

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

Summary Statement of Tony Douglas Milne

24 March 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.**

Introduction

- 1 My name is Tony Douglas Milne.
- 2 My qualifications and experience are set out in in my primary evidence.
- 3 I have prepared a statement of evidence dated 7 March 2025 in support of Foodstuffs (South Island) Properties Limited (**Foodstuffs**) request to rezone 157 Levi Road, Rolleston (the **Site**) from Medium Density Residential Zone (**MRZ**) to Large Format Retail Zone (**LFRZ**), and insert a new Outline Development Plan (**ODP**) replacing DEV-RO1 – Variation 2 to the Partially Operative Selwyn District Plan (**PDP-V2**).
- 4 I provide a brief summary of my evidence below.
- 5 I confirm that I have read the Code of Conduct for expert witnesses contained in the Environment Court of New Zealand Practice Note 2023 and that I have complied with it when preparing my evidence.

Methodology

- 6 I have earlier prepared a LVA for the PPCR which was included in the Application¹. The LVA was prepared to assess the potential landscape and visual effects of the proposed rezoning of 157 Levi Road, Rolleston from Medium Density Residential Zone (MRZ) to Large Format Retail Zone (LFRZ).
- 7 Both the LVA and my statement of evidence were prepared in accordance with, and informed by, Te Tangi a te Manu: Aotearoa New Zealand Landscape Assessment Guidelines (**TTatM**), and the relevant statutory documents and provisions of the Resource Management Act (**RMA**) and the PODP.

Existing Site and Receiving Environment

- 8 The Site is flat and has been historically modified, with shelterbelt planting along boundaries previously providing some level of enclosure. The Site lacks distinctive landscape features and is experiencing significant transition, including the removal of the shelterbelt enclosing the Site, as Rolleston undergoes urban expansion and as can be seen with the current construction of the PnS Rolleston supermarket.
- 9 Regarding the existing consented environment, the development enabled (and under construction) by RC216016, will result in a large footprint supermarket building, car parking and associated landscape treatment that is 'commercial' in character. This is a different landscape character to the mixed residential character

¹ Appendix J1 to the Original Application for a plan change found [here](#).

anticipated for the Site under the PODP. When assessing the effects of the proposed rezoning, the resulting character of RC216016 provides the consented baseline for part of the Site and its surrounds.

- 10 The immediate receiving environment currently has a mix of rural and residential elements, including residential properties along both Levis and Lincoln-Rolleston Road. The receiving and anticipated environment will see change from a rural to more urban landscape, driven by zoning shifts and the consented PnS Rolleston development (RC216016). The character of the surrounding environment is shifting from rural to urban, reflecting Rolleston's growth as a major satellite town.

Foreseeable Landscape Values of the Site and Receiving Environment

- 11 The existing landscape values associated with the Site and its surrounds are set to change. This is because of the existing consented environment i.e., the development enabled and under construction by RC216016, along with the mixed residential character anticipated for the balance of the Site and surrounding areas under MRZ zoning in the PODP.
- 12 As the balance of the Site has an underlying MRZ, it is anticipated that the Site's (beyond the area being developed under RC216016) remaining shelterbelt planting would eventually be removed, and the existing pasture developed into housing, including a range of detached, semi attached and attached built form in accordance with the Site's MRZ.

Key Landscape Character and Amenity Matters for the Rezoning

- 13 In my opinion the key matters of consideration for the rezoning are:
 - (a) The key landscape issue of the proposed rezoning relates to potential effects on the amenity of the surrounding environment. This is because a change in land use, that will be achieved through the commercial (LFRZ) rezoning, will result in commercial activity, that is already consented for part of the Site, on the balance of the Site;
 - (b) Consideration has been given to the landscape character of the existing environment, including the consented (RC216016) and under construction environment, the proposed zoning rules, the effect on surrounding public roads and the impact on nearby dwellings;
 - (c) Currently there are no other MDRZ and LFRZ interfaces in the Partially Operative District Plan (**PODP**), so the existing LFRZ provisions do not provide management of these effects. In order to demonstrate this, an ODP has been prepared providing certainty as to the location and scale of built form activity and landscape outcomes on the Site. This goes hand in hand

with the proposed zoning rules that were included with the Plan Change documentation;

- (d) The proposed provisions and the ODP to be associated with the LFRZ are appropriate to ensure RC216016 will be given effect to in its current form and that effects are managed at the MDRZ/LFRZ interfaces. RC216016 currently provides certainty and confidence of an appropriate interface and integration with PC71 (east of the Site), the balance land of the Site, and surrounding residential land, and from a landscape and visual amenity perspective it is important these outcomes are realised with the proposed rezoning;
 - (e) Given that the MDRZ does not reflect the existing environment of that portion of the Site subject to RC216016, and that no residential activities can occur on this part of the Site, the proposed rezoning of the Site is considered to be a coherent request which serves to better consolidate urban form in an area with significant residential growth; and
 - (f) In relation to visual effects, consideration has been given to public and private views. From both public and private viewpoints, the roadside and internal boundary landscape treatment (*Refer ODP Sheet 6 of the GA*) is considered appropriate to mitigate adverse visual effects, as this will provide a continuation of the consented baseline commercial character while softening, filtering, and buffering views of development.
- 14 While a LFRZ presents a major change from MRZ, future development in accordance with the proposed ODP and proposed zoning rules, provides a high level of certainty when compared to MRZ. It is acknowledged that the greatest change will be a change in bulk and location and style of buildings on the south-eastern corner of the Site. Future built form will be potentially larger, taller, and commercial in character compared to the permitted outcome under MRZ. This change in character will also represent a continuation of the commercial character enabled by RC226061 and at the same time achieving appropriate landscape outcomes.
- 15 Further to that, regarding built form and landscape outcomes on the Site, comfort can also be taken from the specific zone provisions that would make any new building/structure or any addition or modification to a building/structure on the Site a Restricted Discretionary Activity (RDIS) and subject to CMUZ- MAT3 - Urban Design. Any Resource Consent application under this rule will need to address landscaping, in terms of mitigation of adverse visual amenity effects of the development on adjoining residential zoned sites, to satisfy the matters of discretion, irrespective of compliance with any other landscape rule. Therefore, in

my opinion the ensuing Resource Consent process provides an appropriate mechanism for the landscape outcomes for the Site to be assessed.

Council Officer Report

- 16 The Officer Report supports the PPCR, albeit with modifications as set out at Section 9 and included in Appendix One to the Officer Report. A range of reasons are given for their recommendation, some of which relate to my area of expertise. In regard to landscape and visual amenity matters the Officer Report relies on and accepts² the evidence statement of Mr Ross.
- 17 Mr Ross's evidence statement records his agreement with the conclusions that I reached in regard to landscape and visual amenity outcomes of the PPCR, as set out in my LVA report. However, Mr Ross sets out eight recommendations that he considers are required to ensure that Variation 2 and the future commercial activities enabled by the rezoning are appropriately integrated into the surrounding environment and to ensure that any related adverse visual and amenity effects can be effectively managed.
- 18 I have reviewed the recommendations of Mr Ross, and while it is my opinion a number of these contain more detail than is required for a rezoning and are typical of conditions of consent, I understand the client generally accepts the majority of these, with the exception of *the one tree per three car park space and the mid Site connection recommendations*, should the Commissioner want to impose them. It is worth remembering that in regard to landscape outcomes the PPCR provisions already include appropriate matters of discretion as part of the consenting pathway to establish the LFRZ on the Site.
- 19 In my opinion my evidence demonstrates, from a practical and future consent process perspective, there is no need for the suggested additional provisions including those mentioned in [18] above and the following:
- *The 5m landscape strip along the Lincoln Rolleston Road boundary, including specimen trees at a minimum 5m spacing needs to be established, which shall include a return along the northern edge of the future proposed Primary Road connection off Broadlands Drive.*
 - *Require that a landscape management plan is submitted for SDC's approval at the time any future resource consents are sought, which covers security, maintenance, and pest and weed control within the proposed northeastern 10-metre-wide biodiversity strip.*

² Section 42A Officer Report – Page 18

- *Additional denser planting comprising shrubs and trees to at least 3m in height is required along the Lincoln Rolleston Road boundary adjacent to the outdoor storage areas that will need to be return along the north side of the potential future eastern road connection.*

Conclusion

20 For the reasons I have set out, I consider that the requested rezoning can be supported from a landscape character and visual amenity perspective.

Tony Douglas Milne