

Selwyn District Plan

Section 42A Report

Private Plan Change 80

**Request by Two Chain Road Limited to rezone 98.33 hectares of
Rural Inner Plains to Business 2A Zone, 7-183 Two Chain Road,
Rolleston**

28 September 2022

Report prepared by

Liz White

Consultant Planner

1. Introduction

Qualifications and Experience

1. My full name is Elizabeth (Liz) Jane White. I am an independent self-employed planning consultant based in Christchurch. I hold a Master of Resource and Environmental Planning with First Class Honours from Massey University and a Bachelor of Arts with Honours from Canterbury University. I am a full member of the New Zealand Planning Institute.
2. I have over 15 years' planning experience working in both local government and the private sector. My experience includes both regional and district plan development, including the preparation of plan provisions and accompanying s32 evaluation reports, and preparing and presenting s42A reports. I also have experience undertaking policy analysis and preparing submissions for clients on various RMA documents, and preparing and processing resource consent applications and notices of requirements for territorial authorities. I have been engaged by Selwyn District Council to assist with the processing of proposed Plan Change 80, including preparation of this s42A Report. I have also assisted the Council in the processing of other private plan change requests to rezone land at Rolleston (PC66, PC71, PC73, PC81 & PC82) and West Melton (PC67).
3. Although this is a Council hearing, I confirm that I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note and that I agree to comply with it. I confirm that I have considered all the material facts that I am aware of that might alter or detract from the opinions that I express, and that this evidence is within my area of expertise, except where I state that I am relying on the reporting of another person.

Report Scope

4. This report analyses the submissions received on Private Plan Change 80 (PC80) to the Selwyn District Plan (the Plan) and has been prepared in accordance with s42A of the Resource Management Act 1991 (RMA).
5. The purpose of this report is to assist the Hearing Commissioner in evaluating and deciding on submissions made on PC80 and to assist submitters in understanding how their submission affects the planning process. This report includes recommendations on points made in submissions, and to make amendments to the Plan. For the avoidance of doubt, it should be emphasised that any conclusions reached or recommendations made in this report are not binding on the Hearing Commissioner. It should not be assumed that the Hearing Commissioner will reach the same conclusions or decisions having considered all the evidence to be brought before him by the submitters.
6. In preparing this report I have:
 - visited the site that is the subject of the PC80 request and the surrounding industrial and rural areas;
 - reviewed the original plan change request, the further information received, and the plan change request as amended following the submission period;
 - read and considered all the submissions received on PC80;
 - reviewed the statutory framework and other relevant planning documents; and

- reviewed, and where necessary relied on, the technical comments and peer reviews provided by other experts on this plan change.
7. This report effectively acts as an audit of the detailed information lodged with the plan change request (the Request) prepared by Novo Group Ltd on behalf of Two Chain Road Limited. A full copy of the Request, submissions, summary of submissions and other relevant documentation can be found on the Selwyn District Council website at www.selwyn.govt.nz/pc80
 8. As such, this report seeks to provide as little repetition as possible and accepts those parts of the Request where referred to. If a matter is not specifically dealt with in this report, it can be assumed that there is no dispute with the position set out in the Request.

2. Proposal and Site Description

Site Description

9. PC80 relates to a largely triangular-shaped site located south of Two Chain Road, north of SH1 and the main truck railway, and east of Walkers Road. It is generally located to the west of the existing industrial area, as shown in the aerial photograph below, with the plan change site (the Site) outlined in red.
10. The Site is flat and contains no notable features. It is accessed currently from multiple crossings off Two Chain Road and Runners Road.



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

Surrounding Environment

11. The land to the west of the site across Walkers Road contains the Rolleston Prison & Periodic Detention Centre. This land is zoned Rural Outer Plains but is subject to a designation (MC1) for a prison. Land to the north of the site is zoned Rural Inner Plains, and contains predominantly rural landholdings with associated dwellings. The southern boundary of the Site adjoins the rail corridor, which in turn adjoins State Highway 1 (SH1). Land to the south of SH1 is zoned and developed for residential purposes (Living Z and Living 1). The eastern corner of the Site touches the edge of the current Business 2A zoning and otherwise adjoins a small area which is to remain Rural Inner Plains. The planning map applying to the Site and surrounding area is shown in Figure 2 below.

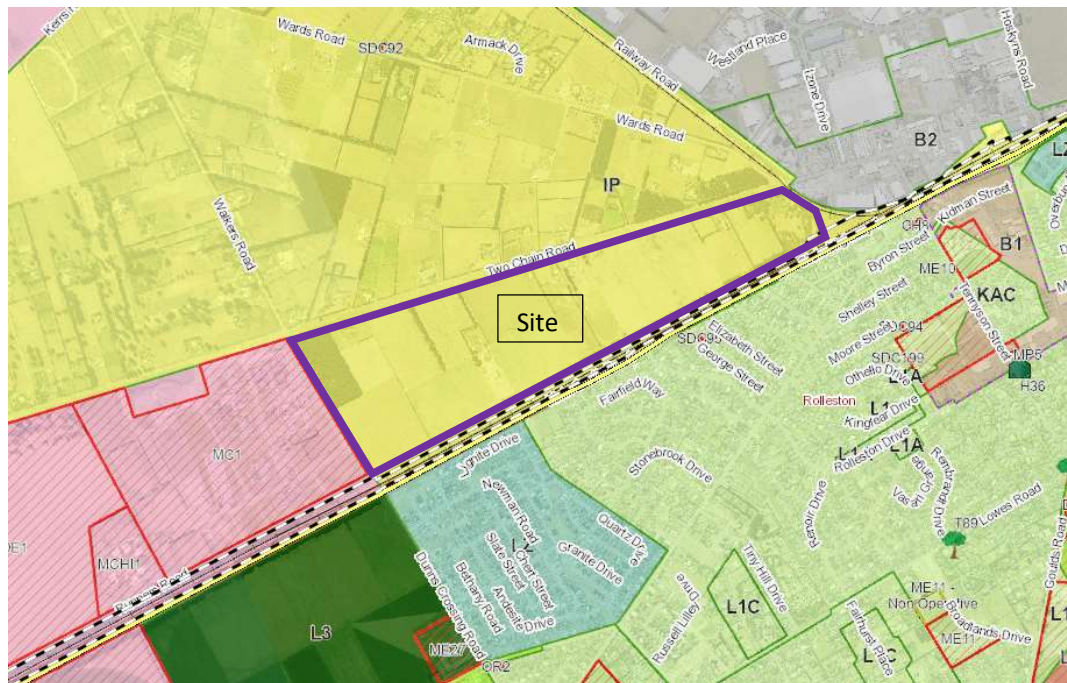


Figure 2 – Current Zoning of Site and Surrounding Area under the Operative District Plan

12. The Site is located to the north and west of Rolleston's existing urban boundary. Rolleston Township straddles SH1 and the main trunk railway, with its residential areas and main commercial area located south of SH1 / the railway, and its industrial area located to the north of SH1 and the railway line. Rolleston is the largest town in the Selwyn District, and has experienced substantial growth over the last 25 years. It is located approximately 13km west of Hornby and is within the subregional area identified as Greater Christchurch.
13. The existing Business 2A Zone is commonly known as IZone. I understand that IZone was an industrial area proposed by the Council in 2000 to attract business to the Selwyn District, with the Council purchasing 130 hectares of rural land in April 2001 for this purpose. Plan Change 5 rezoned 56.3 hectares of this land from Rural to Business 2 to form part of the IZone Industrial Park.¹ Plan Change 10 then proposed a new Business 2A zoning over the existing IZone Industrial

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

Park, as well as rezoning 49ha of additional Rural (Outer Plains) zoned land to Business 2A. This was proposed as a consequence of the success of IZone and the need for more industrial-zoned land, and to allow for the application of a single comprehensive Outline Development Plan to this area.² The Business 2A area was further extended by 27ha recently through Plan Change 66 to the Plan, which was made operative on 11 February 2022.

Proposal

14. The Request seeks to rezone the Site from Rural Inner Plains to Business 2A. In addition to the zone change, the Request includes the insertion of a new Outline Development Plan (ODP) to guide development of the Site, and various amendments to the Township volume of the Plan to include reference to the ODP, the effect of which is largely to apply or extend certain existing provisions to the Site. These are set out in full in the Request and include:
 - a. landscaping requirements;
 - b. a restriction on vehicle accesses being provided directly onto Two Chain Road or Runners Road;
 - c. lighting restrictions;
 - d. limitations on occupation of buildings on the site prior to specified roading upgrades being undertaken;
 - e. restrictions on commercial and retail activities; and
 - f. a requirement to generally accord with the landscaping and roading specifications in the ODP.
15. Following the close of the submission period, I understand that the applicant has considered the matters raised in submissions, and intends to make amendments to PC80 to address some of these. While the changes have not been formally proposed, I understand that these will be presented in the applicant's evidence, and generally encompass the following:
 - a. An amendment to the ODP to require a 2.5m high earth bund, with additional planting, along the full length of Two Chain Road, behind the existing trees.
 - b. Not permitting individual property access to Walkers Road north of the proposed primary road intersection.
 - c. Restricting the hours of operation for all businesses within 150m of the boundary of the Corrections site to 7am – 10pm.
 - d. Altering the activity status for certain heavier industrial activities within 500m of the Corrections zone boundary.

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

- e. Amending proposed Rule 22.9.x so that the restriction relates to no earthworks commencing until such time as the roundabout works have commenced.
16. Notwithstanding that the detail of these changes are not yet known, they have been taken into account in this report on an 'in principle' basis, as well as in the relevant peer reviews.

3. Procedural Matters

17. The process for making a plan change request and how this is to be processed is set out in the 1st Schedule of the Act.
18. The PC80 Request was formally received by Selwyn District Council on 5 October 2021. A request for further information was issued on 9 November 2021. Following the provision of requested further information, PC80 was accepted for notification at Council's meeting on 23 March 2022. The Request was publicly notified on 6 April 2022, with submissions closing on 9 May 2022. Ten submissions were received on PC80. Two further late submissions were received on 25 and 30 May 2022. As these were received prior to the notification of the further submission period, they were included in the summary of submissions, which was notified on 8 June 2022. The further submission period closed on 22 June 2022. No further submissions were received.
19. PC80 has reached the point where a hearing is now required (Clause 8B of the First Schedule to the RMA). Following the hearing, the Council is required to make a decision on the plan change and the associated submissions (Clause 10 of the First Schedule to the RMA).

4. Statutory Framework

20. Section 73(2) of the RMA allows for any person to request that a change be made to the District Plan, in accordance with the process set out in Part 2 or Part 5 of Schedule 1. Part 5 of Schedule 1 is not relevant to this particular Request as it relates to the use of the 'streamlined planning process', which is not proposed in this instance.
21. Clause 21(2) of Part 2 of Schedule 1 requires that the plan change request: explain the purpose of, and reasons for, the proposed change and contain an evaluation report prepared in accordance with section 32 of the RMA; and where environmental effects are anticipated, describe those effects in such detail as corresponds with the scale and significance of the actual or potential environmental effects anticipated from the implementation of the change. The Request considered the actual and potential effects of the plan change on the environment, and where relevant to matters raised in submission, I discuss these further in Section 6 of this report.
22. My understanding of the matters set out in the Part 2 of Schedule 1 are that PC80 requires assessment in terms of whether:
- a. it is in accordance with the Council's functions (s74(1)(a)) and Part 2 of the RMA (s74(1)(b));
 - b. it will give effect to any national policy statement or operative regional policy statement (s75(3)(a) and (c));

- c. the objectives of the proposal (in this case, being the stated purpose of the proposal) are the most appropriate way to achieve the purpose of the RMA (s32(1)(a));
 - d. the provisions in PC80 are the most appropriate way to achieve the objectives of the District Plan and the purpose of the proposal (s32(1)(b)).
- 23. In addition, assessment of PC80 must also have regard to:
 - a. any proposed regional policy statement, and management plans and strategies prepared under any other Acts (s74(2));
 - b. the extent to which the plan is consistent with the plans of adjacent territorial authorities (s74(2)(c)); and
 - c. in terms of any proposed rules, the actual or potential effect on the environment of activities including, in particular, any adverse effect.
- 24. The assessment of PC80 must also take into account any relevant iwi management plan (s74(2A)).
- 25. These matters are considered in more detail in the Statutory Analysis section of this report. The following section sets out and discusses the matters raised in submissions, which are then in turn discussed in the Statutory Analysis section as they relate to the statutory requirements.
- 26. I also note that Selwyn District Council has notified a proposed District Plan (PDP). At the time of writing this report, the hearing on the PDP, which commenced on the 9 of August 2021, is continuing. My understanding of the statutory context is that there is no specific requirement to consider PC80 against the PDP; however in my view the PDP is useful in understanding the current issues in the District in terms of the Council's obligations under s74(1) of the RMA.

5. Assessment of Issues Raised by Submitters

- 27. A total of 12 submissions were received on PC80. No further submissions were made. A summary of the submissions is available at <https://extranet.selwyn.govt.nz/sites/consultation/PC80/SitePages/Report.aspx>.
- 28. This section provides an assessment of the submission points received and a summary of the information included with the Request and the expert evidence commissioned to inform the overall recommendations of this report and to make a determination on the relief sought by submitters.
- 29. I consider that the key matters either raised by submitters, or necessary to be considered in ensuring that the Council's statutory functions and responsibilities are fulfilled, are:
 - a. Traffic effects
 - b. Character and amenity effects
 - c. Supply, demand and urban expansion

- d. Other economic effects
- e. Water supply (and other servicing matters)
- f. Ecological effects
- g. Contaminated land considerations
- h. Geotechnical considerations
- i. Other matters

Traffic effects

Submissions

30. Ara Poutama (PC80-0002) is the operator of the Rolleston Prison, which is located opposite the Site on the western side of Walkers Road (Designation MC-1). While acknowledging the roading upgrades proposed to support the development of the proposed industrial zone and southern access to the wider Rolleston industrial area, it is concerned about the acquisition of land for the proposed SH1 / Walkers Road / Dunns Crossing Road roundabout and that the proposed widening and strengthening of Walkers Road is currently unfunded. It is therefore concerned that there is currently no certainty that the upgrades relied on to ensure traffic can be safely and efficiently accommodated, will be implemented. It is also concerned that the proposed zoning will result in the generation of significant additional heavy freight traffic movements along Walkers Road and into the proposed industrial area that do not currently occur.
31. NZDF (PC80-0005) is concerned that if the roading network is not upgraded, or managed appropriately, the safe and efficient access to Burnham Military Camp could be affected. It notes that the transport assessment relies on road network upgrades which have not yet been confirmed, and requests that the effects on the transport network, including in the vicinity of the Burnham Military Camp, are considered.
32. As a preliminary matter, Waka Kotahi (PC80-0007) notes that the diagrams used to illustrate the NZUP Project in the Request have been superseded by recent project developments and note that the project is still underway, and that the preferred option for improvements may differ. While noting that it can provide updated information on the project for the hearing, it supports the use of the diagrams in the Request to *“provide some network context and to show proposed connectivity with Rolleston township.”*
33. Waka Kotahi (PC80-0007) raises a number of matters relating to traffic associated with the Request. It seeks confirmation of the basis of the applicant’s 2033 modelling and whether it includes all Plan Changes that affect the Dunns Crossing and Two Chain / Walkers Intersection, in order to ensure that the traffic effects of the Request can be managed by the proposed NZUP intersection proposals and are consistent with Waka Kotahi modelling that underpins the intersection upgrades.
34. With respect to the Dunns Crossing Road / Walkers Road / SH1 intersection, Waka Kotahi (PC80-0007) notes that this is a key rural intersection providing access to both sides of SH1 for a range of activities, and is a high-risk intersection with existing safety concerns. It notes that these

safety issues and network connectivity are proposed to be addressed through an upgrade likely to be progressed in 2024 and completed by 2026. In relation to PC80, while supporting the proposed rule to restrict occupation of buildings on the Site prior to the intersection upgrades occurring, it remains concerned over the capacity of the intersection to accommodate additional traffic movements resulting from the development of the site, in addition to vehicle movements arising from other plan changes sites in the wider area. It considers that due to the size of the Site, potentially significant vehicle and truck movements will be generated at the building stage. It is also concerned about the lack of specificity of the proposed rule which it considers provides no basis for what will constitute an acceptable or necessary upgrade. It considers that that no activity beyond site development, or preparing the site for building development, should be allowed prior to the intersection upgrade. In terms of cumulative effects, its view is that it is important to consider these potential cumulative impacts when assessing applications which fall beyond the Projected Infrastructure Boundary, as development in these areas has not been anticipated and accounted for in future infrastructure planning.

35. In terms of the upgrading of other roads, Waka Kotahi (PC80-0007) similarly considers there is uncertainty in the proposed rule relating to these, due to its lack of specificity about the nature of these upgrades or what constitutes an “upgrade”. As such, it seeks changes to the rule to refer to upgrades that are provided for in the Council’s LTP 2021-2031. It also seeks that the rule is amended to restrict buildings being erected, rather than occupied, as it considers that any building development on the site prior to the various road upgrades has the potential to have an adverse impact on those roads and suitable measures need to be in place to mitigate these potential effects.
36. Waka Kotahi (PC80-0007) also note that the SH1 / Dunns Crossing / Walkers Road intersection improvements are likely to require the acquisition of land beyond the existing road reserve boundaries, and states its desire to work with the applicant and the Council to determine any potential land requirements and to incorporate these into the ODP.
37. In terms of multi-modal transport, Waka Kotahi (PC80-0007) notes that while the Site is adjacent to the existing urban area, it has “limited and difficult” connections to the township, including the severance resulting from the State Highway and railway. It considers that access to the IZone and IPort area is also limited and that access to the site for workers will likely be dependent on private vehicles. Due to this, and a lack of provision for a small commercial centre to support workers in the zone, it seeks confirmation that *“traffic generation from the anticipated work force for the site at full development has been included in trip distribution assumptions and modelled vehicle movements through the intersections.”* While acknowledging the multi-modal transport options provided by the ODP, it is concerned that these will only satisfy the needs within and adjacent to the site and are unlikely to provide connections to the wider urban area and thus not offset the need to private vehicle movements to and from the Site.
38. D & H Fraser (PC80-0008) and D. Middleton (PC80-0010) are concerned about the increased traffic, including heavy vehicle movements, on Two Chain Road, and that this would create an *“unsafe zone”* for families, pets and stock, as well as reducing amenity levels due to noise and general disruption. The Frasers support the restriction in the Request to restrict individual site access to Two Chain Road, and additionally seek that only one road crossing / intersection from the PC80 site (located at the eastern end closest to Izone / railway line) onto Two Chain Road is

provided; with a maximum of two other breaks in the existing shelter/proposed Landscape Treatment Area 3 to provide for additional pedestrian / cycle linkages only. They consider that this would create a traffic flow through the site ('in' Walkers Road and 'out' Two Chain Road), thereby reducing the volume of traffic on Two Chain Road itself outside most of the rural properties along Two Chain Road. They also note that there is a lack of consistency between the proposed changes to rules and the ODP and seek that these are made consistent.

39. J. Horne (PC80-0011) is concerned about the impact of traffic on the roading system.

Analysis

40. Firstly I note that the submissions of Ara Poutama, D & H Fraser and D. Middleton relate to traffic effects of the proposal, both in terms of safety, which is addressed in this section, as well as the impact the traffic would have on amenity values of the surrounding area. The latter is addressed in the next section of this report.
41. Mr Collins, from Flow Transportation Specialists, has been engaged by the Council to undertake a peer review of the ITA provided with the Request.³ He also provides detailed comments on those transport-related submission points summarised above.⁴ Because Mr Collins has responded to these submission points (except in relation to amenity effects), I have not repeated his assessment here, and instead provide a summary of his overall conclusions and recommendations.
42. With respect to the SH1 / Dunns Crossing Road / Walkers Road intersection, Mr Collins notes the existing safety issues at this intersection and considers that these are such that any traffic generated by the plan changes prior to the intersection being upgraded would result in unacceptable safety effects. He therefore recommends that that no earthworks or construction activity is undertaken within the Site, prior to the commencement of the upgrade of the intersection.⁵ This differs from the Request, which proposed that no buildings be occupied prior to the upgrade.
43. Following the upgrade, Mr Collins notes that the intersection "*will perform poorly*" in future (when all potential development is taken into account) during commuter periods. In his view, and taking into account queue lengths and volume to capacity ratios, this is within the range of what is acceptable during peak commuter periods within urban areas.⁶
44. In relation to other traffic matters, Mr Collins considers that:
- a. the Two Chain Road / Walkers Road intersection will operate acceptably once it is upgraded to a roundabout.⁷
 - b. there will be performance issues with the Dunns Crossing Road / Newman Road intersection, with increased delays. However, as with the SH1 / Dunns Crossing Road

³ Mat Collins, 'Private Plan Change 80: Transportation Hearing Report', September 2022.

⁴ Mr Collins, in Appendix A, Table 4.

⁵ Mr Collins, page ii. and section 5.1.

⁶ Mr Collins, page ii. and section 5.1.

⁷ Mr Collins, section 5.2.

/ Walkers Road intersection, Mr Collins is comfortable that this is within the range of what is acceptable during peak commuter periods within urban areas.⁸

- c. transport effects resulting from any vehicle access onto the unformed section of legal road (Runners Road); and on the Two Chain Road / Wards Road intersection, can be appropriately managed through future resource consenting processes.⁹
 - d. the proposed Rules and the ODP adequately address the requirement for frontage upgrades to Walkers Road and Two Chain Road.¹⁰
 - e. the Site will have good accessibility by active modes in the future. Public transport accessibility may improve in the future, but that this is a matter for the Canterbury Regional Council.¹¹
 - f. the future accessibility of the Site to the rail network is expected to be excellent. The interface between the extension of the rail network with and road and active modes users will need to be managed to ensure safe outcomes, but can be appropriately addressed through future consenting and engineering plan approval processes.¹²
 - g. the ODP provides for an internal street network that generally integrates well with the surrounding (existing and future) transport network and will provide for all users of the transport system.¹³
 - h. While PC80 is outside the currently areas planned for urban development and the transport effects of PC80 on the wider network beyond Rolleston have not been assessed, it may have benefits to the wider transport network in terms of providing additional local employment and services to residents within the Township who might have otherwise travelled outside of Rolleston.¹⁴
45. Mr Collins also identifies additional requirements or restrictions (in addition to those put forward by the proponents) that in his view are required to address the traffic effects arising from these plan changes. These are:
- a. A requirement for the Two Chain Road rail level crossing to be upgraded prior to the occupation of any building within the Plan Change site.¹⁵
 - b. A slight amendment to proposed Rule 22.9.x(e), to allow for either a through site road link (as currently proposed) or an upgrade to the Two Chain Road / Walkers Road intersection to be provided prior to the occupation of any building.¹⁶

⁸ Mr Collins, section 5.3.

⁹ Mr Collins, sections 5.4 and 5.5.

¹⁰ Mr Collins, section 5.6.

¹¹ Mr Collins, section 5.7.

¹² Mr Collins, section 5.7.

¹³ Mr Collins, section 5.8.

¹⁴ Mr Collins, section 6.

¹⁵ Mr Collins, section 5.5.

¹⁶ Mr Collins, section 5.2.

c. Rule 22.9.x(d), as it relates to the Jones Road / Wards Road intersection should reference the Two Chain Road / Wards Road intersection.¹⁷

46. Mr Collins also notes that he does not consider that the identified intersection upgrades (other than the SH1 / Dunns Crossing Road / Walkers Road intersection) need to be underway or complete in order to support traffic generated by earthworks / construction activity within the Site. The applicant has proposed that the restriction be related to the occupation of buildings (although I understand, as noted earlier, that they intend to amend this so that the restriction relates to commencement of the works associated with the roundabout). Mr Collins notes potential issues with the Council being able to monitor and enforce planning mechanisms related to “building occupation” effectively and efficiently, or whether an alternate restriction such as restricting the issue of s224 completion certificate in relation to subdivision, would be more appropriate.¹⁸ The latter was applied in relation to a similar matter in PC67 and I understand was supported by the Council in relation to PC69. While, from an efficiency and effectiveness perspective I agree with this approach in relation to residential subdivision, in my experience industrial development does not necessarily involve subdivision, as larger land parcels may be leased to different parties without subdivision occurring. Therefore, linking the restriction to the s224 completion certificate might not be effective in this case. I also note that PC66, which also related to industrial zoning, included the restriction in relation to building occupation. My preference is therefore to retain building occupation as the restriction, noting that in any case this may be superseded by the changes the applicant has indicated they intend to make.
47. In addition to providing a peer review of the ITA, Mr Collins has also considered the cumulative transport effects of the nine additional private plan changes currently lodged¹⁹ with the Council relating to Rolleston, to assist the Council’s understanding of the potential future effects on the transport network, should all the plan changes be approved. This assessment therefore addresses wider impacts on network that are not directly attributable to this plan change alone but may result in upgrades being required as a consequence of multiple private plan changes. My understanding is that this provides information to the Council which the Council could use to consider the timing and funding of projects in the Long Term Plan and where appropriate, it could amend the Development Contributions Policy to take into account the proportional effects identified by Mr Collins, or use this information as the basis for Developer Agreements. I note that as a consequence of this broader review, Mr Collins’ report includes both recommendations that relate specifically to PC80, as well as what are effectively recommendations for the Council to consider separately. While noting the broader recommendations, in my view they are not central to the consideration of the appropriateness of this plan change and my assessment is therefore focussed on the recommendations that relate more specifically to PC80.
48. Overall, I consider that from a transport perspective, the potential adverse effects arising from the rezoning can be appropriately managed, provided that the recommendations of Mr Collins are incorporated.

¹⁷ Mr Collins, section 5.5.

¹⁸ Mr Collins, section 5.9.

¹⁹ Including PC73 which was declined, but is subject to an appeal to the Environment Court.

Character and Amenity Effects

Submissions

49. J. Lemmon (PC80-0001) considers that the noise assessment provided with the Request is “*not a comprehensive enough assessment to determine the potential noise effects on the environment as part of the proposed plan change*”. He states that the noise limits in the assessment differ from those in the proposed Plan for the General Rural Zone, and considers that these should be used to protect residents, rather than relying on the operative Plan noise limits.
50. Ara Poutama (PC80-0002) is the operator of the Rolleston Prison, which is located opposite the Site on the western side of Walkers Road (Designation MC-1). It considers that given the benefits of its facilities and services, it is important that the effective operation of these are not compromised by other surrounding activities. It notes that the proposed Business 2A Zone would enable the development of intensive heavy industrial activity immediately opposite the prison site, including manufacturing and processing of raw materials (noting the range of controlled activities in the zone). It is concerned that the development enabled would be of a character, scale, and intensity that has the potential to compromise the effective operation of the prison and the wellbeing of its residents, including the generation of significant levels of traffic, noise, air emissions, and adverse nuisance effects. It considers that these effects “*would not be conducive to maintaining both an appropriate level of amenity and environmental effects at the interface with the prison site and enhancing the health and wellbeing of the people living within the prison site.*” It considers that the environmental effects and sensitivity of the prison to them have not been properly considered in the Request, including a lack of consultation with it.
51. S. Scott (PC80-0003) states that the local surrounding area is primarily lifestyle properties and considers that the development of the Site “*will significantly negatively impact a large number of families living adjacent to or within a 2km radius of the proposed Business zone.*”
52. NZDF (PC80-0005) notes that the Burnham Military Camp is defined as both strategic and regionally significant infrastructure, with the CRPS directing that new development does not affect the efficient operation, use, and development of strategic/regionally significant infrastructure. It states that this includes the need to avoid the encroachment of sensitive activities into rural areas that may result in reverse sensitivity effects on regionally significant infrastructure. It notes that the Camp hosts a wide variety of activities, and that reverse sensitivity can be a major challenge to the continued operation of NZDF’s facilities. As such, it seeks to ensure that the operation of the Camp is not affected by PC80, particularly in terms of reverse sensitivity effects from locating activities that may be sensitive to effects generated by the Camp. It requests that if PC80 is accepted that a no-complaints covenant be applied to all new titles created, as a simple low-cost method of managing and avoiding reverse sensitivity effects and placing potential new landowners on notice about the effects from the Camp.
53. Oranga Tamariki (PC80-0006) notes that the Site is located approximately 900m from Te Puna Wai o Tuhinapo, an existing youth justice facility located on Runners Road (Designation MCH11). It is concerned about adverse effects on the occupants of the facility facilitated by the potential industrial uses enabled through the plan change, such as noise, dust and odour. It states that:

"In the absence of a detailed development proposal, there is uncertainty as to the built form and layout that would be developed within the [Site], and therefore some uncertainty as to location of the type of industrial uses and their associated effects, and effects on the rural character of the surrounding area." It notes that the existing facility *"has been operating in an established environment which affords a level of amenity with pleasant open areas for sports and outdoor activities"*. It considers that if heavy industrial uses occur on the Site, it may result in loss of on-site amenity for both the Rangatahi on site and Oranga Tamariki staff. It further notes that the facility is a place of residence, with the Rangatahi being in care for short to medium term stays and states that Rangatahi accommodated at the facility can be particularly sensitive to external environmental factors and unable to avoid the effects of surrounding activities they may be subjected to. It seeks that heavy industrial uses are restricted to the east of the Site, where it is in closer proximity to IZone.

54. Oranga Tamariki (PC80-0006) also consider that the intensification of the Site may give rise to reverse sensitivity effects, should it wish to alter or extend their operations / facilities in future.
55. D & H Fraser (PC80-0008) are not opposed to PC80 in its entirety, or the concept of industrial zoning. However, they consider that amendments to the proposal are required in order to maintain an appropriate level of rural character and amenity on their site. Their key concerns, in addition to traffic effects (outlined earlier) are the "undesirable" visual effects of industrial buildings being located opposite rural zoned sites; and potential increases in noise, glare and odour emanating for the Site on a 24/7 basis. They also consider that the built form outcomes resulting from permitted rural use of the Site and the built environment arising from Business 2A development are not comparable and therefore do not form a valid development comparison. They state that *"It is reasonable to conclude that PC80 will modify the landscape from one that is semi-open and rural in character to one that is characterised by large scale industrial warehouse buildings, large areas of hardstand and increased heavy vehicle movements."* To address these concerns, the submitters seek:
 - An additional rule requiring an increased landscape strip width along the Two Chain Road frontage of the Site, its inclusion on the ODP, and additional notations on the ODP applying landscape standards such as a species list, height and maintenance requirements. They consider that a landscape plan with a landscaping cross-section included in the ODP would be preferable.
 - Additional noise mitigation measures being included in the ODP in the form of an earth bund and acoustic fence along the Two Chain Road boundary of the site within Landscape Treatment Area 3.
 - An 75m road boundary setback for buildings from the Two Chain Road frontage.
56. They also support aspects of the proposal aimed at addressing amenity effects, such as the proposed application of lighting and retail activity rules to the Site, and noise limits being applied at the zone boundary (not the notional boundary).
57. D. Middleton (PC80-0010) is concerned about the impacts the rezoning will have on the surrounding rural living environment, which in his view will lead to *"a deterioration of health, living standards and dropping property values"* due to the nature of industrial activities and their proximity to living areas. These impacts include increased noise, night-time light spill,

odours, air pollution, as well as the “undesirable” visual impacts of tall buildings and additional traffic and the change the development will have on the current rural outlook and environment. He considers that there are insufficient buffers in the Request to mitigate these negative impacts, and that a consequence of these impacts is that nearby rural properties will become undesirable and reduce in value.

58. As noted in the previous section, Ara Poutama (PC80-0002), D & H Fraser (PC80-0008) and D. Middleton (PC80-0010) are also concerned about the increased traffic, including heavy vehicle movements, on Walkers Road and Two Chain Road, and the impact this would have on amenity levels.
59. J. Horne (PC80-0011) is concerned about the additional noise and light pollution on the local community resulting from the rezoning.

Analysis

60. Ms Faulkner, a landscape architect, has been engaged by the Council to undertake a peer review of the Urban Design, Landscape and Visual Impact Assessment (UDLVIA)²⁰ provided with the Request.²¹ Ms Faulkner identifies that the adjoining rural area on Two Chain Road has a rural residential rather than simply rural character, which in her view makes it more sensitive to a change of the type proposed.²² Ms Faulkner also raises concerns that there may have been an overreliance in the UDLVIA on the height and bulk of buildings permitted under the current rural zoning, without fuller consideration of the differences between the built form permitted under the rural, versus the Business 2A zoning.²³ Overall, Ms Faulkner considers that effects on the rural character of Two Chain Road and the landscape and visual effects would be greater than that considered in the UDLVIA, due to the significant changes the proposal will result in, in terms of increased built form and activity in the area.²⁴ Ms Faulkner agrees with the UDLVIA that the residents on Two Chain Road will be the most affected parties and notes that the proposed mitigation measures are therefore focussed on reducing the effects for this community.²⁵ To address the effects on these residents, Ms Faulkner recommends the following mitigation measures, which build on those proposed in the Request:

- a. That access on to Two Chain Road is limited to one entrance, located at the eastern end of the Site;
- b. That the landscape treatment provided along Two Chain Road is based on the amended Typical Section appended to her report, and includes retention of existing trees, filling in of gaps in the existing line of trees, and management to achieve a dense visual screen of at least 8m in height; and

²⁰ Appendix C1 to the Request.

²¹ ‘Statement of Evidence of Bronwyn Elizabeth Faulkner on Behalf of Selwyn District Council, Landscape (& Visual)’, 27 September 2022.

²² Ms Faulkner, at 15.

²³ Ms Faulkner, at 26-27.

²⁴ Ms Faulkner, at 28-30 and 34.

²⁵ Ms Faulkner, at 35.

- c. That the Typical Section be revised to demonstrate how the width of the existing trees and access for a mechanical hedge trimmer can be accommodated.²⁶
61. Ms Faulkner also considers that existing character and amenity along the Walkers Road and SH1 / rail boundaries will also be impacted and while not as sensitive to changes as Two Chain Road, due to their differing character, considers that the effects of a new Business zone still need to be managed to ensure the amenity values of the adjoining areas are maintained.²⁷ In terms of Walkers Road, taking into account the roading changes, she agrees that 3m wide planted strip is appropriate for this road frontage without further mitigation being required.²⁸ She also considers that there is a need to ensure that any new industrial development on the Site provides a long-term and positive contribution to the Rolleston townscape, taking into account that the southern boundary will form a gateway approach into Rolleston.²⁹ Ms Faulkner therefore recommends:
- a. Application of Landscape Treatment 4 (in Rule C24.1.3.13 of the Township Volume) along the boundary with the Railway line / SH1; and
 - b. A requirement to retain and maintain the existing trees on the curved eastern boundary.³⁰
62. Ms Faulkner's review also considers the submission points noted above and notes that her review covers the matters raised in the submissions as they relate to impacts on surrounding lifestyle properties, effects on the rural character, outlook, and amenity of the surrounding area, including visual effects of traffic, glare, and light pollution. She notes that she has made recommendations for additional mitigation that would further reduce the effects of the Plan Change in relation to these impacts.³¹ She also considers the additional specific mitigation measures requested by D & H Fraser, noting that a bund, additional planting and an increased setback from Two Chain Road is proposed which would improve the effectiveness of the mitigation, and that she has recommended a reduction to one road crossing onto that road to reduce impact on the rural amenity and character on adjoining properties.³²
63. With respect to noise, the Request included a Noise Assessment.³³ Mr William Reeve, a senior acoustic engineer from Acoustic Engineering Services, has been engaged by the Council to undertake a peer review of the Noise Assessment.³⁴ Mr Reeve considers both the noise limits in the Operative District Plan, as well as those in the PDP. I agree with Mr Reeve that the latter is relevant, because if the rezoning is accepted, it is likely that the limits that will apply at the time new activities are established within the Site will be those of the PDP. Mr Reeve states that *"achieving compliance with the currently proposed limits would ensure that reasonable protection of residential amenity is provided for nearby dwellings and similar noise sensitive*

²⁶ Ms Faulkner, at 39-43 and 49-50.

²⁷ Ms Faulkner, at 36-37.

²⁸ Ms Faulkner, at 37.

²⁹ Ms Faulkner, at 45-47.

³⁰ Ms Faulkner, at 47-48 & 51-52.

³¹ Ms Faulkner, at 55-57.

³² Ms Faulkner, at 58-61.

³³ Appendix I to the Request.

³⁴ Letter from William Reeve, Acoustic Engineering Services, 'Re: Plan Change 80, Selwyn District – Review of noise assessment' dated 16 September 2022.

locations.”³⁵ I understand that Mr Reeve has some concerns about the appropriateness of the daytime limit currently applying under the Operative District Plan, in that it is “*higher than would normally be considered to provide adequate amenity protection for rural dwellings, being more lenient than the World Health Organisation and NZS 6802:2008 guidelines typically referenced.*” However, I agree with his comment that this is the limit applying in rural zones across the District (including those already adjoining any Business 2 Zone site), and that the appropriateness of this is being considered through the proposed District Plan process.³⁶ For this reason, I consider that the appropriateness of the application of the current limits to Site are not a matter that needs to be specifically ‘addressed’ through this plan change, as this is better tested through the PDP process, with the limits determined through that process ultimately being applied to new development on this Site, should the rezoning be approved.

64. Mr Reeve agrees with the Noise Assessment that activities fronting Two Chain Road may need to control their noise output to meet the noise limits (and also notes that this is likely to apply to the Walkers Road frontage as well), and that this may require “robust acoustic assessment” being undertaken to ensure compliance with the limits, as well as consideration of the location of activities within the overall site. Mr Reeve also notes that “*A meaningful zone wide setback, or other control in the ODP does not appear to have been considered.*”³⁷ I accept that there is reliance on noise from activities within the Site being able to be located or designed to comply with the noise limits, rather than a more comprehensive approach being proposed with setbacks, or locational restrictions for noisier activities, or any specific acoustic mitigation proposed at this time. However, there is nothing in the Noise Assessment or peer review that suggests that there are significant difficulties with this being able to be achieved that make a more comprehensive approach necessary, and in my view the approach taken to compliance would apply to any industrial development located near a zone boundary.
65. Mr Reeve, however, does raise concerns that the traffic resulting from the plan change on nearby roads, particularly heavy vehicles, has not been considered in the Noise Assessment. He states that increased traffic on nearby roads is likely to be a key noise effect for neighbours, particularly if there are large increases in traffic volumes above the baseline at certain times of the day, or increases in the number of heavy vehicles at night. He considers that an assessment of likely traffic noise effects is required in order to understand the noise implications, and effects on the closest residential neighbours of increased traffic resulting from the proposal. Similarly, he notes that this Request could result in changes to rail noise in the area, and considers that further assessment should be provided, to allow a judgement about whether noise effects from increased rail activity are likely to be notable or not.³⁸
66. Based on Ms Faulkner’s assessment, I accept that the proposal will have adverse effects on the rural character, outlook and amenity of the surrounding area. I also accept Mr Reeve’s advice that noise from activities within the Site can be managed to meet noise limits which would ensure reasonable protection of residential amenity is provided for nearby noise sensitive activities. However, he has noted concerns that there is a lack of assessment regarding the impacts of the increase in noise generated by traffic that will result from the rezoning.

³⁵ Mr Reeve, Section 1.2, Page 2.

³⁶ Mr Reeve, Section 3.0, page 5.

³⁷ Mr Reeve, Section 1.4, page 3.

³⁸ Mr Reeve, Section 1.4, page 3-4.

67. I also accept that there are a range of other effects arising from industrial uses, such as odour, dust and glare and a general increase in activity. These will alter the character of the Site as well as way people relate to it. However, in my view, to the extent that these effects need to be managed to mitigate effects on the surrounding area, they are managed through provisions within the District Plan or the Canterbury Air Regional Plan, in the same way as other interfaces between rural and industrial zones are managed within the District. With respect to the Rolleston Prison site, I do however acknowledge that the site, while zoned rural, is designated for a particular purpose. As noted earlier, I understand that the applicant is proposing to include additional measures which will restrict heavier industrial activities within 500m of the Prison site, and restrict the hours of operation for businesses within 150m of the Prison site. In my view, it is appropriate to apply these additional controls at the interface with the Prison site, given its designated purpose. This may also address some of the concerns expressed by Oranga Tamariki, albeit that site is located further away.
68. In general, any expansion to an urban area will alter people's experience of that area and in my view, it is not reasonable to expect that townships remain static. I also note that the National Policy Statement on Urban Development 2020 (NPS-UD) expressly anticipates that urban environments, including their amenity values, will develop and change over time.³⁹ However, I consider that the impacts of the proposal on the surrounding area are highly relevant in determining if the proposed zoning is more appropriate than retention of the current zoning. This includes consideration of the outcomes sought within the District Plan for the surrounding area, i.e. the objectives and policies which will continue to apply to the surrounding area. As noted by Ms Faulkner, this includes Objective B3.4.1, which seeks that the District's rural area is a pleasant place to live and work in and Objective B3.4.2 which seeks that rural character is maintained and reverse sensitivity effects are avoided. In my view, the rezoning is likely to be less appropriate if it compromises the outcomes sought for the surrounding area from being achieved.
69. In this instance, while accepting the adverse effects on the surrounding area in terms of landscape and visual effects, I am satisfied that these can be mitigated to an appropriate level through the measures recommended by Ms Faulkner. While this does not negate the impact, in my view it provides a more appropriate balance between enabling the benefits of increased industrial activity (which is discussed further later in this report), while ensuring the impacts on the surrounding area are not such that the outcomes sought under their rural zone framework is compromised. I consider that in terms of noise effects from traffic, it would be useful to understand that scale of the impact on the surrounding area in order to confirm that it would not be of such a level it would compromise Objective B3.4.2. In considering this, I have taken into account that traffic noise is ultimately not something that is controlled under the District Plan, and that the function of a road is to carry traffic. However, ultimately noise resulting from the increased traffic is a direct consequence of the change in land use facilitated by the proposed rezoning, and has the potential to impact amenity values. I therefore agree that greater assessment and consideration of the nature and scale of this impact is required.
70. In relation to concerns about potential reverse sensitivity effects, my understanding is that reverse sensitivity is about an existing activity (in relation to the submitters, being the Burnham Military Camp and Te Puna Wai o Tuhinapo) being compromised or constrained by the

³⁹ Objective 4.

establishment of activities which may be sensitive to the actual, potential or perceived adverse effects generated by the Camp or Te Puna Wai o Tuhinapo. In this instance, sensitive activities are not anticipated by B2A zoning, so it is not clear how the activities facilitated by the zoning might give rise to reverse sensitivity effects, particularly given these facilities are located at least 900m away. Mr Reeve also notes that he agrees with the Noise Assessment that reverse sensitivity is unlikely to be a key concern for development of Business 2A zoned sites in this area.⁴⁰

71. Overall, I consider that effects on the character and amenity of the area can likely be appropriately managed, but that further consideration of the impact of increased traffic noise is required.

Supply, Demand and Urban Expansion

Submissions

72. S. Scott (PC80-0003) considers that there is no need to the additional land to be rezoned, on the basis that there is still a significant portion of the land within IZone that has not yet been developed, as well as areas in Hornby and Sockburn currently being developed.
73. Environment Canterbury (PC80-0009) considers that the suitability of the Site for urban development would be more appropriately considered through the comprehensive spatial planning exercise already initiated by the Greater Christchurch Partnership as part of an Urban Growth Partnership with the Crown. It considers that this exercise will allow for preferred locations for growth over the long term to be strategically considered. While acknowledging that planning decisions must now also give effect to the NPS-UD, it states that when considering the significance of the Request under Policy 8 of the NPS-UD, and in the absence of adopted criteria in the CRPS, it should be demonstrated that the proposal meets an identified business demand. It notes that Our Space⁴¹ reported that the Christchurch City, Selwyn and Waimakariri district plans *“already make generous provision for meeting the long term needs for industrial land, and projected a surplus of industrial development capacity in Selwyn District, of between 190-220 hectares, over the period to 2048.”* It further states that Map A and Chapter 6 of the CRPS provide for business growth to the north of Rolleston within greenfield priority area and states that there appears to be land within the greenfield priority area that is not yet developed, and that a further 27 hectares of industrial land was recently rezoned through Plan Change 66. It considers that the applicant has not provided a detailed analysis of the availability of industrial development capacity within existing zoned and greenfield priority areas for business, to support an argument that the proposal would provide significant development capacity through addressing an unmet need for land suitable for industrial development.
74. D. Middleton (PC80-0010) is concerned that PC80 is out of sequence with wider planning processes to determine the appropriate location of areas to meet the need for industrial development, which would take into account long-term needs for industrial land, and the services and infrastructure necessary to service it. He states that PC80 would determine where the majority of the future capacity for growth within the entire District would be, without wider

⁴⁰ Mr Reeves, Section 1.3, page 2.

⁴¹ *Our Space 2018-2048: Greater Christchurch Settlement Pattern Update, the Future Development Strategy for Greater Christchurch.*

community input and consultation. He is also concerned that the Site is not within the areas mapped in the Land Use Recovery Plan, stating that there are 100ha of land within the Projected Infrastructure Boundary that could still be rezoned for industrial use, and noting the LURP was relied on for the justification for PC66. He also states that there is a surplus of industrial zoned land in Rolleston, and queries why industrial land should be concentrated in Rolleston when there are other areas in Prebbleton that *“could share in other such zones that disrupt rural lifestyle.”*

75. KiwiRail (PC80-0012) supports the Request, due to the Site’s southern frontage being along the Main South Line and providing *“a significant and rare opportunity for new long rail sidings to be established adjacent the Rolleston Township and the existing industrial areas of the township.”* It notes that new rail sidings would allow for improved efficiency of freight movement through the Canterbury region, greater co-location of warehousing and distribution facilities for freight forwarders, and that this will improve opportunities and efficiencies for rail transport of freight, resulting in a reduction of carbon emissions when compared to heavy road freight.

Analysis

76. The Request included an Economic Assessment⁴², and also refers to there being an identified shortage of land within Greater Christchurch, relying on the evidence presented in relation to PC66 to support this. In response to the request for further information, the basis of the shortage was summarised as being:
- *Freehold industrial land in Greater Christchurch, and in particular in Selwyn, is in high demand. While there may be land that is ‘zoned’ industrial, practically speaking, that does not mean there is sufficient freehold industrial land supply to meet current demand;*
 - *The majority of the current market for industrial land is seeking an owner occupier arrangement which there is currently a real shortage of. This demand is reflected in the significant increase in industrial list values over the last few years;*
 - *Based on the constraints of many of the existing industrial sites in Greater Christchurch, demand is anticipated to substantially outweigh supply for freehold unencumbered industrial land long before 2048;*
 - *Christchurch, and particularly Rolleston (being an extremely attractive location for industrial land investors), is very close to an acute shortage of industrial unencumbered, freehold land.*⁴³
77. The Request also notes that a matter contributing to the significance of the capacity provided by the development proposal is that it will allow for rail sidings directly into the site from the main rail corridor, if desired, maximising transport efficiencies.⁴⁴

⁴² Appendix D to the Request.

⁴³ Plan Change 80: Response to Request for Further Information, dated 11 February 2022, at para 50.

⁴⁴ Attachment 3: Section 32 Evaluation, at 96(ii.)

78. The economic assessment, and other relevant matters including the response outlined above have been peer reviewed by Mr Derek Foy from Formative Ltd.⁴⁵
79. Mr Foy generally agrees with the assessment in relation to a number of matters. In relation to the demand for industrial activity, Mr Foy notes that:
- a. there will be strong demand for LPC's Midland Port, and other industrial land with access to rail sidings in Rolleston (such as PC80) to handle increased container volumes in the future;
 - b. however, there is a lack of information as to how any additional demand for port activity would translate into additional industrial land needed to support an expansion of LPC activities, either on the LPC Midland Port site or elsewhere (such as the PC80 Site); and
 - c. it is not clear how much vacant capacity there is on the LPC site, or the PC66 site to accommodate inland port-related growth, or the extent to which the PC80 Site is expected to be required to accommodate additional industrial activities.⁴⁶
80. Notwithstanding the above, Mr Foy notes that *"Nevertheless, providing for additional industrial zoned land in Selwyn has limited economic costs if the plan change area can be supported by either existing or new infrastructure (at the developer's expense)"*. He also notes from work undertaken by his company, that some additional industrial land is projected to be required to provide for long-term growth, with PC80 therefore contributing to that provision. In addition, he accepts that setting aside the question of the quantity of land that may be required, there are locational benefits of this site, in terms of its access to rail sidings.⁴⁷
81. In relation to the further information response, Mr Foy records that he generally agrees with the observations listed above, and also noted that they are consistent with his understanding that additional industrial land will be required in Selwyn to meet the needs of projected growth within the NPS-UD's long-term.⁴⁸
82. Mr Foy has also responded to several of the submission points noted above.⁴⁹ In summary:
- a. He does not consider that it is appropriate to rely on land provision in Christchurch to provide for Selwyn's land demand, and notes the limited availability of land in Sockburn and Hornby South, in addition to these locations being less accessible to the Main South Railway Line.
 - b. There are limited economic downsides to providing industrial land in excess of current estimated demand, and supply in excess of demand is in any case consistent with Objective 2, Policy 1(b) and Policy 2 of the NPS-UD.
 - c. Rolleston is an appropriate place to accommodate a majority of new industrial land.

⁴⁵ Derek Foy, *Proposed Plan Change 80 – Economic Review*, 10 August 2022.

⁴⁶ Mr Foy, at 3.1.5.

⁴⁷ Mr Foy, at 3.1.5.

⁴⁸ Mr Foy, at 3.2.2.

⁴⁹ Mr Foy, at 4.

83. Based on the applicant's assessment and the peer review undertaken by Mr Foy, I consider that the PC80 is an appropriate location for the expansion of the industrial area. While I accept that there may be a lack of quantification of how much industrial land may be required in Selwyn to meet projected demand, there is evidence that there is demand and that the rezoning of the Site would assist in fulfilling that demand. Like Mr Foy, I note that the provision of greater supply is, in any case, consistent with the NPS-UD. The question is then, is this Site an appropriate location for industrial activities? In my view, there are two aspects to answering this question: the first relates to the effects on the environment of the rezoning, which are addressed elsewhere in this report; and the second to whether there are aspects about the Site that make it particularly suited to industrial activities. In relation to the latter, I consider that there is real benefit in the location of the site with respect to its accessibility to the rail corridor, in a location adjoining the existing industrial area, which would not apply to other sites that might provide additional supply, but not have these attributes. In this regard, I understand the wish of some of the submitters for the location of growth to be determined through a more comprehensive spatial planning exercise. However, as is expanded on in section 6 of this report, 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 my view, the suitability of the Site for industrial activities, particularly given its locational benefits, are one matter that is particularly important in this consideration. Further consideration of the Request in terms of the NPS-UD is also addressed in Section 6 of this report.

Other Economic Effects

84. Through the further information request, Mr Foy queried the potential for the Site to be used for non-industrial purposes under the Business 2A framework, including a potentially large amount of retail and services space, and the potential effects of this, including on the Rolleston and Lincoln Key Activity Centres. This has been addressed by the applicant through proposing that Rule 22.10.4 is amended to apply to this Site. The effect of this is that except for particular retail activities otherwise specified in Rule 22.10.1.3, other retail activities, as well as any commercial activities, are automatically classified as a non-complying activity. As noted in Mr Foy's report, this adequately addresses the matter raised in the information request.⁵⁰ I consider that the rule is an appropriate planning response to address the potential effects of concern to Mr Foy, and is consistent with the approach taken in PC66.

Water Supply (& Other Servicing Matters)

Submissions

85. FENZ (PC80-0004) states that it has an interest in the land use provisions of the District Plan to ensure that, where necessary, appropriate consideration is given to fire safety and operational firefighting requirements. In particular, it seeks that adequate water supply be available for firefighting activities; and adequate access for new developments and subdivisions to ensure that Fire and Emergency can respond to emergencies. It notes that the existing water supply in the Plan Change area is insufficient for the immediate development as a Business 2A zone, but notes that the Request states that there is sufficient capacity from Jones Road provided the network upgrades are completed. It supports the proposal to upgrade the water supply network

⁵⁰ Mr Foy, at 3.2.1.

and recommends that the extension or instillation of a new 300mm main throughout the Site in order to meet the New Zealand Fire Service Fire Fighting Water Supplies Code of Practice SNZ PAS 4509:2008 (Water Supplies Code of Practice).

86. J. Horne (PC80-0011) expresses concerns about the increased pressure that the Request will place on water supply.

Analysis

87. Mr England, the Council's Asset Manager – Water Services, has provided an assessment of the Request in relation to water supply, wastewater and stormwater.⁵¹
88. In relation to water supply, he provides a summary of the Council's water supply in Rolleston, and planning that has been undertaken to provide for future growth. He notes that additional conveyance capacity within the network can be made available to service the Site by extending and upsizing of the water main along Two Chain Road from the Izone development to the existing network on Walkers Road. With respect to supply capacity, he states that as the township grows, the Council's consented allocation will be put under pressure. To ensure that growth is appropriately integrated with the provision of infrastructure, and planned growth is able to be serviced, he considers that priority of water allocation needs to be given to those developments within the Rolleston Structure Plan (RSP) area, on which future growth plans are based. As the Site is outside of the RSP area he states that should the plan change be approved, consented water needs to be made available for this plan change area to be developed.⁵² Mr England also notes that "high water use industries" will require specific agreement with Council to take water from the reticulated network, noting that this is managed through the Selwyn District Council Water Supply Bylaw 2008.⁵³
89. With respect to fire fighting requirements, Mr England also notes that the reticulated water supply for the proposed plan changes would need to be designed to meet firefighting standards.⁵⁴ I also note that FENZ support the applicant's proposal to upgrade the water supply network and suggest how compliance with the Code of Practice can be achieved. I am satisfied that it is feasible to achieve this, and that this is a matter that will be managed through the subdivision and/or building consent process.
90. In terms of wastewater, Mr England notes that the options identified by the applicant to convey wastewater to the WWTP are feasible⁵⁵ and that there are capacity upgrades planned and budgeted for in relation to the WWTP which would be sufficient to generally accommodate the wastewater generated by development of the Site.⁵⁶ However he does note that depending on type of industry proposed to be established, flow limitations may need to be imposed or in some instances declined, which is managed through the Selwyn District Council Trade Waste Bylaw 2016.⁵⁷

⁵¹ Murray England, 'Officer Comments of Murray England', 19 September 2022.

⁵² Mr England, at 6-15.

⁵³ Mr England, at 21.

⁵⁴ Mr England, at 17-18.

⁵⁵ Mr England, at 26-28.

⁵⁶ Mr England, at 40.

⁵⁷ Mr England, at 29.

91. Mr England also considers that the proposed management of stormwater is appropriate.⁵⁸
92. Overall, I consider that the Site is able to be appropriately serviced in relation to wastewater and stormwater to meet the increased demand facilitated by the proposed zoning. In terms of water supply, I note Mr England's advice that there is only sufficient capacity to supply water to areas within the RSP. Unless the applicant is able to provide an additional water supply, rezoning of the Site will not be able to be appropriately serviced with a water supply. I consider that this can be addressed by including a new rule that restricts subdivision of the Site until a potable water supply is available which is capable of serving any lots within the subdivision; provided the applicant is able to demonstrate that such provision is likely to be feasible.

Ecological Effects

93. The Request also included an ecological assessment,⁵⁹ which was subsequently updated in response to the request for further information.⁶⁰ This has been reviewed by Dr Greg Burrell of Instream Consulting.⁶¹
94. He notes that the original ecological assessment was based on a desktop review of existing information and a walkover site visit, which was subsequently updated following the further information request process to include more detailed site investigations. His view is that the combination of desktop and field based assessment is *"appropriate for the highly modified, agricultural setting, where ecological values are anticipated to be low."*
95. The ecological assessment recommends that the existing water race which traverses the Site is not piped, and that subject to a 10m setback being applied from the race, the adverse ecological effects of land development enabled by the rezoning will be low. Dr Burrell notes that the ODP shows retention of the water race and the application of the Plan's 10m setback to the water race. Dr Burrell agrees with the conclusions of the ecological assessment in this regard and with the proposed approach to implementing the recommendations.
96. The updated ecological assessment also provided field investigations of five potential wetland areas, previously identified as having damp ground or surface water. Dr Burrell agrees with the methods used for the field assessment. The assessment concluded that three of the areas do not meet the definition of a wetland under the RMA, one area does meet the definition, and the other area was uncertain. As a consequence of this, the ODP has been updated to show the latter two areas as a *"Wet area for further investigation at the time of subdivision"*. Dr Burrell states that he agrees with the assessment of these areas, and with the proposed approach to undertake further ecological investigations at a later point.
97. Overall, Dr Burrell states:
- I consider that the applicant's ecology assessment methods are appropriate, I agree with their assessment that the site likely supports low ecological values, and I consider their proposed*

⁵⁸ Mr England, at 34.

⁵⁹ Appendix G1 to the Request.

⁶⁰ *Plan Change 80: Response to Request for Further Information*, dated 11 February 2022, at Attachment E; and Appendix G2 to the Updated Request.

⁶¹ Dr Greg Burrell, *Memorandum: Updated Review of Ecological Assessment for PC80 Rolleston*, 19 August 2022.

approach to managing ecological effects as part of the proposed land zoning change is appropriate.

98. On this basis of the advice from Dr Burrell, I am satisfied that there are no ecological effects which would preclude the rezoning of the Site, and that the methods for managing effects on ecological values are appropriate.
99. For completeness I note that Mr England also comments the water race from an asset management perspective, noting that there are a number of ways to treat the water race, including incorporating the race within the development, closing the race, diverting the race, or piping the race. He considers that this treatment can be determined at the subdivision consent stage.⁶² While I accept this from an asset management point of view, I note that for ecological reason the ODP proposes that the water race is retained.

Contaminated Land Considerations

100. The Request included a preliminary site investigation (PSI).⁶³ The PSI has been reviewed by the contaminated land team at Environment Canterbury. Through the further information process, the matters raised by Environment Canterbury have been addressed, including mapping of additional HAIL areas. Environment Canterbury consider that a Detailed Site Investigation (DSI) is required prior to large scale earthworks or buildings being erected, and note that if the DSI identifies contamination that exceeds the relevant soil contaminant standards, then a remedial action plan should be prepared, and a site validation report should be submitted to the Council detailing any remedial works undertaken. They have stated that the DSI is not, however, required prior to the plan change being approved.
101. I accept this advice and note that the mechanism for managing this is through the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NESCS). My understanding of the NESCS is that this applies to any subdivision or change in the use of a piece of land, and therefore would apply to the type of land use change facilitated by the Request. This will include a requirement for a DSI to be undertaken prior to development. I am therefore satisfied that there are no contaminated land matters that preclude the rezoning of the site for industrial purposes.

Geotechnical Considerations

102. The Request included a geotechnical assessment.⁶⁴ The geotechnical assessment was peer reviewed by Mr Ian McCahon of Geotech Consulting Ltd.⁶⁵ It states that Mr McCahon considers that the testing coverage is sufficient and meets the intent of the MBIE Guidance and that there is a very low risk of liquefaction at the site given the gravel soils and depth to groundwater. He further considers that the TC1 classification is appropriate and that section 106 hazards are either not present or can be properly mitigated. While noting a lack of documentation in relation to shallow tests, he is satisfied that given the general uniformity of the soil profile in

⁶² Mr England, at 36-39.

⁶³ Appendix F to the Request.

⁶⁴ Appendix H to the Request.

⁶⁵ Ian McCahon, Geotech Consulting Limited, letter to Selwyn District Council 'RE: Plan Change 80, 7-183 Two Chain Road, Rolleston, Two Chain Road Ltd, Geotechnical Report Peer Review', dated 29 October 2021.

the overall area, no additional site testing is needed for the purpose of the plan change, noting that additional testing will be required at subdivision consent stage, and site specific testing may be required at building consent stage. Overall, he concludes that site area is geotechnically “benign” and agrees with the conclusion in the geotechnical assessment.

103. On the basis of Mr McCahon’s advice, I am satisfied that there are no geotechnical matters that preclude the rezoning of the site for industrial purposes.

Other Matters

Submissions

104. D. Middleton (PC80-0010) raises concerns that the rates valuation for the Site has already changed and the Site is listed as “Vacant Industrial, Provincial”. He queries why the category has changed, given the plan change is yet to be approved, and also queries why the same category was not applied to sites north of Two Chain Road. He is also concerned about lack of notification to other residents in the area beyond those directly notified, stating that *“Effectively the entire population of the Rolleston area and those travelling to or through Rolleston will be negatively impacted.”*
105. J. Horne (PC80-0011) considers that because PC73 was declined, PC80 should be as well.

Analysis

106. While I note the concerns of Mr Middleton, rating valuations are a matter that sit outside the District Plan and cannot be altered through this process. In relation to notification, the requirements for this are directed under clause 5(1A) of Schedule 1 of the RMA. This includes public notification of the proposal, as well as sending copies of the public notice to any person, who, in the Council’s opinion is likely to be *directly affected* by the Plan Change. The full public notification allows for any party to make a submission, and I note that submissions were received from parties who were not directly notified who chose to do so.
107. In relation to the relevance of the findings of PC73, in my view, the fact that PC73 was declined does not automatically mean that this plan change should be declined, if the reasons for the decline can either be overcome, or are not applicable in the same way to this plan change. In this instance, I note that PC73 sought a residential rather than industrial zoning, and the reasons that PC73 were declined related to urban form effects and reserve sensitivity. I do not consider that the same issues arise in relation to PC80.

6. Statutory Analysis

Functions of Territorial Authorities

108. The functions of Council as set out in s31 of the RMA include the establishment, implementation and review of objectives, policies and methods to:
 - a. achieve integrated management of the effects of the use, development and protection of land and associated natural and physical resources; and

- b. ensure that there is sufficient development capacity in respect of housing and business land to meet the expected demands of the district; and
 - c. control any actual or potential effects of the use, development or protection of land.
109. The Request states that the plan change accords with these stated functions, providing for the use and development of land for industrial activities and seeking to implement existing District Plan Business 2A Zone provisions over the Site, with only such amendments as are necessary to recognise the Site, the proposed ODP and any issues that are particular to the Site. The proposed ODP and the amended Plan rules provide the methods for Council to manage potential effects of this activity and demonstrates an integrated management approach.⁶⁶ I agree with this assessment.

Part 2 Matters

110. Under s 74(1)(b), any changes to the Plan must be in accordance with the provisions of Part 2 of the RMA. This sets out the purpose of the RMA (s5), matters of national importance that must be recognised and provided for (s6) and other matters that particular regard is to be had to (s7).
111. Notwithstanding that the Council has notified the PDP, I consider that the purpose of the RMA is currently reflected in the settled objectives and policies of the District Plan which PC80 does not seek to change. PC80 seeks to change the Plan's zoning pattern and make related changes to the provisions in relation to how the change in zoning is effectively implemented. The appropriateness of the purpose of the plan change in achieving the purpose of the RMA is also a requirement under s32, which is considered below.
112. I do not consider any matter of national to be of relevance to PC80. In terms of other matters set out in s7 of the RMA, I consider that the efficient use and development of natural and physical resources (s7(b)), the maintenance and enhancement of amenity values (s7(c)) and the quality of the environment (s7(f)), and the finite characteristics of natural and physical resources (s7(g)) are relevant to the plan change. I consider these are matters that are ultimately considered in the effects assessment and submissions set out above.

Statutory Documents

113. As noted earlier, the District Plan (including as amended by any plan change) must give effect to any operative national policy statement (s75(3)(a)) and any regional policy statement (s75(3)(c)); have regard to any management plan or strategy prepared under other Acts (s74(2)(b)(i)); take into account any relevant planning document recognised by an iwi authority and lodged with the territorial authority, to the extent that its content has a bearing on the resource management issues of the district (s75(2A)); and must not be inconsistent with any regional plan (s75(4)(b)). The content of these documents as they relate to PC80 is discussed in the Request and set out further below.

⁶⁶ Section 32 Assessment, at 84.

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

Request

114. The applicant has identified the provisions within Part 2 of the NPS-UD that they consider are relevant to this proposal, and provided a detailed assessment against these.⁶⁷ In terms of key aspects of the NPS-UD relating to this Request, the following reasons are provided as to why the proposal provides significant development capacity:⁶⁸
- The existing area of Business 2A zoning in Selwyn District (including that added through PC 66) is all in Rolleston and is 369 ha. PC80 would provide a further 26.5% increase in Business 2A zone within Selwyn District.
 - The existing combined area of Business 2A and Business 2 zoning in Rolleston, (including PC 66), is 414ha. The proposed extension is a 23.7% increase to that zoning.
 - The proposal will provide an additional 98ha of industrial zone land at Rolleston, which is experiencing very high levels of demand for industrial land proximate to the main rail corridor and SH1 (in effect, a freight hub).
 - The proposal is also anticipated to include large areas of unencumbered freehold land, of which there is an identified shortage within Greater Christchurch.
 - The zone will allow for rail sidings directly into the site from the main rail corridor, if desired, maximising transport efficiencies.
115. The Request states that the proposal will contribute to a well-functioning urban environment, because it will⁶⁹:
- naturally extend the existing industrial development at Rolleston and be viewed as an extension of the existing business zones, physically separated from residential and rural areas.
 - enable a variety of sites that are suitable for different business sectors in terms of location and site size, through the Business 2A zoning that provides for diversity in the type, price, and location of industrial land and activity;
 - provide good accessibility for all people between housing and jobs, community services, natural spaces, and open spaces, including by way of public or active transport, noting the proximity of the site to the existing Rolleston township and provision for shared pedestrian/cycle paths on the proposed ODP;
 - support the competitive operation of land and development markets through increasing supply of industrial land in Selwyn;

⁶⁷ *Plan Change 80: Response to Request for Further Information*, dated 11 February 2022, at paras 52-59.

⁶⁸ Section 32 assessment, at para 96.

⁶⁹ Section 32 assessment, at paras 39-40.

- support reductions in greenhouse gas emissions, with strong transport connectivity for freight in particular, noting the proximity of the site to the state highway network and the main rail corridor; and,
- be resilient to the likely current and future effects of climate change, noting the site is not proximate to the coastal environment and is not subject to any significant flood hazard risk.

Submissions

116. As noted earlier, Environment Canterbury (PC80-0009) states that when considering the significance of the Request under Policy 8 of the NPS-UD, and in the absence of adopted criteria in the CRPS, it should be demonstrated that the proposal meets an identified business demand. It raises concerns that the applicant has not provided a detailed analysis of the availability of industrial development capacity within existing zoned and greenfield priority areas for business, to support an argument that the proposal would provide significant development capacity through addressing an unmet need for land suitable for industrial development. It also questions the likely impact of the provision of additional industrial zoned land on existing zoned areas in terms of how the proposal will contribute to a well-functioning urban environment. Overall, it considers that it has not been sufficiently demonstrated that PC80 will add significantly to development capacity or contribute to a well-functioning urban environment.
117. Waka Kotahi (PC80-0009) notes that recent decisions have considered the interface between the NPS-UD and CRPS. It states that if PC80 *“does not align with the intentions of the NPS-UD”* then it may necessitate further consideration of the approval of the proposal. It notes that the PC80 site is not a site where urban growth or business development is provided for in the CRPS and it is outside the Projected Infrastructure Boundary, a boundary that has been *“used to delimit the extent of urban and business growth in the CRPS.”*
118. With respect to those parts of the NPS-UD that relate to greenhouse gas emissions, Waka Kotahi (PC80-0009) note that New Zealand has a target for net zero carbon by 2050; that the transport sector is a significant contributor to greenhouse gas emissions through carbon emissions resulting from vehicle use; and that greenhouse gas emissions are addressed in Objective 8 and Policy 1 of the NPS-UD. The submission also refers to recent transport plans that recognise that multi-modal transport systems, where public transport active or shared modes are the primary choice for travel, provide many benefits in reducing carbon emissions, and identify the need the re-shape towns and cities to reduce reliance on cars. It considers that the Request will *“likely further contribute to the transport associated carbon emissions as there appears to be a reliance on private vehicle use for travel to work at the plan change site from elsewhere in Rolleston and from adjoining areas, including the City.”* It further notes that the location of the Site is outside the Projected Infrastructure Boundary means that there is limited planning for provision of improved public transport to support future workers. It seeks that specific consideration is given to whether the plan change is consistent with the provisions on the NPS-UD and what improvements could be made to reduce the contribution of carbon emissions from the Site.

Analysis

119. I generally agree with the assessment of the NPS-UD provided by the applicant. In addition to the provisions they identify, I consider Policy 3.3 to be relevant, which requires that *“at least”* sufficient development capacity is provided within the district to meet the expected demand

for business land, including from different business sectors, in the short, medium, and long terms. As noted earlier, while I accept that there may be a lack of quantification of how much industrial land may be required in Selwyn to meet projected demand, there is evidence that there is demand and that the rezoning of the Site would assist in fulfilling that demand, and the provision of greater supply is, in any case, consistent with the NPS-UD.

120. I consider that the NPS-UD provision of most relevance to PC80 is Policy 3.8, which in turn relates to other provisions within the document. This policy applies to a plan change that provides significant development capacity that is not otherwise enabled in a plan or is not in sequence with planned land release; and directs that particular regard is had to that development capacity if it would contribute to a well-functioning urban environment; and is well-connected along transport corridors. I consider that the proposal would provide significant development capacity, and similarly that it would contribute to a well-functioning urban environment, for the reasons set out by the applicant and noted above. In particular, I consider the locational benefits of the Site in terms of the adjacency to the Railway contribute to the significance of the capacity. The plan change is also well-connected to transport corridors, including both the road and rail network.
121. In relation to greenhouse gas emissions, I note Mr Collins' view that the Site: will have good accessibility by active modes in the future; that public transport accessibility may improve in the future, but is outside the control of the applicant;⁷⁰ and that while PC80 is outside the currently areas planned for urban development, it may have benefits to the wider transport network in terms of providing additional local employment and services to residents within the Township who might have otherwise travelled outside of Rolleston.⁷¹ As noted earlier, KiwiRail also state that new rail sidings would allow for improved efficiency of freight movement through the Canterbury region, greater co-location of warehousing and distribution facilities for freight forwarders, and that this will improve opportunities and efficiencies for rail transport of freight, resulting in a reduction of carbon emissions when compared to heavy road freight. I am therefore satisfied that the plan change is consistent with the provisions of the NPS-UD regarding supporting the reduction of greenhouse gas emissions.
122. Based on the above, I consider that in determining the appropriateness of the plan change, particular regard must be given to the development capacity provided by the proposal. However, my understanding of the NPS-UD is that the development capacity does not in itself act as a 'trump card' and automatically require approval of the plan change; rather the significance of the capacity provided need to be weighed up against other matters.

National Policy Statement for Highly Productive Land

123. J. Horne (PC80-0011) is concerned about the loss of prime growing and producing land for industrial development.
124. In considering the value of the site as growing and producing land, I note that the National Policy Statement for Highly Productive Land (NPS-HPL) has been recently approved and comes into force on 17 October 2022. I note that the eastern portion of the site is identified as containing

⁷⁰ Mr Collins, section 5.7.

⁷¹ Mr Collins, section 6.

LUC Class 3 soils, but the majority of site is not identified as containing any Class 1, 2 or 3 soils under the Land Use Capability system (Refer Figures 3 & 4 below).



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

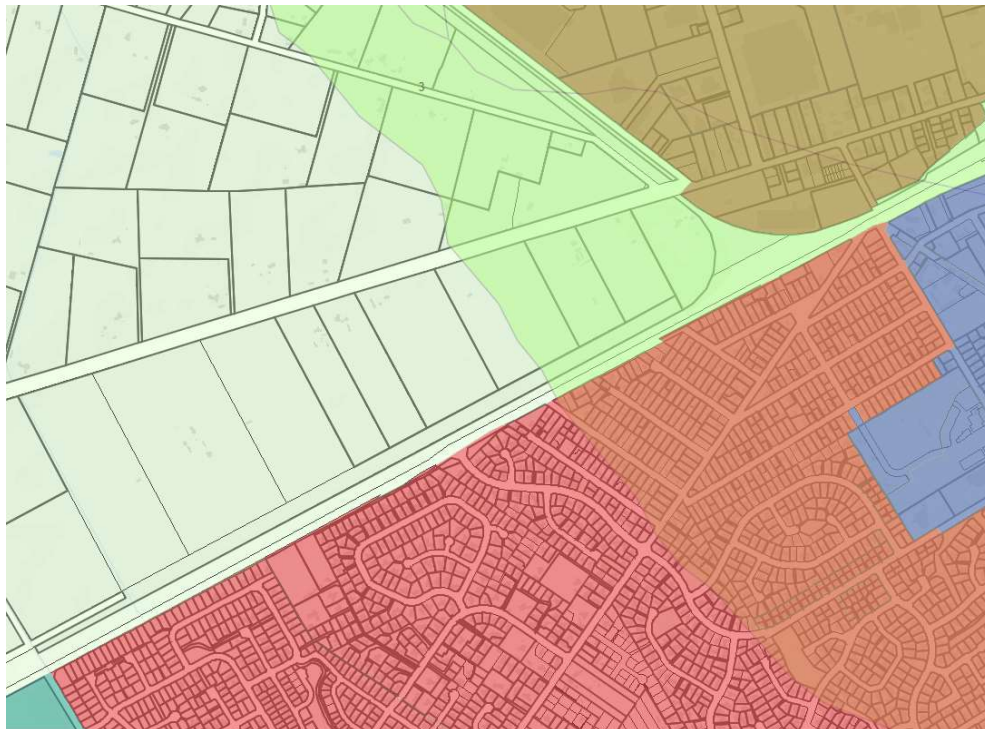


Figure 4: Canterbury Maps, NZLRI LUC Classes 1-3 Land Resource Inventory Layer with Operative District Plan Zonings.

125. The objective of the NPS-HPL is that highly productive land is protected for use in land-based primary production, both now and for future generations. Policy 5 directs that the urban rezoning of highly productive land is avoided, except as otherwise provided within the NPS itself. While the NPS-HPL directs that regional councils map highly productive land, until this is undertaken highly productive land is that which is zoned general rural or rural production and LUC Class 1, 2 or 3 land and which is not identified for future urban development or subject to a Council initiated or adopted plan change.⁷² Because PC80 is privately-initiated and has not been adopted by the Council, my understanding is that the part of the PC80 Site that is LUC Class 3 land is, for the time being, defined as highly productive land.
126. The Council, as a Tier 1 authority, may only allow urban rezoning of highly productive land if:
- It is required to provide sufficient development capacity to meet demand for housing or business land to give effect to the NPS-UD; and
 - there are no other reasonably practicable and feasible options for providing at least sufficient development capacity within the same locality and market while achieving a well-functioning urban environment; and
 - the environmental, social, cultural and economic benefits of rezoning outweigh the long-term environmental, social, cultural and economic costs associated with the loss of highly productive land for land-based primary production, taking into account both tangible and intangible values.⁷³
127. To meet (b) above, the Council is required to consider a range of reasonably practicable options for providing the required development capacity, including those set out in Policy 3.6(2). Determination of whether development capacity is within the same locality and market is then set out in Policy 3.6(3).
128. For ease, I provide an assessment of the above in Table 1 below:

Policy 3.6 Clause / Sub-clause	Assessment
(1)(a) It is required to provide sufficient development capacity to meet demand for housing or business land to give effect to the NPS-UD	Yes – some additional industrial land is projected to be required to adequately provide for growth in the long-term (Refer Mr Foy at 3.1.5)
(1)(b) there are no other reasonably practicable and feasible options for providing at least sufficient development capacity within the same locality and market while achieving a well-functioning urban environment, including:	<i>See more detailed assessment below.</i>
(1)(c) the environmental, social, cultural and economic benefits of rezoning outweigh the long-term environmental, social, cultural and economic costs associated with the loss of highly productive land for land-based primary production, taking into account both tangible and intangible values.	Overall judgment required taking into account range of effects from rezoning, but likely to be met given the Site's locational benefits for this type of development and the lack of non-highly productive land options for growth of the industrial area in Rolleston.

⁷² Policy 3.5(7).

⁷³ Policy 3.6(1).

(2)(a) greater intensification in existing urban areas	I do not understand greater intensification to be an option in relation to industrial development.
(2)(b) rezoning of land that is not highly productive land as urban	There are no other options for the expansion of the existing industrial area in Rolleston which do not include at least some highly productive land.
(2)(c) rezoning different highly productive land that has a relatively lower productive capacity	
3(a) is the development capacity in or close to a location where a demand for additional development capacity has been identified through a Housing and Business Assessment (or some equivalent document) in accordance with the NPS-UD	The location is within Rolleston, where demand has been identified. However, notwithstanding the evidence of the applicant and Mr Foy, the type of demand has not been identified in the most recent Housing and Business Assessment. ⁷⁴
3(b) Is it for a market for the types of dwelling or business land that is in demand (as determined by a Housing and Business Assessment in accordance with the NPS-UD).	Notwithstanding the evidence of the applicant and Mr Foy, the type of demand has not been identified in the most recent Housing and Business Assessment. ⁷⁵

129. For completeness, I note that when the mapping is undertaken, it must identify land that is not only in a general rural zone or rural production zone; and predominantly LUC 1, 2, or 3 land; but that it must also forms a large and geographically cohesive area;⁷⁶ and small, discrete areas of LUC 1, 2, or 3 land need not be included if they are separated from any large and geographically cohesive area of LUC 1, 2, or 3 land.⁷⁷ This may well apply to the eastern edge of the Site which contains LUC 3 soils, because this area is separated from other LUC 1, 2 or 3 land except to the immediate north (refer to the darker green areas in Figure 4 above), and given land to the south and east is not considered highly productive given it is not zoned rural (the red and brown coloured land Figure 4 above). However, this is yet to be determined.
130. Overall, I consider that the direction in Policy 3.6 of the NPS-UD may not allow for the rezoning of that part of the Site which contains Class 3 soils, because of the specific direction in clause (3) in relation to the Housing and Business Assessment. This is despite the more recent evidence in relation to this matter, being, in my view, more relevant, but nonetheless in conflict with the specific direction in the NPS-HPL. I also note that the NPS-HPL is silent on any potential interrelationship with Policy 8 of the NPS-UD. It is therefore not clear to me whether or not the tension with this specific part of the NPS-HPL can be overcome with reference back to Policy 8 in terms of the proposal being unanticipated but providing significant development capacity.

Canterbury Regional Policy Statement (CRPS)

Request

131. The Request contains an assessment of the plan change provisions against the CRPS.⁷⁸ This includes an explicit acknowledgement that the plan change is not consistent with Objective 6.2.1(3), Objective 6.2.6, Policy 6.3.1 or Policy 6.3.6, because it proposes urban development outside an existing urban area or identified greenfield priority areas.

⁷⁴ Greater Christchurch Partnership, 'Housing and Business Development Capacity Assessment', March 2018

⁷⁵ Greater Christchurch Partnership, 'Housing and Business Development Capacity Assessment', March 2018

⁷⁶ Policy 3.4.

⁷⁷ Policy 3.4(5)(d).

⁷⁸ Section 32 assessment, at paras 97-99 and Table 3.

Submissions

132. Environment Canterbury (PC80-0009) notes that the Site has not been identified as a greenfield priority area or future development area on Map A, nor is development of the land for urban purposes expressly provided for in the CRPS, and is therefore inconsistent with various objectives and policies in the CRPS relating to urban development.⁷⁹ This includes Policy 6.3.11, which identifies the circumstances in which a review of the extent and location of land for development will be undertaken and states that none of the identified circumstances have triggered the need for review of the provision for industrial land for development. As noted earlier, it considers that the suitability of the Site for urban development would be more appropriately addressed through the spatial planning exercise initiated by the Greater Christchurch Partnership's. Overall, it considers that the Request is inconsistent with policy direction in the Canterbury Regional Policy Statement and the strategic sub-regional land use and infrastructure planning framework for Greater Christchurch.

Analysis

133. In my view, the applicant has identified the provisions within Chapters 5, 6, 7, 12 and 16 of the CRPS that are relevant to the proposal. I generally concur with the assessment against these provisions, noting however that:
- a. In terms of Objective 5.2.1 and Policy 5.3.7, the conclusion that the proposal will have no adverse effects on any regionally significant infrastructure (which by definition includes the State Highway), and on the safe efficient and effective functioning of the strategic land transport network, is reliant on the matters identified by submitters, with respect to the timing of development in relation to the upgrading of roads, being appropriately addressed.
 - b. There are similar potential tensions with Objective 6.2.1(9), Objective 6.2.4, Policy 6.3.4 and 6.3.5. However, in line with Policy 6.3.5(2), I consider that these are overcome by the rules proposed by the applicant, which act to ensure that the timing of new development is co-ordinated with the development, funding, implementation and operation of transport.
 - c. In terms of the inconsistency with Objectives 6.2.1(3) and 6.2.6; and Policies 6.3.1 and 6.3.6, a key consideration for whether this plan change is approved or declined, in my view comes down to whether or not the significance of the development capacity provided by the plan change should be given more weight than the current direction in the CRPS. This is discussed further below.
134. With respect to water supply, I note that several provisions within the CRPS are also relevant, including Objective 6.2.1, sub-clauses (9) and (10) which, seek that development integrates strategic and other infrastructure and services with land use development, and does not adversely affect the future planning of strategic infrastructure. Policy 6.3.5(2) directs that the nature, timing and sequencing of new development is co-ordinated with development, funding, implementation and operation of infrastructure, for a number of reasons including to:

⁷⁹ Objective 6.2.1(3); Objective 6.2.2; Objective 6.2.6, Policy 6.3.1(4) and Policy 6.3.11.

- a. optimise the efficient and affordable provision of both the development and the infrastructure;
 - b. maintain or enhance the operational effectiveness, viability and safety of existing and planned infrastructure;
 - c. protect investment in existing and planned infrastructure; and
 - d. ensure new development does not occur until provision for appropriate infrastructure is in place.
135. As noted by Mr England, the Council has undertaken master planning to respond to growth within the District, and this includes planned capacity upgrades for the Rolleston water supply. However, to ensure that growth is both appropriately integrated with the provision of infrastructure, and that all planned growth is able to be serviced, he considers that priority of water allocation needs to be given to those developments within the RSP area.⁸⁰ As the Plan Change Sites are outside the RSP, other consented water would need to be made available to service the demand from the Site. Should this not be feasible, I consider rezoning of the Sites would be in conflict with the provisions of the CRPS outlined above.

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

136. Our Space is a strategic planning document adopted by the Greater Christchurch Partnership.⁸¹ The particular stated focus of Our Space is how to best accommodate housing and business land needs in a way that integrates with transport and other infrastructure provision, builds greater community resilience, and contributes to a sustainable future for Greater Christchurch that meets the needs and aspirations of communities. Our Space seeks to ensure a balance between providing sufficient capacity for growth while also maintaining an urban form that achieves the vision and goals in the Greater Christchurch Urban Development Strategy prepared in 2007 and updated in 2016.
137. Our Space also met the obligations of the previous National Policy Statement for Urban Development Capacity (since replaced by the NPS-UD) for a future development strategy to be. While Our Space identified that there was expected to be sufficient industrial development capacity within Selwyn District in both the medium and long term (to 2048), my understanding is that the assessment undertaken for Our Space was of a broad scale, and does not go into detail about different types of industrial needs.
138. As discussed earlier in relation to supply and demand, the Request provides evidence that there is demand for this type of development in this location, the rezoning of the Site would assist in fulfilling that demand, and there are locational benefits for this type of business establishing on the Site. In my view, this is more relevant to the consideration of PC80 than the findings of Our Space.

⁸⁰ Mr England, at 10-14.

⁸¹ The partnership is made up of Christchurch City Council, Environment Canterbury, Selwyn District Council, Waimakariri District Council, Te Rūnanga o Ngāi Tahu, New Zealand Transport Agency, Canterbury District Health Board and the Greater Christchurch Group of the Department of Prime Minister and Cabinet.

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

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

Mahaanui Iwi Management Plan (IMP)

140. The Mahaanui Iwi Management Plan (IMP) is a planning document recognised by an iwi authority and lodged with the council, which includes content that relates to the district's resource management issues. Under s74(2A) of the RMA, the Council, in considering this plan change, must take into account the IMP. The Request includes an assessment of the relevant provisions within the IMP.⁸² In response to the request for further information, Mahaanui Kurataiao Ltd (MKT) also provide a Manawhenua statement.⁸³ This includes identification of relevant provisions to the IMP and recommendations to align with these.
141. Some of the recommendations relate to matters (including earthworks and contaminated land) that will be applied/considered at the time of subdivision. I further note that some of the recommendations relate to stormwater discharge and are therefore matters addressed under the Land and Water Regional Plan. These matters do not, in my view, preclude development of the Site for industrial purposes.
142. In relation to the water race, I note that MKT seek that existing waterway be naturalised and a minimum 10m setback be provided which includes a 5m planted buffer. I note that the water race is proposed through the ODP to be retained (not piped) and that a 10m setback is proposed to be applied. This applies an existing approach contained within the District Plan, and in my view, there is nothing particular about the Site to justify requiring further naturalisation of the water race and that 5m of this setback area is planted, noting that this does not preclude the developer undertaking this, nor does it preclude further consideration of this at the time of any subdivision. MKT also seek that the species used in the road frontage planting should be indigenous and locally sourced. Again, I note that the proposed approach to planting is consistent with current rules in the District Plan, or where additional requirements are recommended by Ms Faulkner, they are still generally consistent with the current rules. I consider this to be appropriate.

Consistency with the plans of adjacent territorial authorities

143. I do not consider there to be any directly relevant provisions in the District Plans of neighbouring territorial authorities that are affected by PC80.

⁸² Attachment 3: Section 32 Evaluation, at 105 – 112.

⁸³ Appendix J to the Request.

144. Matters of cross-boundary interest are outlined in the District Plan (in Section A1.5 of the Township Volume). I do not consider that any of the identified issues are applicable to PC80.

Consideration of alternatives, benefits and costs

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

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

146. As set out in the Request, the proposal does not involve any new objectives, or any changes to the existing objectives within the District Plan. The assessment required under s32(1)(a) is therefore the extent to which the purpose of the proposal is the most appropriate way to achieve the purpose of the RMA. The stated purpose of the proposal is to provide for the establishment of new industrial development on the Site.⁸⁴ The Request then goes on to evaluate the extent to which enabling the establishment of industrial development on the Site achieves the purpose of the Act. This includes the purpose as set out in Section 5, as well as considering sections 6-8 of the RMA which includes matters to be taken into consideration in achieving the RMA's purpose. The applicant considers that the proposal achieves the purpose of the Act for the following reasons:⁸⁵

- It pro-actively and specifically manages the use and development of industrial land adjoining the existing industrial zone boundary.
- The Site is located in close proximity to key transport links, including SH1 and the main north-south rail corridor.
- The location of the Site immediately adjacent the rail corridor will allow for rail sidings into the site if desired, potentially enabling further freight efficiencies.
- The concentration of buildings and activities adjacent SH1 / the rail corridor and existing Rolleston urban boundary to the south, and the existing business zone to the east, assists with reducing adverse rural character and visual effects that might otherwise arise.
- Potential adverse effects from industrial development on the Site can be effectively avoided or mitigated through compliance with a proposed ODP and associated rules.
- The proposal enables the community to provide for its economic wellbeing, thereby contributing to its social wellbeing.

⁸⁴ Section 32 assessment, at para 62.

⁸⁵ Section 32 assessment, at para 65.

- The life-supporting capacity of water and soil can be addressed through requirements for earthworks and construction management in accordance with existing rules within the District Plan, with additional controls through Regional Council requirements.
147. I note that matters raised in submissions that relate to amenity values and quality of the environment have been considered in the assessment of issues raised in submissions set out above, and in my view, the rezoning is likely to achieve s7(c) and 7(f) of the RMA, provided that further assessment of noise effects are undertaken which demonstrate that these are acceptable.
148. I also consider that the location of the Site outside areas identified for urban development in the CRPS is relevant to the consideration of whether the proposal results in an efficient use of natural and physical resources. Physical resources include various infrastructure, such as transport networks, as well as reticulated services. I am satisfied that the proposal results in an efficient use of the transport network, for the reasons set out earlier. I note that the provision of additional water will be required in order to ensure that there is sufficient water available to service not only the Site but also other sites, where the Council has anticipated development.
149. I also note that the question under s32(1)(a) of the RMA is not simply whether or not the proposal would achieve the purpose of the RMA, but whether or not is it the *most* appropriate way to achieve the purpose of the RMA. In my view, the key factors in this assessment that need to be weighed up before determining that the proposal is the *most* appropriate approach to achieving the purpose of the RMA is whether the significance of the development capacity outweighs the inconsistency of the proposal with the CRPS Objective 6.2.1(3), Objective 6.2.6, Policy 6.3.1 or Policy 6.3.6 relating to urban development outside an existing urban area or identified greenfield priority areas.
150. If the plan change is considered to be the most appropriate approach, then a further assessment is required of the appropriateness of the provisions in the proposal, which is set out below.

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

151. The Request contains identification of other reasonably practicable options for achieving the purpose of the proposal, and provides an assessment of the benefits and costs and efficiency and effectiveness of the plan change. I agree that other reasonably practicable options have been identified, and generally concur with the assessment.
152. The Request also identifies the existing objectives of the District Plan and evaluates the proposal against these objectives.
153. I generally agree with the assessment, taking into account additional recommendations made by Mr Collins and Ms Faulkner.
154. However, as noted earlier, I also consider that Objective B3.4.1 and B4.3.2, which relate to the quality of the environment in rural areas, are relevant to consideration of the Request, as the effects of activities on the Site have the potential to impact on nearby sites that will continue to have a rural zoning. In my view, it is therefore necessary to ensure that the rezoning does not compromise achievement of these objectives. I consider that further assessment of noise effects are required to demonstrate that these effects are not of such significance that these

objectives would not be met. I also note the additional recommendations made by Ms Faulkner which are required, in my view, to ensure achievement of these objectives.

155. I also note that the assessment identifies that the proposal will not achieve Objective B4.3.3 which seeks that within the Greater Christchurch area, new business development is contained within existing zoned areas or priority areas identified within the CRPS. The applicant considers that this inconsistency is overcome by NPS-UD. I do not consider that the direction in the NPS-UD automatically 'overcomes' the inconsistency, in the sense that I consider the inconsistency needs to be considered and balanced against the significance of the development capacity the proposal will provide.

7. Proposed Amendments to the District Plan

156. If the Hearings Commissioner is minded to approve PC80, then I consider that the proposed amendments to the District Plan set out in the Request, plus the amendments that the applicant has indicated it intends to make to it following the submission period, should be approved, except, or in addition to, the following matters identified earlier in the report:

- a. A restriction on earthworks or construction activity being undertaken within the Site, prior to the commencement of the upgrade of the Dunns Crossing Road / Walkers Road / SH1 intersection.
- b. A requirement for the Two Chain Road rail level crossing to be upgraded prior to the occupation of any building within the Site.
- c. A slight amendment to proposed Rule 22.9.x(e), to allow for either a through site road link (as currently proposed) *or* an upgrade to the Two Chain Road / Walkers Road intersection to be provided prior to the occupation of any building.
- d. Rule 22.9.x(d), as it relates to the Jones Road / Wards Road intersection should reference the Two Chain Road / Wards Road intersection.
- e. Limiting motor vehicle access on to Two Chain Road to one entrance, located at the eastern end of the Site.
- f. Requiring the landscape treatment provided along Two Chain Road to include retention/replacement of existing trees, filling in of gaps in the existing line of trees, management and maintenance of trees/hedges to provide dense visual screening of at least 8m in height, and revisions to demonstrate how the width of the existing trees and access for a mechanical hedge trimmer can be accommodated.
- g. Requiring Landscape Treatment 4 (as per Rule C24.1.3.13 of the Township Volume) along the Rail / SH1 boundary; and
- h. Requiring retention and maintenance of the existing trees on the curved eastern boundary.
- i. An additional rule restricting subdivision until a potable water supply is available which is capable of serving any lots within the subdivision.

8. Conclusions and Recommendation

157. As set out in Section 5, the statutory matters that must be considered in relation to a plan change require the assessment of sections 31, 32, 74 and 75, and regard must be had to the overall purpose and principles set out in Part 2 of the Act.
158. In my view, the following matters need to be addressed in order for the Plan Change to be approved:
- a. Consideration of whether the potential tension with Policy 3.6(3) of the NPS-HPL in terms of the Housing and Business Assessment is overcome by Policy 8 of the NPS-UD.
 - b. Further assessment of noise effects which demonstrate that these do not compromise the achievement of the relevant District Plan objectives.
 - c. Confirmation that consented water is available to service the demand from the Site.
159. In my view, subject to the above matters being resolved, the significance of the development capacity provided by the Request would outweigh the proposal's inconsistency with Objective B4.3.3 of the Plan and the various provisions within the CRPS.



Liz White

28 September 2022