are not anticipated to be sensitive the Military Camp activities, particularly given the large separation distance between the Military Camp and the PC80 land.

Conclusion

- 47 Overall, I consider that the potential impact of PC80 on rural amenity and character will be perceptible but acceptable. I consider the mitigation measures proposed, notably including the increased landscape strip and bunding on the Two Chain Road frontage, will mitigate potential adverse visual amenity and character effects to an appropriate level. Other District Plan rules, particularly those relating to noise, will also assist in ensuring that amenity values are maintained at an appropriate level.

¹⁴ Mr Lewthwaite's evidence, paragraph 90.

Supply, Demand and Urban Expansion

- 48 The review of Mr Foy and evidence of Ms Hampson are well aligned in regard economic costs and benefits of PC80, and the demand for additional industrial land. Both experts agree that the economic benefits of the zoning request are expected to outweigh any actual or likely economic costs¹⁵. This includes in particular, locational benefits of the site in terms of its access to rail sidings, as acknowledged in the Officer's Report¹⁶. A further locational benefit I would add is that the large majority of the site does not contain highly productive soils, whereas expansion of the Rolleston Business 2/Business 2A zones north of State Highway 1 in any other direction would require development over highly productive soils¹⁷.
- 49 In my view, based on the evidence of Ms Hampson, there is clear demand for additional industrial land, underlined by Ms Hampson's statement that the demand for Rolleston's industrial land is now higher than previously reported and capacity has continued to reduce¹⁸. Ms Hampson's views are further supported by the evidence provided by Mr Staite and Mr O'Styke on behalf of the applicant. I also agree with the Officer's Report where it states that the provision of greater industrial land supply is, in any case, consistent with the NPS-UD¹⁹, which I discuss further below.
- 50 I therefore further agree with the Officer's Report that the question then is whether the site is an appropriate location for industrial activities. There are clear locational benefits for the site, most notably due to:
- i. its location adjacent the rail corridor, enabling potential rail sidings to be developed into the site, with consequent freight transport efficiencies and greenhouse gas emission reductions;
 - ii. its location in close proximity to State Highway 1;
 - iii. (since the release of the NPS-HPL) the relative absence of highly productive soils on site – only 18.1ha of the 98ha site contain highly productive soils; and
 - iv. The site is adjacent the existing Business 2/Business 2A Rolleston industrial area.

¹⁵ Ms Hampson's evidence, paragraph 126.7.

¹⁶ Officer's Report, paragraph 80.

¹⁷ Refer Figure 3 of the Officer's Report, page 31.

¹⁸ Ms Hampson's evidence, paragraph 16.

¹⁹ Officer's Report, paragraph 83.

- 51 The locational benefits of the site in terms of urban form are addressed in the evidence of Ms Lauenstein, who states that although PC80 is currently outside the areas planned for urban development, it is a logical sequence of urban industrial development for Rolleston and fit with the overall direction of key planning documents²⁰. She also confirms that introducing a further industrial zone to extend the I-Zone along the rail corridor is a logical continuation of the urban structure and compact form of Rolleston²¹.
- 52 I agree with the Officer's Report that the environmental effects of the rezoning are a further consideration. As set out elsewhere in my evidence and with reliance on other evidence presented on behalf of the applicant at this hearing, potential adverse environmental effects of the rezoning are able to be appropriately avoided or mitigated.
- 53 Overall, I consider that the site is an appropriate location for industrial expansion. In this regard I also agree with the Officer's Report that the NPS-UD allows for PC80 to be considered on its own merits, notwithstanding that it is not currently a site identified for growth in the CRPS or strategic planning documents²². I discuss the NPS-UD further below.

Other Economic Effects

- 54 The Officer's Report briefly addresses the potential for "other" retail activities to be established on the site. I agree with the Ms White that the amendment of Rule 22.10.1.3 to apply to the PC80 site, which provides for non-specified retail activities and commercial activity to be classified as non-complying activities, addresses the concerns raised by Mr Foy and is consistent with the approach taken in PC66.

Water Supply and Other Servicing Matters

- 55 Mr England has confirmed that the PC80 site can be adequately serviced for sewer and stormwater and I understand these matters are therefore not in contention.
- 56 Mr England does however state that the Council does not have adequate water supply available to service the site. The Officer's Report therefore requests the applicant confirm that water supply can be made available. This is addressed in Mr McLeod's and Mr Mthamo's evidence.

²⁰ Ms Lauenstein's evidence, paragraph 27.

²¹ Ms Lauenstein's evidence, paragraph 61.

²² Officer's Report, paragraph 83.

57 Mr McLeod confirms²³ that the anticipated water demand on the site will range from 100 to 500m³/day, or 36,500 to 182,500 m³/year. He also agrees with Mr England's statement that any high water use or "wet" industries can be managed through the Council's Water Supply Bylaw 2008 (amended 2018). Mr Mthamo confirms²⁴ that adequate water supply can be made available to the site by transferring groundwater take consents that the applicant has control over in the Plan Change 69 area, where surplus water is available. On the basis of Mr McLeod and Mr Mthamo's advice, I consider the issue raised by Mr England can be addressed.

58 The Officer's Report also requests an additional rule restricting subdivision until a potable water supply is available on site which is capable of servicing any lots within the subdivision. I have therefore introduced new Rule 24.1.3.x(b), addressing this issue.

Ecological Effects

59 Both Dr Burrell for the Council and Mr Taylor for the applicant are in agreement that the ecological assessment undertaken by Mr Taylor is appropriate. They also both agree that the approach proposed in the ODP of retaining the water race and reserving two wet areas for further investigation at the time of subdivision is appropriate, and that the site overall likely supports low ecological values. On the basis of that advice, I agree with the Officer's Report that there are no ecological effects that would preclude the rezoning of the site, and that the methods for managing effects on ecological values are appropriate²⁵.

Contaminated Land

60 I agree with the Officer's Report that further detailed investigation of any on-site contamination can be undertaken prior to site development, in accordance with the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health²⁶. In my experience, that is commonly the case for plan changes, i.e. detailed site investigation is not warranted as part of the plan change process. I therefore agree that there are no contaminated land matters that preclude the rezoning of the land for industrial purposes.

Geotechnical Considerations

61 I agree with the Officer's Report that based on the geotechnical assessment provided by the applicant, and the peer review by Mr

²³ Mr McLeod's evidence, paragraph 18.

²⁴ Mr Mthamo's evidence, paragraphs 16-23.

²⁵ Officer's Report, paragraph 98.

²⁶ Officer's Report, paragraph 101.

McCahon for Council, there are no geotechnical matters that preclude the rezoning of the site for industrial purposes²⁷.

Other Matters

- 62 I agree with Ms White's response to the submissions of D. Middleton and J. Horne²⁸.

PART 4: STATUTORY ANALYSIS

Part 2 Matters

- 63 My analysis of Part 2 is contained in the Section 32 report lodged with the application. That assessment accords with that of the Officer's Report.

National Policy Statement on Urban Development 2020

- 64 The Officer's Report provides an analysis of the Proposal against the NPS UD, further to the analysis provided in the Section 32 report. The Officer's Report and Section 32 analysis are generally in accordance.

- 65 In other recent plan changes I have expressed the view, and it remains my view in respect of PC80, that the key considerations of the NPS UD are:

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

- 66 Additional to these considerations is the question of whether the Proposal meets the CRPS criteria for determining what plan changes will be treated as adding significantly to development capacity. Those criteria do not yet exist and so are not a consideration for this Proposal.

Significant Development Capacity

- 67 Both Ms White and myself are in agreement that the proposal will provide significant development capacity. The evidence of Ms

²⁷ Officer's Report, paragraph 103.

²⁸ Officer's Report, paragraphs 106-107.

Hampson, together with the evidence of Mr Staite and Mr O'Styke, support that conclusion.

Well-functioning Urban Environment

- 68 In regard whether the Proposal will contribute to a well-functioning urban environment, Policy 1 defines a well-functioning urban environment as one that, as a minimum:
- (a) n/a (housing related);
 - (b) Has or enables a variety of sites that are suitable for different business sectors in terms of location and site size;
 - (c) Has good accessibility;
 - (d) Supports and limits as much as possible adverse impacts on the competitive operation of land and development markets;
 - (e) Supports reductions in greenhouse gas emissions;
 - (f) Is resilient to the likely current and future effects of climate change.
- 69 (b) is achieved for the reasons set out in the evidence of Mr Staite and Mr O'Styke, being the continuing shortage of large, unencumbered greenfield industrial sites.
- 70 Regarding (c), there is broad agreement between Ms White, Mr Collins, Mr Fuller, Ms Lauenstein and myself that the site is well-connected along transport corridors, notable by the site's location immediately adjacent the main rail corridor and State Highway 1. The site cannot be said to provide any notable access to community services and natural or open spaces, except in so far as the site is part of Rolleston township. However, I consider this accessibility is less of an issue for industrial development than it would be, for example, for residential development. The site immediately adjoins an existing industrial area and is therefore not disjointed from the current urban boundary, providing for a compact and logical extension of the urban area.
- 71 Regarding (d), and as set out in Ms Hampson's evidence and accepted by Mr Foy, the Proposal will support and provide for additional choice and competition within the industrial land market.
- 72 Regarding (e), the opportunity for extended rail sidings, proximity to the north-south rail corridor, and the proximity to State Highway 1 for fast access to arterial transport routes, will support reductions

in greenhouse gas emissions from heavy freight. The evidence of Mr Farrelly supports that conclusion.

- 73 In regard (f), the site is sufficiently distant from any coastal location that sea level rise and inundation is not a relevant issue. Potential increases in the frequency and severity of storms and flood hazard are relevant, however the site is not known to be subject to significant flood hazard. Any flood hazard can therefore be appropriately managed at the time of development or subdivision via common mitigation measures such as building foundation heights and earthworks rules.
- 74 Overall, the proposal is considered to contribute to a well-functioning urban environment. I note that Ms White and I are in agreement on this matter²⁹ and that conclusion is supported by the evidence of Ms Lauenstein and Mr Compton Moen.

Infrastructure

- 75 Mr England for the Council, and Msrs McLeod and Mthamo have confirmed that the site can be adequately serviced with infrastructure, including (Mr McLeod and Mr Mthamo have confirmed) water supply.

Transport Connections

- 76 As set out above, with the site's proximity to the State Highway and main rail corridor, and noting the deferral of development until such time as certain transport upgrades are undertaken³⁰, the site is considered to be well connected to transport corridors.
- 77 In summary, I consider the Proposal will give effect to the NPS UD. Based on the above, I consider it is appropriate for Council to be responsive to this plan change application, per Objective 6 and Policy 8 of the NPS UD.

National Policy Statement on Highly Productive Land 2022

- 78 As noted in the Officer's Report, the NPS HPL comes into force on 17 October 2022, and is relevant insofar as it defines highly productive soils as including LUC Class 1-3 soils, with approximately 18ha of Class 3 soils located at the eastern extent of the PC80 site.
- 79 I agree with the Officer's Report that in the absence of any regional council mapping of highly productive land, the LUC Class 3 soils that are known to exist within the PC80 area must be considered highly productive. I also agree with the Officer's Report that the NPS HPL provides for the exclusion of small, discrete areas of LUC Class 1, 2

²⁹ Paragraph 120 of the Officer's Report.

³⁰ Proposed Rule 22.9.x.

or 3 land from the mapping of highly productive land³¹. Though I am not an expert in highly productive soils, I anticipate that the LUC Class 3 soils within the PC80 area would be excluded from any future mapping exercise as there is little logic in including the land and as an isolated pocket of highly productive land, it would be difficult to farm economically. The evidence of Mr Mthamo and Mr Everest support this. Nevertheless, the Officer's Report is correct that the mapping exclusion has not yet occurred.

- 80 The Officer's Report summarises the relevant provisions of Clause 3.6, against which any proposed rezoning of highly productive land must be assessed. I would add to the Table 1, clause 3.6(5), which states that *'Territorial authorities must take measures to ensure that the spatial extent of any urban zone covering highly productive land is the minimum necessary to provide the required development capacity while achieving a well-functioning urban environment.'*
- 81 I agree with the comments Ms White has made in Table 1. In regard 3.6(5), I consider that the extent of highly productive land that would be rezoned for urban use through PC80 is the minimum necessary to provide the industrial land capacity identified by Mr Foy and Ms Hampson as necessary to maintain long term supply. Again, I note that no other Business 2 or Business 2A zone expansion can occur in Rolleston without affecting the same amount or more highly productive soils. As discussed above, the rezoning will achieve a well-functioning urban environment.
- 82 The key issue with regard to Clause 3.6, is the reference to the Housing and Business Assessment (HBA), in sub-clauses 3(a) and 3(b). Sub-clause 3(a) also makes reference to "or some equivalent document". I understand that the 2018 Greater Christchurch Partnership HBA does not clearly identify demand for additional industrial land, but I accept Ms Hampson's view, which is supported by the evidence of Mr Staite and Mr O'Styke, that the HBA analysis under-estimates long term demand for industrial land in Rolleston³², and that the 2018 HBA is out of date³³. Ms Hampson contends that:
- 'demand for Rolleston's industrial land is now higher than previously reported and capacity has continued to reduce. It is therefore likely that sufficiency is lower than previously understood. A precautionary approach is therefore needed. This is consistent with the NPS-UD which encourages the provision of more capacity rather than less.'*³⁴

³¹ Officer's Report, paragraph 129.

³² Ms Hampson's evidence, paragraph 14.

³³ Ms Hampson's evidence, paragraph 15.

³⁴ Ms Hampson's evidence, paragraph 16.

- 83 The question of the extent to which the *merits* or *adequacy* of the 2018 HBA are relevant under Clause 3.6 is a matter that I am unable to reach a conclusion on, and will be addressed further in legal submissions. Similarly, in regard the question Ms White raises as to the interrelationship of NPS-UD Policy 8 with the NPS-HPL, I defer to the legal submissions.

Canterbury Regional Policy Statement

- 84 As set out in the Officer's Report, my assessment (as set out in the Section 32 report) and that of Ms White are generally in accord, and I agree with the comments Ms White has made in paragraph 133 of the Officer's Report.
- 85 In regard the question of water supply, as stated above, Mr McLeod and Mr Mthamo have confirmed that there is adequate water supply available to service the PC80 land, and I have recommended a new rule requiring potable water to be confirmed as available prior to the creation of any new allotments on the site. In my view this resolves the tensions Ms White identifies with Objective 6.2.1 and Policy 6.3.5.
- 86 In regard Objectives 6.2.1(3) and 6.2.6, and Policies 6.3.1 and 6.3.6, I consider that Policy 8 of the NPS UD overcomes any inconsistency with these provisions, for the reasons I set out above.

Our Space 2018-2048

- 87 The Officer's Report references the Our Space document, stating that '*...the assessment undertaken for Our Space was of a broad scale, and does not go into detail about different types of industrial needs.*'³⁵ That is also my understanding, noting that while the Hearing Panel report on Our Space stated that it accepted the Capacity Assessment at that time was adequate for its present purpose³⁶, the Panel specifically recommended further work is done in the next Capacity Assessment in relation to demand and location of industrial and business land in close proximity freight hubs. I understand this arose specifically in response to Rolleston and IPort. The Panel stated that the future Capacity Assessment would '*...contribute to the consideration of overall capacity and sufficiency of industrial and business zoned land and may identify opportunities for consideration of specific areas feeding into the review of the CRPS.*'³⁷
- 88 Further to those comments, the evidence of Ms Hampson (and review of Mr Foy), together with the evidence of Mr Staite and Mr

³⁵ Officer's Report, paragraph 137.

³⁶ Our Space 2018-2048 – Report and Recommendations of the Hearing Panel incorporating Addendum dated 5 June 2019. Paragraph 81

³⁷ Our Space 2018-2048 – Report and Recommendations of the Hearing Panel incorporating Addendum dated 5 June 2019. Paragraph 81.

O'Styke at this hearing confirm that the availability and capacity for development of industrial land is insufficient in the long term.

Other Statutory Documents

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

Consideration of Alternatives, Benefits and Costs

- 90 In paragraphs 145 to 155 of the Officer's Report, Ms White provides some commentary in response to the Section 32 report, informed by her previous assessment and some of the concerns she felt needed addressing further. I respond as follows:

- i. Noise effects* – in relation to road and rail noise, these have been addressed above and in my view the rezoning will achieve s7(c) and 7(f) of the RMA;
- ii. Water supply* – as confirmed above, adequate groundwater sources under the applicant's control are available for transfer to the PC80 site;
- iii. Most appropriate way of achieving the purpose of the RMA* – in my view, the evidence presented on the applicant's behalf has established that PC80 will provide significant development capacity and will support a well-functioning urban environment. I note that Ms White acknowledges the Proposal will provide significant development capacity in paragraph 120 of the Officer's Report. PC80 is a logical extension of the urban form and in particular noting the absence of highly productive land across the majority of the site. Given the identified shortage of industrial land, the ability to avoid or mitigate adverse effects associated with the rezoning and consolidation of Rolleston's urban form, the rezoning is the most appropriate way to achieve the purpose of the RMA;
- iv. Most appropriate way of achieving the purpose of the objectives* – further assessment in regard noise has been undertaken, and based on the evidence of Mr Compton Moen and Ms Lauenstein, the Proposal will maintain the quality of the rural area, consistent with the objectives of the Rural zones. The character and amenity of the rural area in the vicinity of the PC80 land will change from purely rural or rural residential, to a rural-urban interface, however the landscape treatment proposed on the Two Chain Road frontage, inclusive of a large earth bund and minimum 15m

landscape strip with two planting strips, is adequate to ensure adverse effects on the rural area are kept to an appropriate level.

In support of that opinion, I note that there are multiple existing locations in Rolleston where the Business 2A zone interfaces with rural areas, including Hoskyns and Maddisons Roads and Railway Road. The presence of the Business 2A zone on the rural interface has therefore been accepted previously as having an acceptable level of effect on the rural zone and I consider there is no reason why a rural-industrial interface should not be acceptable in the PC80 location.

Proposed Amendments

- 91 I have set out a comprehensive set of further amendments to the Proposal above. They accord with those listed under paragraph 156 of the Officer's Report, with the exception of the following:

- i. Limiting road access to Two Chain Road to one entrance – this is not accepted for the reasons set out above, including that it is undesirable from both a traffic management and urban form viewpoint;
- ii. Requiring Landscape Treatment 4 on the rail corridor frontage – this is not accepted as it is considered both impractical (where future rail sidings are anticipated) and unnecessary (given the lack of sensitivity of the rail corridor and State Highway 1); and
- iii. Requiring retention of the existing trees on the eastern boundary – this is not accepted as it is considered unnecessary (given the adjoining area is not sensitive).

PART 5: RESPONSE TO SECTION 42A REPORT AND SUBMISSIONS

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

PART 6: CONCLUSIONS

- 94 Overall, I consider that the Proposal is the most appropriate way of achieving the purpose of the Act, and that the purpose of the Act is achieved.
- 95 On the basis of the views expressed above and subject to the legal submissions on the NPS HPL, I consider the Plan Change should be approved.

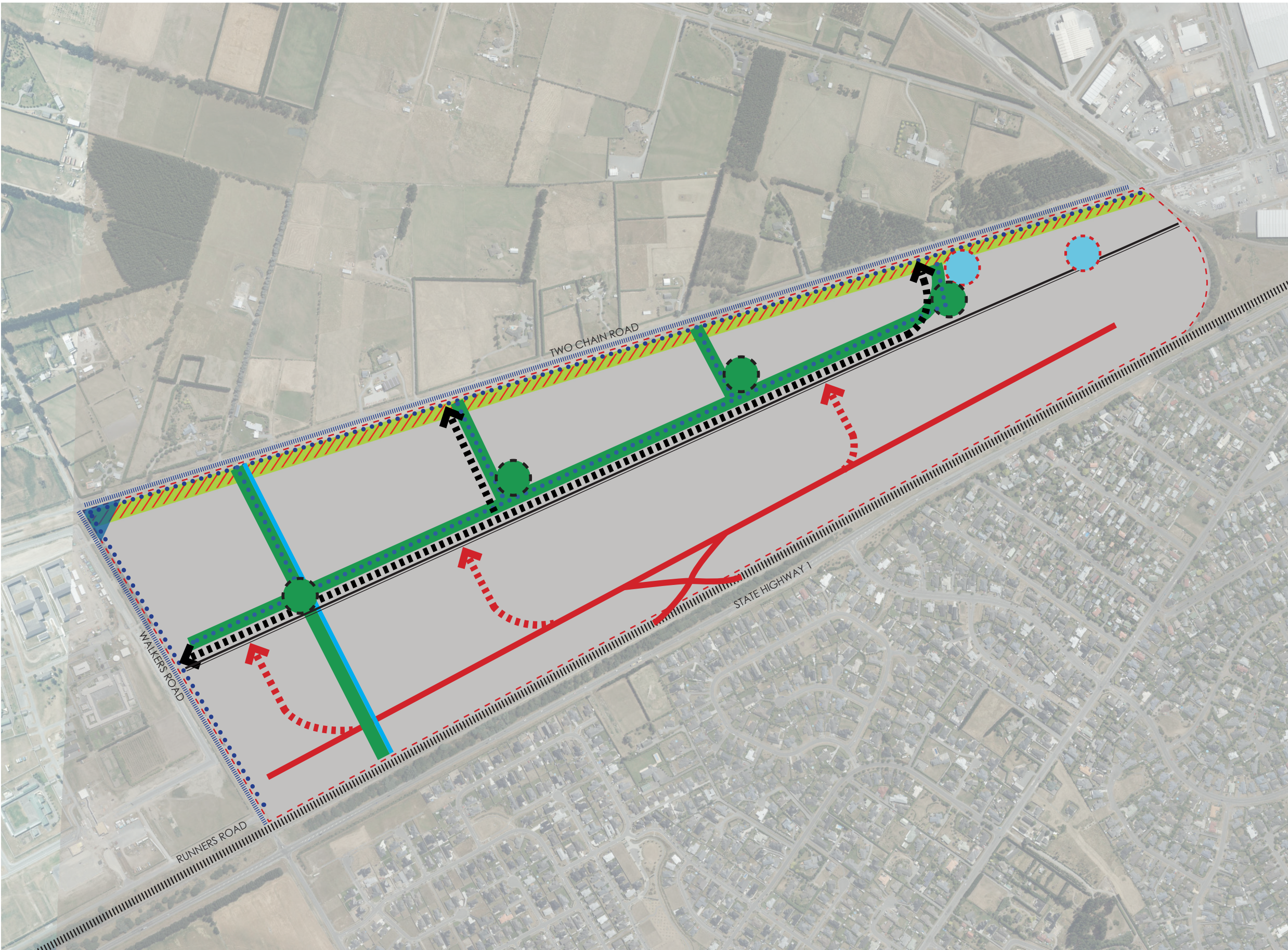
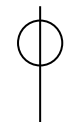
Dated: 5 October 2022

Kim Seaton

Attachment 1: Revised ODP

LEGEND

- Outline Development Plan Area
- Business 2A Zone
- Retain shelter belt / landscape treatment area 5 / 2.5m high bund / No individual property access
- Indicative Primary Road
- Indicative Rail Siding Infrastructure
- Indicative Rail Spurs into Warehouses
- Extent of Rail Infrastructure (no slidings or spurs to extend beyond this point)
- Existing Water Race Retained
- Extent of Road Frontage Upgrade
- Shared Pedestrian / Cycle Path
- Intersection Upgrade (area shown is indicative)
- Green link
- Green link including shared pedestrian / cycle path
- Node including seating and landscaping (area and location indicative)
- Wet area for further investigation at the time of subdivision



A. OUTLINE DEVELOPMENT PLAN - BUSINESS 2A ZONE TWO CHAIN ROAD

URBAN DESIGN, LANDSCAPE AND VISUAL IMPACT ASSESSMENT
PROPOSAL - OUTLINE DEVELOPMENT PLAN
TWO CHAIN ROAD PLAN CHANGE

Attachment 2: Revisions to the Proposal

1. The Proposed Plan Change undertakes the following in the Township Volume. Notified changes underlined or ~~struck through~~. Additional changes now proposed are double underlined or ~~double struck through~~. Note, PC66 provisions are now operative and have been inserted where relevant in the rules below, which has led to some numbering changes:

1. To amend Township Volume, Chapter C13 Status Activities, Rule 13.1.4 Controlled Activities, to read:

13.1.4 Within the Business 2A Zone, other than that part of the Zone that is within 500m of the Walkers Road boundary of Rolleston Prison, the following activities shall be controlled activities, irrespective of whether they comply with the conditions for permitted activities in Rules 14 to 23.

...

2. To amend Township Volume, Chapter C13 Status Activities, Rule 13.1.7 Discretionary Activities, to read:

13.1.7.3 In addition to the activities listed in Rule 13.1.7.2, within that part of the Business 2A Zone that is within 500m of the Walkers Road boundary of Rolleston Prison, any of the activities listed in (a) to (p) below, irrespective of whether they comply with the conditions for permitted activities in Rules 14 to 23.

- (a) Meat slaughtering and processing
- (b) Cement manufacture
- (c) Hot mix, asphalt paving manufacture
- (d) Glass or fibreglass manufacture
- (e) Foundry processes, electroplating works, melting of metal, steel manufacture and galvanising
- (f) Natural gas, oil or petroleum distillation or refining
- (g) Manufacture of hardboard, chipboard or particle board
- (h) Timber treatment
- (i) Thermal power generation
- (j) Firearms range
- (k) Chemical fertiliser manufacture
- (l) Waste transfer stations and resource recovery facilities
- (m) Waste incineration, including burning of waste oil
- (n) Crematoriums
- (o) Timber processing, including sawmills and wood chipping.
- (p) Carpet manufacturing.

(q) Any other industry using the combustion of coal, wood, or any other bio-mass for space heating or as a source of energy.

3. To amend Township Volume, Chapter C13 Status Activities, Rule 13.1.11 Non-Complying Activities, to read:

13.1.11 The following activities shall be non-complying activities in Business 2, 2A and 2B Zones:

13.1.11.1 Any activity which is specified in Rules 14 to 23 as being a non-complying activity.

13.1.11.2 Any of the activities listed in (a) to (c) below, irrespective of whether they comply with the conditions for permitted or discretionary activities in Rules 14 to 23.

(a) Mining or quarrying

(b) Correction facility

(c) Treatment or disposal of solid or liquid waste delivered or conveyed onto the site.

13.1.11.3 In addition to the activities listed in Rule 13.1.11.2, within that part of the Business 2A Zone that is within 500m of the Walkers Road boundary of Rolleston Prison, any of the activities listed in (a) to (d) permitted activities or discretionary activities in Rules 14 to 23.

(a) Landfills

(b) Commercial composting

(c) Tyre storage or shredding

(d) Petrochemical or hazardous substance bulk storage or distribution.

4. To amend Township Volume, Chapter C16 BZone Buildings, Rule 16.1.2.1 to read:

16.1.2.1 A landscaping strip of at least 3 metres width shall be provided along every road frontage except along:

- the frontage with Railway Road; or
- that part of Hoskyns Road abutting Precinct 4 as outlined in Appendix 22; or

- along the frontage of Jones Road identified within the Outline Development Plan at Appendix 43 where the provision of sightlines from rail crossings are required under Rule 17.4.1.2 and vehicle accessways required under Appendix 13;
- along Maddisons Road identified within the Outline Development Plan at Appendix 43A; or
- along the frontage of Two Chain Road identified within the Outline Development Plan at Appendix 43B.

5. To amend Township Volume, Chapter C17 BZone Roding, Rule 17.2 to read:

17.2.1.2 The site within which the vehicle accessway is formed does not have access directly on to:

i) Railway Road, Rolleston from that part of the Business 2A Zones as is depicted on the Outline Development Plan at Appendix 22; or

ii) Hoskyns Road, Rolleston from that part of the Business 2A Zones identified as Precinct 4 as is depicted on the Outline Development Plan at Appendix 22; or

iii) Maddisons Road, Rolleston from that part of the Business 2A Zone depicted on the Outline Development Plan at Appendix 43A; or

iv) Two Chain Road, Runners Road, or Walkers Road (north of the primary road intersection), Rolleston from that part of the Business 2A Zone depicted on the Outline Development Plan at Appendix 43B.

...

17.2.2 Any activity which does not comply with Rule 17.2.1.2(ii) or Rule 17.2.1.2(iii) shall be a restricted discretionary activity.

...

17.2.3.4 In relation to the Business 2A Zone in Appendix 43B the effects of the accessway on the safe and efficient operation of Two Chain Road and the shared pedestrian/cycle path on these roads.

17.2.3.5 In relation to any vehicle accessway to Runners Road within the Business 2A Zone in Appendix 43B, the necessity, extent and cost of upgrades to Runners Road, the safe and efficient operation of the Runners Road/Walkers Road intersection, and effects on the safe and efficient operation of the Walkers Road level rail crossing.

17.2.3.6 In relation to any vehicle accessway to Walkers Road within the Business 2A Zone in Appendix 43B, the effects of the accessway on Rolleston Prison and prisoners residing within the prison.

≡

6. To amend Township Volume, Chapter C17 BZone Roading, Rule 17.3 to read:

17.3.1.8 The site does not have access directly on to Two Chain Road, Runners Road or Walkers Road (north of the primary road intersection), Rolleston from that part of the Business 2A Zone depicted on the Outline Development Plan at Appendix 43B.

...

17.3.8 Any activity which does not comply with Rule 17.3.1.6, Rule 17.3.1.7 or Rule 17.3.1.8 shall be a restricted discretionary activity.

...

17.3.9.4 In relation to the Business 2A Zone in Appendix 43B the effects of the access on the safe and efficient operation of Two Chain Road and the shared pedestrian/cycle path on these roads.

17.3.9.5 In relation to any access to Runners Road within the Business 2A Zone in Appendix 43B, the necessity, extent and cost of upgrades to Runners Road, the safe and efficient operation of the Runners Road/Walkers Road intersection, and effects on the safe and efficient operation of the Walkers Road level rail crossing.

17.3.9.6 In relation to any vehicle accessway to Walkers Road within the Business 2A Zone in Appendix 43B, the effects of the accessway on the Rolleston Prison accommodation units and prisoners residing within those units.

7. To amend Township Volume, Chapter C17 BZone Roading, Rule 17.6 to read:

Permitted Activities

17.6.x The establishment of up to three road crossings from Two Chain Road into the area identified on the Outline Development Plan at Appendix 43B is a permitted activity.

17.6.2 The establishment of a road or rail crossing requiring a break in the existing primary shelter belt or future secondary planting strip required by Landscape Treatment 3 in Rule 24.1.3.14 along the Railway Road frontage of the Business 2A Zone, or the establishment of a road crossing requiring a break in the future planting strip required by Landscape Treatment 2; or the establishment of a road crossing requiring a break in the future planting strip required by Landscape Treatment 1 as depicted on the Outline Development Plan in Appendix 43A, or the establishment of more than three road crossings requiring a break in the existing primary shelter belt or future secondary planting strip required by Landscape Treatment 5 as depicted on the Outline

Development Plan in Appendix 43B, or the establishment of a road crossing from Runners Road into the area identified on the Outline Development Plan at Appendix 43B, shall be a restricted discretionary activity.

...

17.6.3.7 In relation to the Business 2A Zone in Appendix 43B the effects of the accessway on the safe and efficient operation of Two Chain Road and the shared pedestrian/cycle path on that road.

17.6.3.8 In relation to any road crossings from Runners Road into the Business 2A Zone in Appendix 43B, the necessity, extent and cost of upgrades to Runners Road, the safe and efficient operation of the Runners Road/Walkers Road intersection, and effects on the safe and efficient operation of the Walkers Road level rail crossing.

8. To amend Township Volume, Chapter C22 BZ Activities, Rule 22.5 to read:

22.5.1.2 Any other lighting if it does not exceed:

...

(c) 3 lux spill (horizontal or vertical) on to any part of any adjoining property in the Rural zone which has a common boundary with either the Business 2A Zone as depicted on the Outline Development Plan at Appendix 22, the Business 2A Zone as depicted on the Outline Development Plan at Appendix 43A, the Business 2A Zone as depicted on the Outline Development Plan at Appendix 43B, or the Business 2B Zone as depicted on the Outline Development Plan for ODP Area 5 at Appendix 37.

...

22.5.1.3 Lighting in the Business 2A Zone which is designed so that:

...

(c) In the Business 2A Zone covered by the Outline Development Plan in Appendix 43 and Appendix 43B, all outdoor lighting is shielded from above and is directed away from adjacent properties outside of the Business 2A Zone. All fixed outdoor lighting is directed away from adjacent roads outside of the Business 2A Zone.

9. To amend Township Volume, Chapter C22 BZ Activities, Rule 22.9 to read:

22.9.1 Development in the Business 2A Zone shall be a permitted activity provided that the following condition is met:

22.9.1.1 The area along the common boundary of the Business 2A Zone and the Rural Zone, as depicted in the respective landscape treatment areas identified on the Outline Development Plans at Appendix 22, ~~and~~ Appendix 43, Appendix 43A, ~~and~~ Appendix 43B, and the principal building, shall be landscaped in accordance with the requirements of Rule 24.1.3.13.

22.9.1.2 In the Business 2A Zone identified on the Outline Development Plan in Appendix 43, Appendix 43A, ~~and~~ Appendix 43B, landscaping, road connections, railway crossings, sidings and pedestrian links shall be provided generally in accordance with those locations identified on the Outline Development Plan at Appendix 43, Appendix 43A, ~~and~~ Appendix 43B. The roads shall be constructed in general accordance with the road reserve widths specified in Appendix 43.

10. To amend Township Volume, Chapter C22 BZ Activities, Rule 22.9 to read:

Restricted Discretionary Activities – Development within the Business 2A Zone, Rolleston

22.9.6 Within the Appendix E43B Rolleston Business 2A Zone Two Chain Road ODP area, the operation of any business within 150m of the Walkers Road boundary of Rolleston Prison between the hours of 10.00pm and 7.00am shall be a restricted discretionary activity.

22.9.7 Under Rule 22.9.6 the Council shall restrict the exercise of its discretion to consideration of:

22.9.7.1 Any actual or potential noise effects on Rolleston Prison and prisoners residing within the prison.

11. To amend Township Volume, Chapter C22 BZ Activities, Rule 22.9 to read:

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

22.9.x Within the Appendix E43B Rolleston Business 2A Zone Two Chain Road ODP area, no building shall be ~~occupied~~ constructed until such time as:

a. the State Highway 1/Walkers Road/Dunns Crossing Road intersection is upgraded; and

b. the frontages of Walkers Road and Two Chain Road are upgraded, inclusive of a flush median on Walkers Road; and

c. the Walkers Road intersection with Runners Road and rail crossing is upgraded; and

d. Two Chain Road is widened and ~~Jones~~ Two Chain Road/Wards Road intersection realigned (other than the road site frontage upgrades specified in (b) above; ~~and~~

e. either a primary road link is operational within the E43B ODP area, linking Two Chain Road and Walkers Road, or the intersection of Two Chain Road and Walkers Road is upgraded to a roundabout; and

f. the Two Chain Road rail level crossing is upgraded.

12. To amend Township Volume, Chapter C22 BZ Activities, Rule 22.10 to read:

22.10.1.3 In the Business 2A Zone at Rolleston as depicted on the Outline Development Plan at Appendix 43, Appendix 43A, and Appendix 43B:

13. To amend Township Volume, Chapter C22 BZ Activities, Rule 22.10 to read:

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

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

14. To amend Township Volume, Chapter C24 BZ Subdivision, Rule 24.1 to read:

24.1.3.11 In the Business 2A Zone road connections and pedestrian links shall be provided generally in accordance with those locations identified on the Outline Development Plans at Appendix 22, ~~and~~ Appendix 43, Appendix 43A, and Appendix 43B. The roads shall be constructed in general accordance with the road cross section examples also included in Appendix 22 (and where any conflict occurs with Rule E13.3.1 these cross sections shall take precedence) or the road reserve widths specified in Appendix 43. Furthermore, lots created which abut Hoskyns Road in Precinct 2 as shown on the Outline Development Plan at Appendix 22 should be designed in such a way that buildings will likely be encouraged to front onto and access onto Hoskyns Road.

...

24.1.3.13 The area along the common boundary of the Business 2A Zone and the Rural Zone, as depicted in the respective landscape treatment areas identified on the Outline Development Plans at Appendix 22, ~~and~~ Appendix 43, Appendix 43A, and Appendix 43B, and the principal building shall be landscaped to the following standards:

...

Landscape Treatment Three

(a) The existing primary shelter belt along Railway Road shall be retained along the full extent of the Business 2A Zone boundary in this location.

~~(aa) The existing primary shelter belt along Two Chain Road shall be retained along the full extent of the Business 2A Zone boundary depicted in Appendix 43B, except that the shelter belt may have up to three breaks to allow up to three road connections into the Business 2A Zone.~~

(b) The existing primary shelterbelt shall be maintained, and if dead, diseased or damaged, shall be removed and replaced.

(c) A secondary planting strip consisting of the species Leyland cypress shall be located to the west of the existing primary shelterbelt on the opposite side of Railway Road in generally that location as identified in the Outline Development Plan at Appendix 22.

~~(cc) A secondary planting strip consisting of one or more of the species Macrocarpa, Totara, Leyland cypress, Kahikatea or Pittosporum, shall be located to the south of the existing primary shelterbelt on Two Chain Road in generally that location as identified in the Outline Development Plan at Appendix 43B.~~

(d) The secondary planting strip shall achieve, once matured, a minimum width of 2.5 metres and a minimum height of 8 metres.

(e) The secondary planting strip shall be maintained, and if dead, diseased, or damaged, shall be removed and replaced.

...

Landscape Treatment Five

(a) A 15m wide landscape strip shall be created on the Two Chain Road frontage, consisting of:

(i) A landscape strip of 5m width incorporating the retention and supplementation of existing shelterbelts (except where access is required) within 3m of the road boundary. Where existing gaps occur, tree species of either Cupressus macrocarpa, Leyland cypress or Pinus Radiata (minimum 600mm high at the time of planting) are to be planted at 3.0m centres.

(ii) Provision for maintenance access on the southern side of the retained shelter belts.

(iii) Construction of a 2.5m high earth bund with a northern slope of 1:3. The southern slope may be between 1:1 and 1:4.

(iv) Planting of two rows of native plants on the upper section of the northern slope, and the top, of the earth bund. The rows shall be 2m apart, with plants at 1.5m centres and alternative offsets to create a dense native belt 3-5m in height. The plant species shall be selected from Kunzea ericoides, Pittosporum tenuifolium, Pittosporum eugenioides,

Phormium tenax, and Pseudopanax arboreus. The plants are to be 0.5L pots with a minimum height of 300mm at the time of planting.

Note: Common boundary landscaping is required along the full extent of the relevant boundaries as depicted on the Outline Development Plans at Appendix 22, ~~and~~ Appendix 43, Appendix 43A, and Appendix 43B except across vehicle, rail, or pedestrian crossings. Refer to Rule 17.6.1 and 17.6.X in respect of road or rail crossings that require breaks in the existing primary shelterbelt or future secondary planting strip along Railway Road and Two Chain Road, and breaks in the proposed screening treatment along the Hoskyns Road frontage identified as Precinct 4 and the Maddisons Road frontage depicted in Appendix 43A, and Rule 17.2.2 in respect of vehicle accessways which require breaks in the proposed screening treatment along the Hoskyns Road frontage identified as Precinct 4 and the Maddisons Road frontage depicted in Appendix 43A.

15. To amend Township Volume, Chapter C24 BZ Subdivision, Rule 24.1.3 to read:

Rolleston

24.1.3.x Within the Appendix E43B Rolleston Business 2A Zone Two Chain Road ODP area:

(a) no development (including earthworks or construction related activities) shall occur prior to the commencement of the upgrade of the SH1/Dunns Crossing Road/ Walkers Road intersection.

(b) no subdivision of land shall take place until a potable water supply is available which is capable of servicing any lots within the subdivision.

16. To amend Township Volume, by inserting Appendix E43B Rolleston Business 2A Zone Two Chain Road ODP.
17. To amend the Planning Maps, to reflect the Business 2A zoning of the site.
18. Any other consequential amendments including but not limited to renumbering of clauses.