

Before the Independent Commissioner  
Appointed by the Selwyn District Council

Under	the Resource Management Act 1991
In the matter of	a hearing on submissions to the Partially Operative Selwyn District Plan, Variation 2: Levi Road rezoning
	Foodstuffs (South Island) Properties Limited
	Applicant

---

Legal submissions in reply on behalf of Foodstuffs (South Island) Properties Limited

17 April 2025

---

**Applicant's solicitors:**

Alex Booker | Sarah Schulte  
Anderson Lloyd  
Floor 2, The Regent Building, 33 Cathedral Square, Christchurch 8011  
PO Box 13831, Christchurch 8141  
DX Box WX10009 Christchurch  
p + 64 3 379 0037  
alex.booker@al.nz | sarah.schulte@al.nz

**anderson  
lloyd.**

## May it please the Commissioner

- 1 Is Variation 2 the most appropriate way to achieve the purpose of the RMA, compared with the status quo for the Site? To answer this question, the Commissioner is required to consider the most appropriate way for achieving the objectives and policies of the District Plan, undertaking the assessment detailed in, and having particular regard to, section 32 RMA.
- 2 The purpose of a district plan is to assist a territorial authority to carry out their functions to achieve the purpose of the RMA.<sup>1</sup> A territorial authority must change its district plan in accordance with, relevantly, its function to ensure there is sufficient development capacity in respect of business land to meet the expected demands of the District<sup>2</sup>. Mr Colegrave confirmed in his evidence that there is a shortfall in aggregate commercial capacity in the medium term, but there is also a pressing specific need for additional hardware, building and garden retail stores. He says that Variation 2 assists to address both the looming shortfalls in district commercial land supply but also directly responds to this significant unmet demand.<sup>3</sup>
- 3 Mr Foy reviewed the economic assessment supporting Variation 2 and confirmed orally in response to questions from the Commissioner that "a hardware supplier is needed now", and this proposal will increase breadth and depth of offering in Rolleston and contribute to self-sufficiency. He confirmed he had a high degree of confidence that this will be the outcome for the Site based on the way the rules are drafted (and given few other trade retailers could reach the minimum 6000m<sup>2</sup> GFA). This was confirmed by Mr Smith and Ms Parish orally. Both economic experts confirmed the PAK'nSAVE was considered as part of the existing environment in undertaking these assessments. There was no expert evidence provided which refuted the need for the trade retail activity enabled by Variation 2.
- 4 With respect to the finer details of how the trade retail activity enabled will ultimately locate and be managed on the Site – details such as whether conditions of consent or management plans conditions are more appropriate; the spacing, placement and heights of trees and planting strips; and areas of stormwater - are more appropriately left for consideration as part of a future resource consent application, as is standard practice.

---

<sup>1</sup> Section 72 RMA

<sup>2</sup> Section 31(1)(aa) RMA

<sup>3</sup> Statement of Evidence, Mr Colegrave at [33]-[39]

- 5 Mr Allan walked the Commissioner (orally) through various development scenarios and confirmed that *any* new building (or structure) and modifications to an existing building (or structure) on the Site triggers resource consent for *at least* a restricted discretionary activity with a requirement for specific urban design assessment. For example, every new (or modified) building or structure will be relevantly assessed to consider whether it<sup>4</sup>:
- (a) contributes to the vibrancy and attractiveness of any adjacent streets, lanes or public spaces;
  - (b) takes account of nearby buildings in respect of the exterior design, architectural form, scale and detailing of the building;
  - (c) minimises building bulk through the provision of articulation and modulation, while having regard to the functional requirements of the activity;
  - (d) is designed to incorporate Crime Prevention Through Environmental Design (CPTED) principles, including encouraging surveillance, effective lighting, management of public areas, and boundary demarcation;
  - (e) incorporates landscaping or other means to provide for increased amenity, shade, and weather protection;
  - (f) provides safe, legible, and efficient access for all transport modes;
  - (g) includes landscaping, fencing and storage, and waste areas that are designed and located to mitigate the adverse visual and amenity effects of the development on adjoining residential-zoned sites and public reserves;
  - (h) complies with the Outline Development Plan (**ODP**).
- 6 *Every* resource consent applied for will also specifically (in response to changes proposed by the Reporting Officer and accepted by Foodstuffs) be assessed against the extent to which the development includes a façade design that utilises varied materials and building modulation and applies appropriate extents and levels of corporate colour palettes to integrate the building into the adjacent residential environments.
- 7 The assessment outlined above applies even where rule requirements relating to servicing, height, height in relation to the boundary, setbacks, outdoor storage, landscaping and the ODP are met. Where these rule requirements are not met,

---

<sup>4</sup> LZRR-R1 (PREC13), CMUZ-MAT3 Urban Design. See [here](#).

additional resource consents are required based on each individual rule requirement.

- 8 With respect to the ODP all development shall be undertaken in accordance with the ODP in LFRZ-SCHED1 – Lincoln Rolleston Road Large Format Precinct or resource consent is required for a discretionary activity.
- 9 This is a different approach to the existing LFRZ where buildings are permitted provided they comply with rule requirements.
- 10 Variation 2 provides for the future resource consent process to thoroughly assess the effects of *any development* on the Site. To answer a question raised during the hearing, this also includes outdoor storage areas where they are not fully enclosed.<sup>5</sup> Mr Johnston confirmed that outdoor storage is considered as part of the building and site layout upfront. Where these areas would not be caught by the reference in the rule to a new building, they will be caught by the reference to "structure" in LZRZ-R1.
- 11 In summary, as explained by Mr Allan, the Partially Operative Selwyn District Plan (**POSDP**) resource consent triggers and matters of discretion (both operative and as proposed to be amended by Foodstuffs) provide adequate direction and opportunity for detailed consideration of all matters raised by the technical assessments supporting the Officer's Report, regardless of whether any of the additional provisions requested by the Reporting Officer are accepted by Foodstuffs.
- 12 That said, Foodstuffs has accepted the recommended changes that apply in relation to the rules and matters of discretion themselves. As acknowledged by the Reporting Officer<sup>6</sup>:

It is appropriate to acknowledge at this point that the proponent has accepted most of the more critical amendments contained in the Officer Report, which in turn addresses the related uncertainties and concerns expressed in my evidence (CMUZ-MAT3 Urban Design matters – building design, LFRZ-R4 - food and beverage number and GFA restrictions, LFRZ-REQ4 Setbacks - 20m setback).

- 13 The changes proposed by Mr Lonink to LFRZ-REQ4 have been accepted and these will trigger a resource consent requirement (based on the building footprint provided in the concept plan with the Application) and will require specific

---

<sup>5</sup>LZRZ-R1 (PREC13) requires any new building (**or structure**) and modifications to an existing building (**or structure**) requires resource consent (**emphasis added**). The POSDP defines structure to have the same meaning in Section 2 RMA and means any building, equipment, device or other facility made by people and which is fixed to the land. Poles are considered structures.

<sup>6</sup> Reporting Officer Summary of Key Points at [18]

assessment of the building and its form (LFRZ-REQ4, CMUZ-MAT6). CMUZ MAT6 also requires specific assessment of the quality and extent of landscaping, and for road setbacks the extent to which the reduced setback impacts on the amenity and character of street scene, landscaping potential or shading (noting that these matters are also already required to be assessed in LZRZ-1 as set out above).

- 14 The Reporting Officer accepted (orally) in response to questions by the Commissioner that all of the remaining matters could be requested by the Council as part of an RFI process on a resource consent application, based on the known and anticipated consent triggers and matters of discretion. It is further noted that these matters could also all be managed and enforced by way of conditions of consent.
- 15 Foodstuffs remains opposed to the additions proposed by the Reporting Officer in Table 1 LFRZ-SCHED1<sup>7</sup> as set out by Mr Allan in his evidence. These matters are simply not necessary. Further, it is submitted that the proposed "belts and braces" approach taken creates confusion when applied, given there is already direction and discretion to consider these matters. By way of example, with respect to the "permitted activity pre-requisites" in Table 1 LFRZ-SCHED1:
  - (a) is assessment and management plans for the approval of SDC able to be assessed independently first by the Council before an application is made? If an affected party is limited notified of a development – are they entitled to submit on these matters which are only to be "provided for the approval of SDC"?
  - (b) does compliance with specific matters recorded relating to landscaping and transport take priority over the general discretion provided to Council on these matters?
  - (c) how does this table of matters practicably work in the context of, for example, a modification to a building. LFRZ-REQ7 (PREC13) applies to any modification of a building or structure. Instead of Council using its discretion to assess those matters under the specific urban design assessment rule which is relevant to that development proposal, does Council need to require the "permitted activity pre-requisites" such as an ITA (despite a development not triggering the high transport rule) or a landscape management plan? Is a full CPTED assessment required? These matters are proposed to be recorded on the ODP and if all development is not undertaken in accordance with the ODP, a discretionary activity consent is required.

---

<sup>7</sup> Reporting Officer Summary of Key Points, Appendix 1.

- 16 With respect to the narratives proposed by the Reporting Officer (putting aside the merits) it's not clear where the roading connection for Broadlands Drive is proposed to be, how does a resource consent applicant install planting on the north side of that future road connection? How does this work with the indicative cycle and pedestrian route? Will a trade retailer's resource consent application for its activity be not in accordance with the ODP? As Mr Milne stated (orally) there is still work to come on the southern end of the site and there is a need for flexibility from a landscape perspective.
- 17 Not only do these additions create confusion, they are not the best way to achieve the procedural principles or section 32 RMA requirements as we set out in opening legal submissions at [16]-[19].
- 18 With respect to transport matters, Mr Metherell stated that Council retains discretion on the matters of concern to Mr Carr and Mr Friedel through existing transport provisions of the POSDP, and there is no need for the suggested additional provisions<sup>8</sup>. Mr Carr expressed concern that a future traffic peer reviewer of a resource consent application may "miss" some particular matters. It is submitted that the Commissioner is entitled to rely on a future Council peer reviewer reasonably and competently reviewing an application against the relevant district plan provisions, as they would for any other development applying for resource consent under the district wide rules of the POSDP. As Mr Metherell commented (orally) during the course of the hearing, given all these matters have been picked up in a high-level plan change process, it is most likely they will be reconsidered again at the detailed consent application phase. He didn't think the inclusion of further transport provisions would add value.

### **Specific matters of reply**

- 19 Very few issues were raised during the course of the hearing that have not already been addressed in opening legal submissions or technical evidence. The following matters are addressed:
- (a) The proposed additional link on the north east boundary;
  - (b) Matters raised in Mr Beechey's presentation;
  - (c) Proposed emergency services campus; and
  - (d) Permitted aggregate food and beverage.

---

<sup>8</sup> Summary Statement, Mr Metherell at [16]

**Is an additional link on the northeast boundary of the Site a more effective and efficient method to achieve the objectives of the POSDP than what is proposed in Variation 2?**

20 The Commissioner has heard during the course of the hearing that Foodstuffs opposes the Reporting Officer's proposal to include an additional eastern link (i.e. cycling, walking or roading) for operational and public safety reasons. In addition, the evidence of the experts representing Variation 2 was that this further access is not necessary to achieve the objectives of the POSDP.

21 Section 32(1)(b) RMA states:

32 Requirements for preparing and publishing evaluation reports

(1) An evaluation report required under this Act must—

(a) examine the extent to which the objectives of the proposal being evaluated are the most appropriate way to achieve the purpose of this Act; and

(b) examine whether the provisions in the proposal are the most appropriate way to achieve the objectives by—

**(i) identifying other reasonably practicable options for achieving the objectives; and**

**(ii) assessing the efficiency and effectiveness of the provisions in achieving the objectives; and**

(iii) summarising the reasons for deciding on the provisions; and

(c) contain a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal.

(2) An assessment under subsection (1)(b)(ii) must—

(a) identify and assess the **benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions**, including the opportunities for—

(i) economic growth that are anticipated to be provided or reduced; and

(ii) employment that are anticipated to be provided or reduced; and

(b) if practicable, quantify the benefits and costs referred to in paragraph (a); and

(c) assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.

**(emphasis added)**

22 The POSDP provides for the following relevant objectives:

- (a) The land to the east is zoned Medium Density Residential under the POSDP. This zone specifically focusses on providing for houses in its objectives and policies<sup>9</sup>. The objectives that apply to the general residential zones focus on achieving attractive and safe streets and public open spaces<sup>10</sup>, and increased residential densities occur in close proximity to activity centres, existing or planned active and public transport routes, community services and public open spaces<sup>11</sup>.
- (b) With respect to the Site, the Commercial and Mixed Use Zone objectives provide for zones to reflect good urban design principles by providing pleasant places to be with attractive and *functional* buildings and public spaces<sup>12</sup>, and to maintain appropriate levels of amenity within the zone and at the interface with residential zones<sup>13</sup>, and manage development within Town Centre, Local Centre and Neighbourhood Centre Zones<sup>14</sup> to ensure that it... engages and is well integrated with streets and public areas, contributing to the variety and vitality of the street scene, and provides a high-quality pedestrian experience *that supports the economic and social vibrancy of the township*<sup>15</sup>.
- (c) Connectivity and provisions for multi-modal connections that support walking, cycling and access to public transport through land use activities are considered on a district wide basis (i.e. not specifically in commercial areas such as the LFRZ and TCZ). Under the Transport Chapter (i.e. Transport Choice - TRAN-P5 and TRAN-P6) in the POSDP, the high trip generating activities rule applies across all zones. These provisions seek to enable *safe*, multi-modal connections that support walking, cycling and access to public transport and public transport facilities which also specifically *"provide for the interaction between vehicle access and manoeuvring, loading and parking areas when determining on-site pedestrian and cycling route"*<sup>16</sup>.

---

<sup>9</sup> MRZ-O1, MRZ-P1, MRZ-P2 POSDP

<sup>10</sup> RESZ-O4 POSDP

<sup>11</sup> RESZ-O4 POSDP

<sup>12</sup> CMUZ-O4 POSDP

<sup>13</sup> CMUZ-O5 POSDP

<sup>14</sup> Noting that LFRZ is excluded here but this policy is appropriate to consider in the context of the Site

<sup>15</sup> CMUZ-P4 POSDP

<sup>16</sup> TRAN-P6.4 POSDP



- 23 Variation 2 is to be assessed against these objectives, and it is not clear in the peer review evidence of Council that these matters have been considered.
- 24 Ms Parish and Mr Smith do not support this connection considering that any benefits are significantly outweighed from a health and safety perspective, particularly where there are alternative solutions and they have also proposed to accommodate a connection further down the boundary at the Broadlands Drive link (where these health and safety issues would not occur). These are matters specifically required to be assessed under section 32 RMA.
- 25 The reasons provided by the peer reviewers supporting the additional connection to the east are not compelling and their evidence should not be preferred. Some examples from the hearing are included below:
- (a) Mr Ross expressed that it is difficult to keep the public from forming their own access in the long term if there is a desire line to do so. He considered incorporating a controlled midblock crossing will assist to reduce potential for this to occur. For Variation 2, along the east boundary the ODP includes a 2m high fence and an additional 2.5m high fence 6m from the boundary. This was proposed in consultation with the adjoining land owner, who supports this treatment. It is unclear how pedestrians or cyclists would create a desire line through these two fencelines and through locked private loading bay areas for PAK'nSAVE and the future trade retailer. It is accepted this would be a different situation if only planting was proposed along the east boundary but this is not the case for Variation 2.
  - (b) Mr Lonink considers a road would create more activity, creating a safer environment (referring to CPTED). The transport experts, Mr Methereil and Mr Carr, agree there is no need for an additional road connection through the Site.
  - (c) Mr Carr didn't answer the question put to him by the Commissioner as to whether the additional walking and cycling connectivity he proposed was a material matter but instead said "no argument has been presented from a traffic perspective that it not beneficial". With respect, this is not the test when considering section 32 RMA.
  - (d) Finally, the Reporting Officer stated (orally) that there is "not enough evidence to include it or exclude it". Variation 2 has not proposed to include this connection. This is the proposition the Commissioner has to consider. Therefore, as the Reporting Officer agrees, there is not enough evidence to include the link in Variation 2.
- 26 The implications of including a connection is that a development on the Site will not be able to comply with the ODP and a more stringent activity status

and consenting requirements will apply. This is not an appropriate response given the evidence provided.

*Is there jurisdiction to add a break in north eastern boundary to the ODP?*

- 27 Even if an additional connection (road, cycle or walkway) along the north east boundary of the Site could be justified in evidence, it is not something which has been requested by any submitter, so it is submitted the Commissioner does not have jurisdiction to require it.
- 28 As set out in opening submissions the Commissioner must make recommendations and the Council must give a decision (i.e. accept or reject) on the provisions and matters raised in submissions. This may include matters relating to any consequential alterations necessary to the POSDP *arising from the submissions* and any other matter relevant to the POSDP *arising from the submissions* (clauses 10 and 29, Schedule 1 RMA).
- 29 The test for permissible amendments to the POSDP is whether or not the amendments are within the ambit of what is reasonably and fairly raised in submissions.<sup>17</sup> It is important that this test be approached in a realistic and workable fashion rather than from the perspective of legal nicety.<sup>18</sup> The “workable” approach requires the local authority to take into account the whole relief package detailed in each submission when considering whether the relief sought had been reasonably and fairly raised in the submissions.<sup>19</sup>
- 30 In considering whether a submission reasonably raises any particular relief, the Environment Court has found the below factors relevant:<sup>20</sup>
- (a) The submission must identify what issue is involved and some change sought in the proposed plan;
  - (b) The local authority needs to be able to rely on the submission as sufficiently informative to summarise it accurately and fairly;
  - (c) The submissions should inform other persons what the submitter is seeking but if it does not do so clearly it is not automatically invalid.
- 31 The Officer relies on the submissions of Ms J Hindley and Mr P Beechey to provide scope for the break in the north east boundary, on the basis of submission points relating to the general themes of connectivity and walkability. Beechey's

---

<sup>17</sup> *Countdown Properties (Northlands) Ltd v Dunedin CC* (1994) 1B ELRNZ 150, [1994] NZRMA 145

<sup>18</sup> *Royal Forest and Bird Protection Society Incorporated v Southland District Council* [1997] NZRMA 408 at p413

<sup>19</sup> *Shaw v Selwyn District Council* [2001] 2 NZLR 277 at [31]

<sup>20</sup> *Campbell v Christchurch City Council* [2002] NZRMA 332 at [42]

submission includes the words<sup>21</sup> "Rolleston still has to become a liveable city, a walking city" and Hindley refers to Sensational Selwyn SD-DI-O1 which includes reference to well-connected and accessible development.<sup>22</sup> Even taking into account the whole relief package for each submitter, there is no suggestion that an additional connection on the north eastern boundary could be a possibility on the face of these submissions. Mr Beechey gave an extensive presentation and did not give a hint he was interested in an outcome related to accessibility or connectivity. The summary of submissions does not include any submission points concerning walkability or access. Only one submitter raises the treatment along that boundary. This is the adjoining landowner to the east, who has the greatest interest in that boundary, and who supports the rezoning on the basis that the acoustic and landscape treatments, which were developed in consultation with them, are retained.<sup>23</sup>

- 32 We have reviewed the case law and we are not aware of any case law which could be directly relevant to the Variation 2 circumstances. Most relevant, but not on point, there is a case *Parker v New Plymouth DC*<sup>24</sup> where: a submission was made on a plan change which repositioned an existing road, and that submission sought that the proposal be declined or alternatively that the road not be positioned on the appellant's land. In its appeal, the appellant sought the relief that the road should remain as it was (preserving the status quo). The Court concluded the relief sought was reasonably and fairly within scope of the submission. The relevant connection (i.e. the road) in this case was specifically raised in a submission, which is not the case here.

*Urban design and walkability within the adjoining residential environment*

- 33 Mr Lonink is the only peer reviewer that doesn't have significant alignment with the related expert assessment prepared to support Variation 2. Mr Lonink stated orally that he considered the degree of the change on the Site to be more significant than Mr Compton-Moen ("I think there is more of an effect"), but he didn't go as far to say it was unacceptable (in response to the Commissioner question). He considered the supermarket to be more residential and domestic in nature and frequented more regularly (but was likely not aware of the oral evidence provided by Mr Smith that 89% of his customers have a retail focus – physical people turning up to the store regularly). The Commissioner heard that other trade retail activities have essentially been ruled out through specific proposed rules in Variation 2.

---

<sup>21</sup> Beechey S#14

<sup>22</sup> Hindley S#5

<sup>23</sup> Submitter #22, Gould Developments Limited

<sup>24</sup> *Parker v New Plymouth DC* [2013] NZEnvC 4, [2], [7]-[8], [10], [12]-[13], [16] and [18]

- 34 That Mr Lonink "doesn't see a strong benefit"<sup>25</sup> due to conflicts arising with neighbouring land and the level of mitigation required or doesn't think a trade retailer is "well suited", does not mean effects cannot be managed appropriately through the detailed design and resource consent process as proposed in Variation 2 (including with the recommendations made by Mr Lonink).
- 35 With respect to Mr Lonink's concerns on connectivity, Variation 2 continues to include the proposed road, cycle and walking connection at the southern end of the Site (i.e. Broadlands Drive link) which is essential to DEV-RO12. Variation 2 also explicitly references the cycling and walking connection on this link in the ODP, whereas the POSDP does not.
- 36 As set out in opening submissions, Mr Lonink extensively refers to residential guidelines that sit outside of the POSDP, and applies them to the adjoining land to the east, and the Site (despite the zoning change sought to be commercial in nature). No reference has been made to text supporting DEV-RO12 in Mr Lonink's evidence to understand the connectivity outcomes sought by the adjoining land to the east.
- 37 The Commissioner is familiar with the ODP text of the adjoining land to the east (i.e. the PC71 area). Considerable emphasis was placed on active transport, as well as the positive aspects of the extension of Broadlands Drive. That extension was identified as a primary road linking Lowes Road, Goulds Road, Springston Rolleston Road and Lincoln Rolleston Road and through to the proposed district park. Cycling and walking is proposed within road corridors. Other connections to the east through the Variation 2 Site are identified as *future possible* connections only. It is acknowledged that the internal road layout must be able to respond to the possibility that this area is being progressively developed over time. Of note the ODP in DEV-RO12 includes that:

*Access and transport*

...

A primary road connection is proposed as an extension to Broadlands Drive across DEV-RO1, providing a direct link to the future reserve to the east and schools and other destinations to the west. A primary road connection is also proposed as an extension of Branthwaite Drive extending east to cater for future development links.

An indirect secondary secondary connection is provided between the Branthwaite Drive extension and Levi Road

---

<sup>25</sup> Summary of evidence, John Lonink at [7].

to encourage traffic flow to remain on the Lincoln-Rolleston Road and Levi Road arterial routes.

The primary and secondary roads will provide a structure for the remaining internal and local road layout to provide inter-connectivity, walkable blocks and additional property access. The remaining internal road layout must be able to respond to the possibility that this area may be developed progressively over time. An integrated network of roads must facilitate the internal distribution of traffic, and if necessary, provide additional property access.

Development will be staged to align with the formation of a roundabout at the intersection of Lincoln Rolleston Road and Broadlands Drive, and the extension of Broadlands Drive over DEV-RO1 to this development area. This Broadlands Drive extension will be formed to an urban standard.

...

Future transport links are shown to identify possible future connections between the northern and southern portions and in to adjoining blocks to the east, and from Nobeline Drive.

The transport network for the area shall integrate into the pedestrian and cycle network established in adjoining neighbourhoods and the wider township. Cycling and walking will be contained within the road corridor and incorporated in the design of any roads.

A shared path is proposed between the shared path on Lincoln Rolleston Road and the future reserve and cycling and walking will otherwise be contained within the road corridor and incorporated in the design of any roads. Adequate space, as well as safe crossing points, must be provided to accommodate cyclists and to facilitate safe and convenient pedestrian movements.

Separated shared pedestrian/cycle ways are to be included in

- the primary east-west routes
- the Levi Road frontages upgrade
- the Lincoln Rolleston Road frontage upgrade, including that part of Lincoln Rolleston Road that connects the northern and southern portions of this ODP area; and,
- key north-south routes...

### *Open Space, Recreation and Community facilities*

The cycle and walk ways on the Broadlands Drive extension will be routed through the development area, bringing the wider Rolleston community into the heart of this new neighbourhood and allowing further opportunities for engagement.

The green reserve in the southern part of the site creates a focal point. The green space shall function as a local park for the neighbourhood and a break in the built environment to balance out the more built up environment.

All residents within the development area are able to access open space within a 400m walking radius. To provide easy access and adequate passive surveillance all reserves have minimum of two road frontages.

### **Mr Beechey's presentation**

38 Mr Beechey's genuine concerns are acknowledged as a resident of Rolleston. With respect to matters raised in his presentation:

- (a) We have addressed property values in opening legal submissions at paragraph 50. They have not been considered relevant in the resource management context, essentially being considered as a double counting of effects. The Commissioner also raised this directly with the submitter.
- (b) The RMA does not distinguish between higher value residential (or desirable suburbs) compared with lesser valued residential properties. This is not a relevant matter for your consideration.
- (c) Mr Beechey has confused the purpose of identifying status as a trade competitor. The trade competition provisions are to prevent anti-competitive behaviour. The public notification process does not prevent people making a submission in support of a rezoning— where they may be able to gain employment in the activity. This was also clarified by the Reporting Officer in his reply as a procedural matter.
- (d) Landscaping examples provided at other Mitre 10 sites in Christchurch and Auckland are not relevant to the ODP proposed specifically for this Site. Caution should also be exercised when considering these images. For example, the Papanui M10 image was shown from its back – without the landscaping included within the picture. With respect to scale, Mr Smith advises that the future proposed Rolleston Mitre 10 store will be smaller than the new Sydenham (Brougham Street) store, and slightly smaller than the Hornby store. Pictures presented of the new Sydenham store were taken partially through construction, with landscaping not completed on site.

- (e) References to co-shopping didn't acknowledge any shopping in the town centre for products which you could expect to obtain from a trade retailer such as DIY and garden supplies.
- (f) The jobs that will result were criticised as lower paying (at the same time as a slide was presented saying the district is struggling to retain young people). This statement is not accurate as there will also be higher paying roles available. Mr Foy confirmed orally that the nature of the jobs are only distinguished to a small degree, and that of greater importance is the broader trajectory of significant growth for Rolleston. He said that the District needs to be more self-sufficient (and increase the breadth and depth of its offering).
- (g) With respect to local effects, the submitter was concerned with truck movements and children's safety (for example when scootering) around the Site. There is no established footpath along the length of the Site currently – but it is intended there will be once the PAK'nSAVE and trade retailer are established. Mr Carr also commented orally that he doesn't consider this concern to be a fundamental issue for the future development – although he expects to see detail on this in the transportation assessment that will be required to accompany a future resource consent application. He said things will change when the signals are complete and open on Levi Road, and ultimately as an Arterial Road, Lincoln Rolleston Road carries higher portions of traffic and volumes and through traffic. He confirmed that Lincoln Rolleston Road did not have any issues with sight lines or an increased risk of crashes.

### **Proposed Emergency Services Campus**

- 39 Mr Lawn has confirmed they are in the early stages of their proposal but have an indicative site plan, engagement with services, and initial technical work underway. The planners both agree the activity does not form part of the existing environment.
- 40 With respect to the Broadlands Drive link provisions, these exist in the POSDP and aren't sought to be changed by Variation 2 as we set out in opening submissions. The recent POSDP process has included the links over the DEV-RO1, DEV-RO2, and DEV-RO12 sites. The concept plan provided did not marry up with the link in DEV-RO2. Discretionary activity subdivision consent is likely required to develop the proposed concept plan. Mr Lawn could provide no further assistance as to why it was necessary to depart from the ODP alignment for SDC land (which is consistent with the existing formed road extending east from Springston Rolleston Road).
- 41 With respect to the Reporting Officer seeking flexibility in the ODP for access, the evidence for Foodstuffs (Mr Allan) was that these links are treated as indicative in subsequent resource consent processes. Mr Methereil responded orally that "each

access should be treated as indicative at this point and not fixed". It is not reasonable in the circumstances to include just one access as indicative (as suggested by Mr Carr), given:

- (a) the site is comprehensively laid out on the ODP;
- (b) it is not proposed to change the location of the Broadlands Drive link which is already provided for in the POSDP;
- (c) the proposal by Mr Lawn does not form part of the existing environment, or reflect the existing operative ODP (i.e. DEV-RO2).

42 That said, if the Commissioner considers this necessary Foodstuffs doesn't oppose **all links** for accesses relevant to the future trade retailer being explicitly stated as indicative. This is how the experts assessing Variation 2 for Foodstuffs have assessed them.

#### **Food and Beverage aggregate**

43 Mr Foy stated that he considered an aggregate of 500m<sup>2</sup> for the Food and Beverage activity on the Site was acceptable (i.e. 250m<sup>2</sup> each for two food and beverage activities).

44 With respect to Rule LFRZ-R4 (Food and Beverage Activities), Foodstuffs accepted the changes proposed by the Reporting Officer to this rule. I'm advised that the intention of Foodstuffs for Variation 2 was to cover the ancillary café for the proposed future Mitre 10 only. That is, that one food and beverage activity with a maximum GFA of 250m<sup>2</sup> and ancillary to a trade retail and trade supply activity in PREC13 is permitted.

45 To clarify this, LFRZ-R4 is offered to be amended as follows (previous tracked changes accepted from the version attached to the JWS Planning Statement; deletions ~~struckout~~ and new text underlined)

Activity Status: PER

4. Any food and beverage activity,

Where:

- a. it is ancillary to a trade retail and trade supplier activity;
- b. it has a total GFA that does not exceed 250m<sup>2</sup>; and
- c. there ~~are~~ is no more than ~~two~~ one food and beverage activity ~~activities~~ within the precinct.



## Conclusion

- 46 On the basis of the evidence before you, the Commissioner can confidently recommend approval of Variation 2, with the provisions which have been carefully considered and proposed by Mr Allan (and which are attached to the JWS Planning Statement [here](#)), with the further clarification of LFRZ-R4 as set out above.

Dated this 17 April 2025

A handwritten signature in black ink, appearing to read 'A Booker', written in a cursive style.

---

Alex Booker / Sarah Schulte  
Counsel for the Applicant