

BEFORE THE SELWYN DISTRICT COUNCIL

IN THE MATTER OF the Resource Management Act 1991

AND

IN THE MATTER OF a request by Foodstuffs (South Island) Properties Limited to change the Partially Operative Selwyn District Plan by rezoning approximately 7 hectares of land at 157 Levi Road, Rolleston from Medium Density Residential Zone to Large Format Retail Zone (Variation 2)

RECOMMENDATION OF COMMISSIONER DAVID CALDWELL

Dated 15 July 2025

Hearing Held: 24 and 25 March 2025

Appearances:

Council:

Mr Craig Friedel – Consultant Planner, s42A reporting officer

Mr Derek Foy – Economics

Mr Hugh Blake-Manson – Infrastructure

Dr Jeremy Trevathan –Acoustics

Mr Gabriel Wilson Ross – Landscape and visual effects

Mr Andy Carr – Transportation

Mr John Lonink – Urban design

Proponent:

Ms Alex Booker and Ms Sarah Schulte, Legal Counsel

Ms Rebecca Parish, company representative (Foodstuffs)

Mr Murray Smith, company representative (Mitre10)

Mr Bernard Johnston –Architecture

Mr David Compton-Moen – Urban design and landscape

Mr Tony Milne – Landscape architecture

Mr Andrew Metherell – Transport

Mr Rob Hay – Acoustic engineering

Mr Fraser Colegrave – Economics

Mr Ruben Thielmann – Servicing

Mr Mark Allan – Planning

Submitters

Mr Al Lawn, Selwyn District Council

Mr P Beechey

ABBREVIATIONS TABLE

CARP	Canterbury Air Regional Plan
CLWRP	Canterbury Land and Water Regional Plan
CPTED	Crime Prevention Through Environmental Design
CRPS	Canterbury Regional Policy Statement
IMP	Mahaanui Iwi Management Plan 2013
LFRZ	Large Format Retail Zone
MRZ	Medium Density Residential Zone
NPS-UD	National Policy Statement on Urban Development
ODP	Outline Development Plan
POSDP	Partially Operative Selwyn District Plan
PPCR	Private Plan Change Request (Variation 2)
RMA	Resource Management Act 1991

INDEX

Introduction	4
Variation 2	5
Site Visit	5
Site and Surrounding Environment.....	5
Planning Context.....	7
Statutory Framework	7
Preliminary Matter	9
<i>Conclusion</i>	<i>10</i>
Background Evidence – Intentions for the Site	11
Assessment of Actual and Potential Effects, Matters Raised in Submissions, Matters Necessary to be Considered.....	12
Urban Form, Character, Amenity and Visual Effects.....	13
<i>Evidence</i>	<i>13</i>
<i>Landscape and Visual Effects</i>	<i>15</i>
<i>Section 42A Reporting Officer</i>	<i>21</i>
<i>Submitter Evidence</i>	<i>23</i>
<i>Assessment</i>	<i>24</i>
<i>Additional Landscaping Around the Outdoor Storage and Landscape Supply Yards.....</i>	<i>26</i>
<i>Assessment</i>	<i>26</i>
<i>Glazing and Modulation</i>	<i>27</i>
<i>Urban Form / Urban Design.....</i>	<i>28</i>
<i>Legal Submissions in Reply</i>	<i>34</i>
<i>Issue - Connectivity to the Northeastern Boundary.....</i>	<i>36</i>
<i>Assessment of Remaining Urban Design Matters.....</i>	<i>37</i>
<i>Assessment</i>	<i>38</i>
<i>Urban Form.....</i>	<i>39</i>
Economics	40
<i>Submitter Comments</i>	<i>44</i>
<i>Assessment</i>	<i>45</i>
<i>Impact on Property Values</i>	<i>46</i>
Infrastructure Servicing.....	46
Noise and Vibration.....	48
Transportation Network.....	49
<i>Assessment</i>	<i>51</i>
<i>Assessment of Selwyn District Council's Submission</i>	<i>52</i>
Land Suitability, Geotechnical Risk and Natural Hazards	53
<i>Flood Risk</i>	<i>54</i>
<i>Geotechnical Risk.....</i>	<i>54</i>
<i>Contaminated Soils.....</i>	<i>54</i>
Versatile Soils.....	55
Statutory Analysis.....	55
<i>Functions of Territorial Authorities.....</i>	<i>55</i>
<i>National Policy Statement on Urban Development</i>	<i>56</i>
<i>Canterbury Regional Policy Statement.....</i>	<i>57</i>
<i>Canterbury Land and Water Regional Plan and Canterbury Air Regional Plan.....</i>	<i>58</i>
<i>Mahaanui Iwi Management Plan 2013</i>	<i>58</i>
<i>Relevant Non-statutory Plans and Strategies Prepared Under Other Acts.....</i>	<i>59</i>
<i>Consideration of Alternatives, Costs and Benefits – Section 32</i>	<i>59</i>
<i>Areas of Disagreement.....</i>	<i>62</i>
<i>Assessment</i>	<i>63</i>
<i>Benefits and Costs.....</i>	<i>64</i>
<i>Assessment</i>	<i>65</i>
<i>Risks of Acting or Not Acting</i>	<i>65</i>
<i>Section 32AA</i>	<i>65</i>
<i>Section 31</i>	<i>67</i>
<i>Part 2</i>	<i>67</i>
Overall Conclusion.....	67
Recommendation	68

Introduction

1. I have been appointed to hear submissions and make a recommendation to Selwyn District Council on the request by Foodstuffs (South Island) Properties Limited (the **Proponent**) to rezone the site at the corner of Levi and Lincoln Rolleston Road, Rolleston. The request is to rezone the land from MRZ to LFRZ in the POSDP. It is known as Variation 2 (the **Proposal** or **PPCR**).
2. I held a hearing at Te Ara Ātea, 59 Tennyson Street, Rolleston on 24 and 25 March 2025.
3. Following the hearing, I issued a Minute advising that I wished to undertake a site visit and directing a date for the Proponent's reply.¹ The reply was received in accordance with my directions. I issued a further Minute recording the site visit and sought further information in relation to a clear summary of the rules in so far as they relate to the identified outdoor areas. I advised that my preference was for that to be provided by way of a joint planning statement or alternatively brief memorandum.² I received that by way of a planning Joint Witness Statement on 16 May 2025.³
4. I issued a further Minute confirming that I had received the Joint Witness Statement addressing the rules applicable to the setback areas. That Minute further advised that I had commenced my deliberations and that I did not propose to formally close the hearing at that stage, simply as a matter of prudence in case there were matters that arise through my deliberations that I may seek clarification on.⁴
5. I issued a further Minute seeking a word copy of the final proposed plan provisions, marked up with changes both accepted and not accepted. I directed those documents be provided by 10.00am Monday 23 June 2025. I received those on 25 June 2025.
6. I issued a further Minute on 9 July 2025 seeking clarification in relation to LFRZ-P4. The issue I wanted to understand was why the word "adjacent" was used in that proposed policy rather than "adjoining", noting that "adjoining" is defined in the POSDP. I received a response by way of a Joint Witness Statement – Planning dated 9 July 2025. I deal with this later in this Recommendation.
7. I record that I have read and considered all of the documents provided. These include the Proposal, s92 requests and responses, all of the submissions, the officer reports, and all of the evidence. All of that information is publicly available on the Selwyn District Council's website at:

<https://www.selwyn.govt.nz/property-And-building/planning/strategies-and-plans/selwyn-district-plan/selwyn-district-plan-review/variation-to-proposed-selwyn-district-plan/variation-2-levi-road>

¹ Minute No 3 dated 27 March 2025.

² Minute No 4 dated 9 May 2025.

³ Joint Witness Statement – Planning 16 May 2025.

⁴ Minute No 5 dated 26 May 2025.

8. I do not propose to lengthen this recommendation by reciting all of the evidence. I refer to the relevant evidence, submissions and other documents when addressing particular issues and statutory provisions, and the relevant submissions. I have however traversed the landscape and urban design evidence at some length. That evidence addresses key issues. Again, I confirm that I have carefully considered all of the relevant documents, evidence and submissions.

Variation 2

9. The PPCR is a proposed private plan change in accordance with clause 21 of Schedule 1 of the RMA. The PPCR in essence seeks a change to the MRZ zoning to LFRZ. That zoning has been operative since 28 August 2023. It is noted that the Proponent made a submission on Variation 1 (the Council's intensification planning instrument) but the proposed rezoning was determined to be out of scope by the District Plan Independent Hearing Panel.
10. Ultimately the Council accepted the Proposal for consideration and proceeded with public notification under clause 25(2)(b) of the above Schedule 1. I note the reporting officer does not consider that the reference to the request as a plan change request or a variation has any consequence from a procedural prospective. I address that issue in the following paragraphs.
11. The request was publicly notified on 25 September 2024 with the submission period closing on 23 October 2024. A summary of submissions was then produced and publicly notified on 4 December 2024 with the further submission period closing on 18 December 2024.⁵
12. 23 submissions were received. Those are summarised in Table 1 of the Officer's Report. This includes one late submission by Goulds Development Limited. I accepted that submission and it was included in the summary published.
13. In terms of further submissions, one was received from Canterbury Regional Council supporting in part and opposing in part the relief sought by Te Ngāi Tūāhuriri Rūnanga and Te Taumutu Rūnanga.

Site Visit

14. While I am familiar with the site, I undertook a site visit and was escorted, on the site, by project managers from Foodstuffs and Naylor Love. That site visit was summarised in my Minute 4.

Site and Surrounding Environment

15. The site and surrounding environment is described in Section 3 of Variation 2.⁶ It was also summarised in the landscape and visual evidence provided by Mr Ross on behalf of the Council and by Messrs Compton-Moen and Milne, on behalf of the Proponent, in their urban design and landscape evidence respectively.

⁵ Officer's Report dated 28 February 2025 at [4.6].

⁶ Variation 2 Section 3 The Site and Surrounding Environment (pages 5 and 6).

16. Mr Milne, in his Landscape Assessment Report, described the site noting it being of 7.24 ha. He noted it was a triangular shaped property with the consented PAK'nSAVE development occupying the widest part adjacent to Levi and Lincoln Rolleston Roads. He identified that despite its residential zoning the site currently had working rural character with what he described as a low degree of rural amenity (from beyond the site boundary).⁷ Mr Milne went on to describe the development enabled by RC216016 in some detail. He described the landscape values of the receiving environment noting that the land cover had been extensively modified by low density residential development, rural lifestyle properties and rural agricultural activities and, in his view, the site and its receiving environment have been modified to a point in which they have a low degree of physical value. He identified and assessed the existing landscape values of the site, together with the foreseeable landscape values of the site.⁸
17. Mr Compton-Moen's Urban Design and Visual Impact Assessment provided with the plan change request addressed the existing character, described the vegetation types, the flat open geometric fields backdropped by the southern alps to the northwest and the Port Hills to the southeast, with expansive views often possible intermittently but not into the site. He considered it to be a modified site with rural character as opposed to natural character. He identified that there are a number of existing developments near the site with typical suburban bulk and location characterised by single storey standalone dwellings. He noted there were further dwellings within the block defined by Levi, Weedons, Lincoln Rolleston and Selwyn Roads – being typically large and scattered throughout larger fields.
18. He identified that the closest commercial retail area to the site is approximately 400m to the northwest, being The Warehouse, smaller retail shops and a surfaced carpark. Overall he described the receiving environment as having a rural, semi-open character on the immediate fringe of suburban development. He considered it important to note that although the existing environment reflects a rural/rural-residential character, this differs from the anticipated future form which he addressed. I will return to that in my discussion of landscape and urban design related matters.
19. The land is bordered by Levi Road to the north and Lincoln Rolleston Road to the west, both of which are arterial roads. Levi Road provides a primary connection between Rolleston and the Christchurch southern motorway and Lincoln Rolleston Road provides an alternative route.
20. The description refers to the consented PAK'nSAVE development. That sits in the northern part of the site. Consent for the supermarket, carparking, signage and landscaping was granted under RC216016. I was the hearings commissioner delegated to make the decision on that consent. As outlined in Section 3.2 of the Proposal, the supermarket has a building footprint of approximately 7,232 m² with a gross floor area of approximately 8,108 m² at a maximum height of approximately 12.5 m above existing ground level. It includes 5 access points.

⁷ Landscape Assessment Report dated 14 February 2024 at [4.2].

⁸ Landscape Assessment Report dated 14 February 2024 at [4.4] and [4.5].

21. From my site visit it is readily apparent that construction of the buildings, carparks, open space area in the northwest corner of the site, entranceways including an arbour pedestrian connection, and landscaping are well underway and, I understand, near to opening.
22. The site narrows markedly from the Levi Road frontage and the area of the site containing the PAK'nSAVE down to a narrow point at the southeast corner. The area of the site not occupied by the PAK'nSAVE development retains a modified rural character and is zoned MRZ under the POSDP.
23. In terms of the surrounding environment, as described in 3.3 of the Proposal, it is characterised by a mix of low density residential housing, typically single storey residential topologies, semi rural lifestyle blocks, and rural land uses, including for equine purposes and, from my observations, some limited grazing. The land immediately to the east is zoned MRZ and beyond that remains General Rural Zone. Figure 5 of the Proposal shows the surrounding areas, it also identifies the Town Centre Zone and illustrates its location relative to the site.

Planning Context

24. Mr Friedel, in his officer report, adopted the Proponent's description of the site and the surrounding environs. He advised that the site subject to Variation 2 was originally rezoned from Rural (Inner Plains) Zone to Living Z Deferred through SDC's promulgated Plan Change 7. This actively zoned multiple residential 'greenfield priority areas' in Rolleston and Lincoln. He advised that deferral was subsequently uplifted. He advised that Rolleston Area 4 ODP was then amended through the private plan change 71 process to establish connections with the land to the northeast and that the Variation 2 site was subsequently rezoned to MRZ (DEV-RO1 – Rolleston 1 Development Area) via the Variation 1 process with those provisions having immediate legal effect. He noted that the site was identified in the Rolleston Structure Plan for Medium Density Residential development at densities of 15 households per hectare and as Greenfield Priority Area – Residential in Our Space.

Statutory Framework

25. The mandatory requirements and statutory tests when preparing a change to a district plan have been addressed in a number of Environment Court cases. These include *Colonial Vineyards*.⁹
26. In summary the general requirements are:
 - (a) The district plan (change) should accord with and assist the local authority to carry out its functions under s31 and to achieve the purpose of the RMA.¹⁰ Those functions include:
 - (i) Achieving the integrated management of effects of the use, development or protection of land and associated natural and physical resources;

⁹ *Colonial Vineyards Limited v Marlborough District Council* [2014] NZEnvC 55.

¹⁰ s74(1)(a) and (b) of the RMA.

- (ii) Ensuring that there is sufficient development capacity in respect of housing and business land to meet the expected demands of the district; and
 - (iii) Controlling any actual or potential effects of the use, development or protection of land, including for the purposes of avoidance or mitigation of natural hazards;
 - (b) When preparing the district plan (change) the territorial authority must give effect to any National Policy Statement, a National Planning Standard, the New Zealand Coastal Policy Statement and the operative Regional Policy Statement;¹¹
 - (c) When preparing its district plan (change) the territorial authority shall:
 - (i) Have regard to any proposed Regional Policy Statement;¹²
 - (ii) Give effect to any operative Regional Policy Statement;¹³
 - (d) The district plan (change) must not be inconsistent with an operative Regional Plan for any matter specified in s30(1) or a Water Conservation Order,¹⁴ and must have regard to any proposed Regional Plan on any matter of regional significance;¹⁵
 - (e) The territorial authority must also have regard to any relevant management plans and strategies under other Acts, and must take into account any relevant planning document recognised by an iwi authority and lodged with a territorial authority, to the extent that its contents has a bearing on the resource management issues of the district;¹⁶
 - (f) The policies are to implement the objectives, and the rules are to implement the policies;¹⁷
 - (g) The plan change shall have regard to the actual or potential effects on the environment of activities including, in particular, any adverse effects.¹⁸
27. There is no dispute as to the statutory framework. Another recent Environment Court example is *Te Taiwhenua o Heretaunga v Hawke's Bay Regional Council*.¹⁹
28. Section 32 requires that:
- (a) Each proposed policy or method (including each rule) is to be examined, having regard to its efficiency and effectiveness, as to whether it is the most appropriate method for achieving the objectives of the district plan taking into account the benefits and costs of the

¹¹ s75(3)(a), (ba) and (c) of the RMA.

¹² s74(2)(a)(i) of the RMA.

¹³ s75(3)(c) of the RMA.

¹⁴ s75(4) of the RMA.

¹⁵ s74(2)(a)(ii) of the RMA.

¹⁶ s74(2)(b)(i) and s74(2A) of the RMA.

¹⁷ s75(1)(b) and (c) of the RMA.

¹⁸ s76(3) of the RMA.

¹⁹ *Te Taiwhenua o Heretaunga v Hawke's Bay Regional Council* [2025] NZEnvC 138.

proposed policies and methods, and the risk of acting or not acting if there is uncertain or insufficient information;

- (b) The objectives of the Proposal (the stated purpose of the Proposal) are the most appropriate way to achieve the purpose of the RMA;²⁰
- (c) The provisions of Variation 2 are the most appropriate way to achieve the objectives of the POSDP and the purpose of the Proposal.²¹

29. Section 32AA provides that a further evaluation is required only if any changes have been made to, or are proposed for, the Proposal after the s32 evaluation report was completed. That further evaluation must be undertaken in accordance with s32.

Preliminary Matter

30. A preliminary matter relates to the status of the District Plan. The Minutes of the Planning and Climate Change Committee – 15 May 2024, record the resolution put (and approved) as follows:

The Planning and Climate Change Committee resolves to:

- (a) *Accept the private plan change request from Foodstuffs (South Island) Properties Limited to rezone the property at 157 Levi Road, Rolleston from Medium Density Residential Zone to Large Format Retail Zone pursuant to clause 25(2)(b) of Schedule 1 of the Resource Management Act 1991, for the reasons set out in this report;*
- (b) *Notify the private plan change request in accordance with clause 26 of Schedule 1 of the Resource Management Act 1991, once any further information requested has been received to the satisfaction of the Policy Team Leader; and*
- (c) *Delegate to the Policy Team Leader any steps necessary to give effect to recommendation (a) and (b) above.*

31. The Agenda for that meeting, dated 16 April 2024, identified that under clause 21 of the First Schedule of the RMA, any person may request a change (a private plan change request) to a district plan. The only limitation to the ability to request a plan change is that a change can only be requested to *operative* provisions of the district plan; private plan change requests cannot be made in respect of proposed plan provisions.

32. The POSDP here is not yet fully operative. Ms Booker identified this matter in her legal submissions posing the question (by way of heading) “*Why is the Commissioner considering a private plan change when the POSDP is still under appeal?*”. Ms Booker submitted that a private plan change request can be made to a proposed plan, although the Environment Court has held that if approved it cannot take effect until the plan is operative.²² She submitted that the RMA enables any person to request a change to a district plan (private plan change request) as set out

²⁰ s32(1)(a).

²¹ s32(1)(b).

²² Legal submissions on behalf of Foodstuffs (South Island) Properties Limited 24 March 2025 at [29].

in the manner in Schedule 1 (as I have identified above). Her submissions record that the term 'district plan' is defined to mean an operative plan and includes all operative changes to a plan whether arising from a review or otherwise (s43AA RMA).²³

33. Ms Booker advised that Variation 2 was lodged as a private plan change request pursuant to Schedule 1, Clause 21 RMA, and it was her understanding that the Council chose to refer to the request as a variation to signify the plan change request has been processed at a time when the POSDP is not yet fully operative. She advised that at the time of lodging Variation 2 there were no appeals lodged on the POSDP in respect of the site or in respect of the relevant LFRZ provisions and noted that the rules in a district plan become operative if no appeals have been lodged (s86F RMA).²⁴ She also advised that the area subject to Plan Change 71 (DEV-RO12), was appealed to the Environment Court and those provisions were under appeal through the processing and submissions period of Variation 2 but had been operative since 17 December 2024.²⁵
34. Ms Booker referred to two cases, being *Prospectus Nominees v Queenstown Lakes District Council* [1996] NZRMA 522, and *Friends of Nelson Haven and Tasman Bay Inc v Nelson City Council* (W008/03). Both of those cases address the issue of acceptance of a private plan change.
35. *Prospectus Nominees v Queenstown Lakes District Council* concerned declarations on this issue. The Court held that provision for a privately requested plan change to a district plan relates to operative district plans not proposed plans but recorded that a council can only reject a request for a private plan change pursuant to the matters listed in the First Schedule, Clause 25(4). The Court found that the status of a district plan is not a ground for refusing to accept a private plan change and found that the council was correct to proceed to notify the change but recorded that such change could not change the plan until it becomes operative.
36. The council in that case had delayed the hearing of the submissions for two years pending the review becoming operative. The Court noted that the grounds on which a territorial authority can reject a request for a plan change is specifically limited by Clause 25 and they do not include the status of the district plan to be changed.
37. The Court noted that even though the district plan could not be changed until it became operative, the notification of the requested change at that stage was consistent with the scheme of the RMA and that the council acted correctly in giving public notice.

Conclusion

38. I have spent time addressing this issue, not because it is a matter in contention but rather it was a matter properly identified by counsel for the Proponent. Having considered the issue, and noting

²³ Legal submissions on behalf of Foodstuffs (South Island) Properties Limited 24 March 2025 at [30].

²⁴ Legal submissions on behalf of Foodstuffs (South Island) Properties Limited 24 March 2025 at [32].

²⁵ Legal submissions on behalf of Foodstuffs (South Island) Properties Limited 24 March 2025 at [33].

that I am tasked with making a recommendation to Council, as opposed to a decision, it is my view that the fact that the proposed plan is not yet fully operative does not inhibit me from doing so.

39. Overall, given the proposed plan has been accepted (rather than rejected or adopted), and having considered the case law, and noting that the site and surrounding areas are not subject to appeal, I do not consider there are any impediments to my making this recommendation to Council.

Background Evidence – Intentions for the Site

40. Ms Rebecca Parish, the Head of Property Strategy for Foodstuffs (South Island) Properties Limited, provided evidence addressing the implementation of the resource consent granted for the PAK'nSAVE Rolleston and their operations, and the proposed use for the balance of the site which would be enabled through Variation 2 if approved.²⁶ She advised that the design, layout and location requirements for PAK'nSAVE Rolleston was carefully considered with considerable thought given to the surrounding residential neighbours, who are their customers.
41. She identified that supermarkets also need to be designed to be operationally efficient and address health and safety considerations such as ensuring servicing and loading areas are sufficiently separate from customers and other pedestrians. She advised that the public interface with PAK'nSAVE Rolleston operational areas was given careful consideration and was deliberately separated from the northeastern future residential boundary with a biodiversity strip and acoustic fencing which was designed in consultation with the adjoining developer landowner (a conditional submitter in support).
42. In terms of the balance of the site, she advised that the under construction PAK'nSAVE Rolleston would occupy approximately 4ha in the northern portion and the balance of 3ha would not be occupied by the supermarket and associated infrastructure. She advised that specific consideration was not given to the use of the balance of the site until recently when the company negotiated to subdivide and sell the balance of the land to the Smith Family for a Mitre10. She summarised the benefits that the Proponent sees from that in terms of complementary shopping opportunities and similar. She considered that the present zoning of the site is not compatible with the commercial nature and character of the PAK'nSAVE to the north and the establishment of a compatible trade retail/trade supply store on the balance of the site.
43. Mr Murray Smith provided evidence. He is a director and shareholder of Smiths Hardware Limited (Smith's Mitre10) which owns and operates Mitre10 stores on the west side of Christchurch including Mitre10 stores in Hornby, Papanui and Beckenham (which is now closed and replaced by the Brougham Street store). He described the company as being a locally and family owned business supplying hardware to the west side of Christchurch since 1964 and described the

²⁶ Statement of Evidence of Rebecca Jane Parish 7 March 2025.

company's evolution and ethos. His evidence was that it was important that the company own the buildings and land on which the stores operate. That was a large part of their longevity.

44. In terms of the Rolleston proposal, he summarised the company's aims as being to establish a Mitre10 that can work with the under construction PAK'nSAVE Rolleston to service the wider Selwyn district and avoid unnecessary travel to Christchurch. For that to work, it needed to be designed to reflect the requirements of a Mitre10 (being a large domestic retail offering) while also fitting seamlessly into the community.
45. He identified a number of benefits including the provision of approximately 65 fulltime equivalent staff and noted that the General Manager anticipated to be appointed had been a Rolleston resident for 15 plus years. He noted the growth in Rolleston and considered the Mitre10 locating next to PAK'nSAVE was logical. He noted that co-location had been very successful in the past citing stores in Henderson, Te Awamutu and Queenstown.
46. He advised that they were seeking to apply similar amenity controls that the PAK'nSAVE Rolleston has between their supermarket activity and the adjacent future residences. He provided examples of setbacks and a large biodiversity landscaping strip. He addressed operational and functional requirements and advised that it did not "meet our site requirements" to locate the Mitre10 within the existing LFRZ or industrial part of Rolleston, including due to its customer base. He discussed a commitment to work with Foodstuffs to ensure integration with their development and the surrounding area.

Assessment of Actual and Potential Effects, Matters Raised in Submissions, Matters Necessary to be Considered

47. Mr Friedel identified and addressed the matters raised by the request and raised in submissions. He identified that the key matters that had either been raised by submitters, or are necessary to be considered, to ensure that SDC's statutory functions and responsibilities are fulfilled are:²⁷
 - (a) Urban form, character, amenity and visual effects;
 - (b) Economic;
 - (c) Infrastructure servicing;
 - (d) Transportation network;
 - (e) Noise and vibration;
 - (f) Land suitability and geotechnical risk;
 - (g) Versatile soils.

²⁷ Section 42A Report 28 February 2025 at para [7.2].

48. I agree that is a helpful summary.

Urban Form, Character, Amenity and Visual Effects

49. The request included a number of technical assessments relating to urban form, character, amenity and visual effects. These included a Landscape and Visual Assessment prepared by Mr Milne of Rough Milne Mitchell Landscape Architects (accompanied by a drawing set) and an Urban Design and Visual Impact Assessment and drawing set prepared by Mr Compton-Moen of DCM Urban Design Limited. Those were contained in Appendices J1 and J2 of Variation 2.
50. Mr Friedel identified that there were 24 submission points seeking relief in relation to those matters which he summarised.²⁸ In terms of urban form, S09.1 S Wasley sought that the rezoning be approved.
51. Mr Friedel identified that there were three neutral submission points which noted that it avoided urban development outside the greenfield priority areas consistent with the CRPS Objective 6.2.1. That submission²⁹ also identified that the plan change was seeking to enable commercial development in an area that had been prioritised for residential greenfield activities under CRPS Policy 6.3.1.
52. In terms of character and amenity, Mr Friedel summarised the submission points which identified matters that relate to character and amenity. As noted, five of the submission points opposed Variation 2 as the rezoning will reduce the enjoyment of the area, is incompatible with the character and amenity of the area, and the related effects cannot be mitigated or do not generate any benefits for the neighbouring residents.³⁰
53. Again Mr Friedel summarised the submitters who identified issues in relation to visual effects. These included a neutral submission seeking that the site boundary with 131-139 Levi Road is retained (S22.2) and six submission points opposing Variation 2 in relation to adverse visual effects from signage, colour, building bulk and/or architectural form. Inconsistency with the plan was a matter identified by submitter Mr Beechey.
54. Mr Allan considered that the s42A report provided a useful summary of the submission points received on the Proposal which he accepted. He considered the key submissions broadly correlate with the effects assessment of Variation 2.

Evidence

55. Mr Bernard Johnston, self-employed registered architect, provided evidence on behalf of the Proponent. He advised that his work experience included 19 years associated with Mitre10 groups through various store development projects.

²⁸ Section 42A Report 28 February 2025 at para [7.5].

²⁹ Submission on behalf of Canterbury Regional Council dated 22/10/2024.

³⁰ Section 42A Report 28 February 2025 at para [7.5].

56. Mr Johnston summarised the site requirements. These included: the area needed to be large enough to contain a building including retail hall, garden centre, café and drive through and practical site configuration including loading facilities and a covered yard; sufficient secure loading/yard facilities separated from the public and room for loading facilities and a covered yard; sufficient room for setbacks and buffers for acoustic purposes, landscaping and onsite stormwater disposal; road frontage onto a strategic roading network for a high profile visual perspective; and the potential to co-locate with other large format retail stores. He noted that Mitre10's are generally not suited for a town centre like Rolleston due to the size and operational requirements of trade based retail suppliers.
57. He discussed the site planning and identified the areas required for various aspects of the Mitre10. He identified that the building form would be consistent with a standard Mitre10 store design and configuration which is focused on retail, but it has been located and placed specifically on the site in response to the context. He advised that in addition to functional aspects, the detailed architectural design will further consider form, scale, quality of space, land use context and internal experience. He discussed design considerations noting the preferred building geometry is rectangular and approximately 58-60m wide. He advised that that shape is synonymous with the Mitre10 brand.
58. He advised the simple clean lines and distinctive colour mix of the buildings play a major role in how the Mitre10 group are recognised and perceived in the community. He advised the building itself becomes a sign but noted that there is scope within the corporate branding framework to introduce variety through material changes and façade treatments which is proposed for this site and had been done with similar Mitre10's in other sensitive areas.³¹ He advised that typically parapeted external walls to the retail hall and drive through are 11m above ground level but the entry vestibule is delineated with taller parapets, approximately 12m above ground level.
59. In terms of the orientation of the building on this "triangular site" that resulted in more open spaces in front of the building to the north with its setback in excess of 80m from the Lincoln Rolleston Road boundary, noting that this reduced the southern end of the site to approximately 12.3m which he considered still allowed for a generous 6m landscaping strip and 6.3m wide dual carriageway.³² He considered the extent of this reduced setback is limited relative to the overall length of the façade facing the street. He advised that a Mitre10 building will be in the range of 190-200m in length and of that 26m of that elevation would be within 20m of the road boundary. He described the garden centre and associated roofs at the northern end of the building which would "introduce a finer degree of modulation between the main Mitre10 retail hall and the adjoining PAK'nSAVE building" with the reduction in scale helping transition between the two structures.³³

³¹ Statement of Evidence of Bernard Johnston 7 March 2025 at para [22].

³² Statement of Evidence of Bernard Johnston 7 March 2025 at para [24].

³³ Statement of Evidence of Bernard Johnston 7 March 2025 at para [26].

60. He noted a deliberate omission of parapets on the eastern side with the 10m wide biodiversity corridor enabling a wide service lane. He also addressed landscaping and other matters. He advised that a landscaping strip would be provided along the full length of the road boundary along the Lincoln Rolleston Road in accordance with the ODP and that would be low-level in design to eliminate hiding places.³⁴ He advised landscaping areas would be provided internal to the carparking area.
61. Overall he considered that a future Mitre10 will fit comfortably within the indicative building footprint on the proposed ODP, would provide certainty of future development and would be visually compatible with its surroundings.³⁵

Landscape and Visual Effects

62. Mr Milne prepared the Landscape and Visual Assessment (**LVA**) which was included in the Proposal. This addressed the Proposal, the proposed landscape provisions and the relevant statutory and policy provisions. It provided a landscape description in Section 4 which referenced Mr Compton-Moen's urban design report. It described the location of the site. In terms of the receiving environment and surrounding area, and potentially affected persons, the LVA advised that those were generally considered to be neighbouring residences, public roads and surrounding land within a 400m radius of the site. The LVA described the built form and pattern of development to the north, west and south and noted that the land development continues to intensify to the south of the receiving environment. The LVA noted that while the site and its surrounds are currently rural in character, that is not the state of the environment against which to consider landscape effects arising from the PPCR particularly identifying the MRZ would enable development to medium density residential standards within the locale. The LVA addressed the consented environment, including in relation to the PAK'nSAVE supermarket and associated carparking and landscape treatment which it described as the "consented baseline".
63. The LVA addressed the landscape values of the receiving environment in terms of the physical, perceptual and associative values. It described the site itself as essentially a working rural landscape enclosed by shelterbelt planting and from within the site its rural outlook was contained within the peripheral shelterbelt planting. In terms of perceptual, it described the site as a relatively small triangular shaped area with the rural outlook again contained by the backdrop of shelterbelt planting with no natural patterns or processes that were of any significance. As to the associative, it recorded that the site did not have any shared or recognised associations with tangata whenua or pakeha. The LVA recorded that the existing landscape values were "set to change" because of the existing consented environment along with the mixed residential character anticipated for the balance of the site under the MRZ zoning.
64. Section 5 of the LVA provided the assessment of landscape and visual effects noting that the proposed plan change would enable the establishment of an additional large format trade retail

³⁴ Statement of Evidence of Bernard Johnston 7 March 2025 at para [37].

³⁵ Statement of Evidence of Bernard Johnston 7 March 2025 at para [43].

building, carparking and other related facilities being developed on the balance of the site. It advised that the built form, while quite different from the current rural landscape values and amenity, and that of the underlying residential zoning, would be commensurate with the “large format commercial development enabled by RC216016”.

65. The LVA considered the key landscape issue of the proposed rezoning related to the potential effects on amenity of the surrounding environment again noting that change in land use enabled through the commercial LFRZ zoning would result in commercial activity, which is already consented on part of the site, on the balance of the site. It recorded that consideration had been given to the proposed boundary treatment, the effect on surrounding roads and the impact on nearby dwellings.
66. 5.2 of the LVA discussed and identified a need for specific landscape requirements including those addressing landscape planting prior to the erection of any principal building, tree planting in the carparks at a ratio of one tree per five carparks, for all trees to be planted within the carparking area in a minimum uncompacted available soil volume based on expected future size of the tree, and that landscaping should consist of the species identified.
67. The LVA recorded Mr Milne’s opinion that rather than complicating the existing landscape rule structure, it was appropriate for those requirements to be included as notations on the proposed ODP. It identified the proposed change to the LFRZ-R1 Building and Structures rule regarding built form and landscape outcomes which it considered some “comfort” could be taken from. The LVA noted the ensuing resource consent process would provide an appropriate mechanism for the landscape outcomes for the site to be assessed and for specific landscape mitigation to be conditioned.
68. It addressed visibility and visual effects stating that from a visual amenity perspective the LFRZ for the PAK’nSAVE half of the site was essentially giving effect to the consented outcomes. In terms of visual effects, it considered those would mostly be experienced by people travelling along Levi and Lincoln Rolleston Roads and people living in the low density residential development north of the site, as well as visible from the neighbouring property to the east now zoned MRZ.
69. In terms of Levi Road, the LVA recorded the PPCR would not result in any change in visual effects, that were deemed acceptable, from the consented baseline of RC216016. In terms of from Lincoln Rolleston Road, again at the northern end of that, the PPCR would not result in any change given the consented baseline of RC216016. The views towards the balance of the site is anticipated to change as a result of the MRZ and rezoning to the east of the site to MRZ.
70. Regarding the additional building enabled by the PPCR, the LVA recorded that would be more prominent for people travelling southeast on Lincoln Rolleston Road as the building would be within their peripheral vision and for those travelling northwest it would be more at right angles and therefore at the edge of their peripheral view.

71. It stated that the PPCR and what could be developed under the MRZ both had amenity but residential development generally has higher amenity than commercial development. The LVA stated that the potential outcome of the MRZ permitted baseline development could result in residential built forms close to the boundaries and covering a larger portion of the perimeter of the site. It acknowledged that the MRZ could result in a more diverse range of façade treatments, colours and materiality and therefore of visual appeal and interest but considered that the overall bulk and mass of built form enabled by the MRZ could read as greater than that under the proposed LFRZ on the site.
72. On Lincoln Rolleston Road, the LVA assessed those as low to moderate effects depending on the frequency of traffic. In terms of Lowes Road and Masefield Drive roundabout, it considered this would not result in any change in visual effects given the “consented baseline of RC216016”. In terms of visual effects on the neighbouring properties in Levi Road, the PPCR would not result in any change in visual effects again because of the consented RC216016.
73. For those on Lincoln Rolleston Road it noted that it was foreseeable residential properties developed immediately opposite the site as per the underlying residential zoning, may experience potential adverse visual effects over the balance of the site. It identified that those developing across the road would likely have high solid fences along the road frontage to provide acoustic protection and overall considered that the visual effects on those properties were at most low to moderate.
74. To the east of the site, it noted the interface treatment and overall considered that effects on the MRZ land to the east were low in relation to the buffering which would be eventually provided by the proposed interface treatment. The LVA concluded overall that the public and private views were considered to be avoided or resulting in low and at most moderate adverse effects because of the proposed LFRZ as requested.
75. The LVA then moved on to assess landscape character effects. In terms of landscape character it recorded that change to the character of the landscape is not necessarily adverse and whether they were adverse or not depended to a large extent on public expectation of what can be reasonably anticipated to occur in the landscape.
76. It again identified on the northern half of the site from a landscape character and visual amenity perspective the PAK’nSAVE Rolleston half of the site had been essentially given effect to. In relation to the southern (undeveloped) side, it recorded that co-location within the receiving environment, and with the proposed LFRZ provisions, would enable a coordinated and complementary built form and landscape outcome across the site. The LVA stated that it would provide certainty in terms of landscape and amenity outcomes for the site and would enable commercial development in a cohesive manner.
77. The LVA included an assessment of the relevant statutory provisions including the NPS-UD noting that on the “remainder of the site” LFRZ may detract from the amenity values experienced by its immediate neighbours but that the amenity values appreciated by those living in the vicinity and

regularly passing by would be enabled by the PAK'nSAVE. It addressed the POSDP strategic objectives including Sensational Selwyn – SD-DI-O1 noting it to be a strategic objective. It stated that there would be change on that part of the site not subject to the present consent. It described this as an extension of the consented character and acknowledged that this was “obviously” a change from the character anticipated by the MRZ for this part of the site.

78. Again the LVA identified what MRZ could mean in terms of a more diverse range of façade treatments, colours and materiality but, overall, considered it likely that the bulk and mass of built form enabled by the MRZ could be read as greater than that of the proposed LFRZ on the site. It noted the proposed LFRZ with the specific provisions presented an opportunity for comprehensive landscape treatment, high level of maintenance along the road frontages to the site and that from a landscape and visual amenity perspective it provided a greater level of certainty. It recorded that while the PPCR and the associated commercial activities remains significantly dissimilar from the anticipated residential development on the balance of the site under its MRZ, it will read as a continuation of the consented development of RC216016. It advised that it should be noted that the triangular shaped site is disconnected from the surrounding residential areas to the north and west and is essentially a standalone area buffered from the wider emerging residential area by main primary roads. It concluded that in essence there will be change irrespective of whether or not this Proposal proceeds.
79. I have summarised the LVA in some detail. Landscape and visual amenities were identified in a number of submission points and given the level of change which is anticipated, in particular on the southern part of the site, those issues are in my view critical.
80. Mr Milne provided expert evidence for the Proponent. He provided a brief of evidence dated 7 March 2025 in which he summarised the principal landscape and visual amenity issues, summarised the LVA and his RFI response dated 16 August 2024 and discussed submissions in opposition in so far as they related to his area of expertise. He also addressed parts of the s42A report within the scope of his expertise, with a particular emphasis on matters where there was a difference of opinion.
81. He provided a graphic attachment containing maps and aerial images, the relevant district plan planning maps, imagery associated with RC216016 and ODP for the PPCR, and photographs of the site from within and photographs from surrounding public places. He also provided photographs of trees grown within supermarket carparks throughout Christchurch on projects that his firm had been involved in.
82. In his summary statement dated 24 March 2025,³⁶ Mr Milne identified the key landscape character and amenity matters for the rezoning. He advised the key landscape issue of the proposed rezoning relates to potential effects on the amenity of the surrounding environment due to the change in land use that would be achieved by the LFRZ rezoning resulting in commercial activity

³⁶ Summary Statement of Tony Douglas Milne 24 March 2025.

on the balance of the site. He advised that currently there are no other MRZ and LFRZ interfaces in the POSDP so those existing provisions do not provide for management of these effects.³⁷

83. He considered that the proposed provisions in the ODP are appropriate to ensure RC216016 would be given effect to in its current form and that effects are managed at MRZ/LFRZ interfaces. He noted that RC216016 currently provides certainty and confidence of the appropriate interface and integration with PC71 to the east of the site and the balance of the land on the site surrounding residential land. He advised “... *and from a landscape and visual amenity perspective it is important these outcomes are realised with the proposed rezoning*”.³⁸ He considered the MRZ did not reflect the existing environment of that portion of the site subject to RC216016, and the proposed rezoning of the site was a coherent request which serves to better consolidate urban form in an area with significant residential growth.³⁹
84. Mr Milne advised that in terms of visual effects, consideration had been given to public and private views and that the roadside and internal boundary landscape treatment was considered to be 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 the development.⁴⁰
85. He advised that while the LFRZ presents a major change from MRZ, future development in accordance with the ODP and the proposed zoning rules provided a high level of certainty when compared to MRZ. He acknowledged the greatest change would be a change in bulk and location and style of buildings on the southeastern corner of the site, with potentially larger taller and commercial built form compared to the permitted outcome under the MRZ. He considered this change in character would represent a continuation of the commercial character enabled by RC216016 and at the same time achieving appropriate landscape outcomes.⁴¹
86. In his evidence in chief, he addressed a “permitted baseline development” which could result in residential built forms closer to the boundaries and covering a larger proportion of the perimeter of the site. He accepted that the MRZ could result in a more diverse range of façade treatments, colours and materiality and therefore of ‘visual appeal and interest’ but that it would be likely the overall bulk and mass of built form enabled by the MRZ could read as greater than that enabled by the proposed LFRZ on site.⁴²
87. He identified that a permitted baseline scenario would have a range of landscape treatments and likely to be developed by multiple individual developers and landowners while the proposed LFRZ presented an opportunity for a comprehensive landscape treatment, and a high level of maintenance on all of the road frontages of the site. In his opinion, from a landscape and visual amenity perspective, the LFRZ provides a greater level of certainty for the site. He went on to say that a comprehensive landscape treatment provides the opportunity for, and certainty of, a

³⁷ Summary Statement of Tony Douglas Milne 24 March 2025 at para [13(c)].

³⁸ Summary Statement of Tony Douglas Milne 24 March 2025 at para [13(d)].

³⁹ Summary Statement of Tony Douglas Milne 24 March 2025 at para [13(e)].

⁴⁰ Summary Statement of Tony Douglas Milne 24 March 2025 at para [13(f)].

⁴¹ Summary Statement of Tony Douglas Milne 24 March 2025 at para [14].

⁴² Statement of Evidence of Tony Douglas Milne 7 March 2025 at para [42].

robust and consistent landscape outcome of a scale that is appropriate for this approach into and out of Rolleston.⁴³

88. He expanded on his explanation of this, noting that the site could be developed by multiple developers that often develop large tracts of land for townhouse developments and each of these have their own design signature. He considered that while some of those developments are attractive, often the green open space will be internalised within a medium density residential development.⁴⁴ Again he emphasised the high level of certainty the LFRZ, while presenting a major change, provided. He acknowledged the greatest change being bulk and location style of buildings on the southeastern corner with those being potentially large, tall and commercial in character compared to the permitted outcome under the MRZ. He stated that change in character would represent a continuation of the commercial character enabled by RC216016 and at the same time achieve appropriate landscape outcomes.
89. In terms of landscape character, he identified the PAK'nSAVE Rolleston part of the site and the plan change is essentially recognising the consented outcome and again referenced the coordinated and complementary built form and landscape character outcome across the site. He assessed the adverse landscape character effects as low and at most low-moderate due to the context of the site (including RC216016); that there is only space for one additional large format retail building; and that appropriate interfaces between the MRZ and LFRZ are achievable, again as evidenced by the PAK'nSAVE Rolleston resource consent conditions.
90. In addressing matters raised by submitters, he identified those by way of topics. In terms of traffic and amenity effects, he deferred to Mr Metherell in terms of traffic congestion and similar. In relation to potential visual amenity effects, he again referred to the need to consider the MRZ which would also result in increase in traffic and therefore visibility of vehicles. He considered how one responds to traffic is subjective advising he knows people who like traffic and the busyness it may represent, while others do not.⁴⁵
91. In terms of visual and landscape effects, he identified the submissions in opposition raising concerns about the visual impact of the large format retail buildings, signage and infrastructure, and "suggesting" that the proposed Mitre10 would not blend well with the surrounding residential character. Mr Milne identified the submissions in opposition that specifically opposed large signage on Lincoln Rolleston Road.
92. He considered that these matters had been adequately covered in the LVA, the RFI memo and within his evidence. He considered that the new ODP and amended POSDP provisions provide a well considered and effective approach for rezoning the site to LFRZ from MRZ, ensuring an

⁴³ Statement of Evidence of Tony Douglas Milne 7 March 2025 at para [43].

⁴⁴ Statement of Evidence of Tony Douglas Milne 7 March 2025 at para [44].

⁴⁵ Statement of Evidence of Tony Douglas Milne 7 March 2025 at para [92].

appropriate interface with each boundary and an appropriate built form/landscape outcome for the site.⁴⁶

93. He noted that in terms of built form and landscape outcomes 'comfort' can also be taken from the specific zone provision that would make any new building/structure or addition or modification to a building/structure on the site a restricted discretionary activity and subject to CMUZ-MAT3 – Urban design. Any resource consent application would therefore 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. He considered the resource consent process provides an appropriate mechanism for landscape outcomes to be assessed.⁴⁷
94. In terms of the loss of residential character and liveability, he noted the shift from MRZ to LFRZ was seen by some submitters to be inconsistent with the character of the area and that "they argued" that allowing large scale retail in a predominantly residential area would set a precedent. He considered that consistency of character matters had been adequately covered in the LVA and RFI, and the body of his evidence. He again noted that the proposed rezoning and development under the LFRZ are aligned with the consented outcomes for part of the site, ensuring consistency in the overall landscape character. Again he discussed the certainty for future development allowing for cohesive commercial built forms in the southern part of the site. He noted the landscape character was expected to shift towards a more urban commercial character but considered that this change will not significantly diminish the surrounding amenity and the area is already undergoing urbanisation and change to existing character.⁴⁸
95. He acknowledged the considerable greenfield residential growth in Rolleston and Mr Colegrave's evidence that business supply capacity had not kept pace with the residential supply. In that context, he considered the Proposal to be proportionate in scale and direction of urban growth provided in the POSDP and from a spatial planning and locational perspective, the LFRZ was considered appropriate for the site.⁴⁹

Section 42A Reporting Officer

96. Mr Ross, landscape architect and principal at Boffa Miskell, providing his landscape and visual effects assessment of Variation 2, and his evaluation of areas within his expertise. This was provided as Appendix 2 to the s42A report. I note Mr Ross also provided the peer review of the Landscape Effects Assessment (LEA) and landscape plan contained within the AEE for the original Foodstuffs PAK'nSAVE supermarket resource consent application (RC216016). Mr Ross provided a brief assessment in terms of the statutory requirements and identified the relevant provisions of the district plan. He identified the MRZ and LFRZ comparison and agreed that the

⁴⁶ Statement of Evidence of Tony Douglas Milne 7 March 2025 at para [94].

⁴⁷ Statement of Evidence of Tony Douglas Milne 7 March 2025 at para [95].

⁴⁸ Statement of Evidence of Tony Douglas Milne 7 March 2025 at para [98].

⁴⁹ Statement of Evidence of Tony Douglas Milne 7 March 2025 at para [99].

resulting landscape, built form, site layouts, circulation and activity associated with the LFRZ verses the current MRZ would be very different.

97. Mr Ross helpfully identified areas of agreement. He generally agreed with the Proponent's conclusions on matters relating to the methodology applied by Mr Milne. He agreed that the mitigation measures proposed would integrate the commercial activities enabled by Variation 2 into the existing environment. He agreed that the current landscape character is utilitarian rural/urban interface with low physical, perceptual and associative significance. He agreed that the co-location with the consented PAK'nSAVE would concentrate and contain the visual effects and provide an integrated and cohesive landscape outcome. He agreed that the landscape, built form site layouts, circulation and activity associated with the LFRZ versus the current MRZ will be very different.
98. He discussed the MRZ objectives and policies noting they provide for a variety of housing types and densities including three storey attached and detached residential units and low rise apartments. Mr Ross identified the minimum density of 15hh/ha averaged across the whole site area. Multiplying that across the approximately 3.1ha of remaining undeveloped land would equate to a minimum baseline outcome of 46 residential units. Having considered the analysis by Mr Lonink, and as informed by the evidence in respect of infrastructure capacity, he assumed an upper non-fanciful MRZ scenario of 25 units per hectare as a realistic outcome. That would result in approximately 77 units on the undeveloped portion of the site with a mix of detached, semi-detached (duplex) and the occasional terraced housing forms.⁵⁰
99. He noted that the historic market led local development densities in Rolleston have often been considerably lower, including recent subdivisions immediately to the west of the site on Lincoln Rolleston Road which equated to approximately 13.5 units per hectare, and a sample 3.5ha section of the older Branthwaite development to the south of the site fronting the Lincoln Rolleston Road had approximately 12.3 units per hectare. He identified the MRZ rules allow for a minimum setback of 1.5m from the road boundary, a building height up to 11m and boundary fencing up to 1.2m. He compared this to the POSDP LFRZ maximum building height of 15m with a minimum 5m setback from a road boundary.
100. He addressed the LEA under the proposed LFRZ provisions for the site. He noted that future development will be required to have no fences along road boundaries, a minimum 5m planting strip along Lincoln Rolleston Road, and specimen trees spaced 5m along the boundary. In addition to the standard POSDP provisions in relation to the boundary treatment, he noted that the LEA proposed additional requirements relating to establishing planting prior to erection of any building, planting one tree per 5 parking spaces within the carparking areas, and meeting minimum soil volumes and expanding the APP4 planting palette to allow general consistency with the consented PAK'nSAVE planting.⁵¹

⁵⁰ Statement of Evidence of Gabriel Ross Landscape Architect 13 February 2025 at para [8.3a)].

⁵¹ Statement of Evidence of Gabriel Ross Landscape Architect 13 February 2025 at para [8.3e)].

101. He supported the minimum tree ratio for parking areas but sought clarification as to how the proposed one tree in 5 parking spaces ratio was to be calculated. He noted the conceptual scheme for the Mitre10 development shows 202 parking spaces which would equate to approximately 40 trees. He considered that if you exclude the boundary planting it does not appear that the DCM planting plan (DCM drawing number 2024_045A / 003) achieved that number.
102. In his opinion, the most beneficial visual mitigation value for viewers on the Lincoln Rolleston Road would be achieved through locating trees of appropriate height within the carparking area to provide effective filtering of views and the road corridor. He considered this to be particularly important on the southern part of the site where the built form would be located in closer proximity to the road boundary. He recommended amending the proposed landscape requirements noted on the ODP to state:
- Tree planting within the carpark areas of PRECz shall be at a ratio of one tree per five car parks. These trees shall be comprised of medium (7-15m) or large (>15m) tree species, located within the parking areas typically spaced at one tree every 3 parking bays.*
103. In his Summary of Evidence presented at the hearing, Mr Ross agreed that one tree per 5 parking spaces is an appropriate measure for determining the overall numbers of trees to be required in a future development. He recorded that his suggestion of one tree per 3 parking spaces was intended as a way to ensure the spacing of trees was distributed evenly throughout the parking area. He noted this was generally consistent with the spacings along the treed rows within the consented supermarket parking areas.
104. Based on his experience, trolley bays, pathways and lighting tend to take precedence over tree layouts and can lead to trees being clustered in the remaining available planting locations.
105. Again he agreed that visual effects with the supermarket when viewed from the intersection of Lowes Road, Masefield Drive, Lincoln Rolleston Road and Levi Road were acceptable and have been established by the grant of consent.
106. Mr Ross provided eight further recommendations in relation to landscape matters. Mr Ross was of the view that a higher level of certainty was required, particularly in terms of the southern portion where the built form is likely to be closest to the road boundary. Mr Ross also considered that a 20m minimum building setback to the Lincoln Rolleston Road boundary was necessary to maintain sufficient distance for the proposed mitigation planting to filter views and reduce the visual dominance of the future commercial buildings that will be enabled by the Variation 2 provisions.

Submitter Evidence

107. Mr Beechey's submission identified adverse effects. The submission records that after having reviewed current Mitre10 developments he could find no example that enhanced the

neighbourhood as a homeowner, that the colour orange and architecture is clearly out of place in his view next to what he described as a “proud housing neighbourhood”. Mr Beechey addressed a range of issues but in terms of landscape and visual effects he provided a PowerPoint presentation which illustrated a number of concerns in relation to the number of Mitre10 stores. He compared those with the “renders” which had been provided showing trees higher than the buildings. He identified that the evidence says that the landscaping strip will be low-level. He provided photographic illustrations to identify the lack of planting at a number of recently constructed Mitre10’s, including at Brougham Street which at the time of the hearing was nearing completion. Mr Beechey expressed real concerns about the changes a Mitre10 may bring and in essence, that it was not what they considered could occur when they purchased their property.

Assessment

108. Ultimately there was a high level of agreement between Mr Ross and Mr Milne in terms of a number of the landscape matters. Mr Ross in his summary presented at the hearing advised that he had reviewed Mr Milne’s statement of evidence and the supporting graphic attachment and had also considered the Proponent’s expert statements of evidence in terms of urban design, transport, acoustics and architecture as well as statements from the representatives of Foodstuffs and Mitre10.
109. Mr Ross confirmed that from an overall landscape and visual effects assessment perspective, he was generally in agreement with the Proponent’s landscape and visual assessment and supportive of the proposed landscape approach across the site. He identified that in respect of the eight recommendations he had made in his primary evidence, while the Proponent had indicated a willingness to work for the majority of them, there remained differences in views on some. He set out the areas of disagreement in his summary.
110. In terms of the Lincoln Rolleston Road 5m wide landscape strip, Mr Ross continued to seek that the provision of the 5m Lincoln Rolleston Road landscape strip planting included specimen trees at a minimum of 5m spacing and for them to be consistent with RC216016 planting scheme, and return along the northern edge of the future proposed primary road connection off Broadlands Drive.⁵²
111. He accepted Mr Milne’s point that the 5m landscape strip along the Lincoln Rolleston Road boundary would be impractical to be installed consistently along the entire frontage given the obvious need to have breaks for vehicle access, coupled with the consented parking area at the intersection of Lincoln Rolleston and Levi Roads. He reiterated his view that to achieve adequate landscape and visual mitigation of the future built form which the proposed LFRZ would enable, it was important that the width and character of the existing landscape treatment applied within the PAK’nSAVE area be continued to the southern end of this road frontage. That level of

⁵² Statement of Evidence of Gabriel Ross Landscape Architect 13 February 2025 at para [13.1(a)]

consistency of boundary approach, which included trees of similar scale and density, should extend along the road frontage of both the PAK'nSAVE and proposed Mitre10 sites.

112. Mr Milne was of the view that a number of the recommendations contained more detail than is required for a rezoning and were typically conditions of consent, but noted that the client generally agrees with the majority of them other than the one tree per three carpark space and the mid site connection recommendations.
113. In terms of the consistency with the landscape strip planting in RC216016, I accept Mr Ross' evidence that consistency has real benefits from an overall landscape perspective. I agree that the additions to the ODP suggested by Mr Ross in his summary of evidence, and addressed by Mr Friedel, are appropriate. This provides a change to the ODP narrative to read *"The Lincoln Rolleston Road landscape treatment including provision for a 5m landscape strip on the north side of the future primary road connection is to be designed and installed generally consistent with the consented landscape plan for the proposed supermarket development (RC216016)"*.
114. I find that provision, and the other provisions relating to the interfaces with the surrounding residential areas, are critical. They address precisely what is anticipated by the Purpose description for this site. As noted earlier, Mr Milne advised that the proposed rezoning and development under the LFRZ are aligned with the consented outcomes for that part of the site ensuring consistency in the overall landscape character. That consistency, and ensuring that there is a high level of landscape mitigation, are critical to my recommendation. I note Mr Compton-Moen again stated, in his assessment of effects, that the effects would not be "as adverse" as it is continuing with the commercial character created by the consented PAK'nSAVE and that can be mitigated by adopting the same mitigation as reflected in the consent conditions placed on the PAK'nSAVE development.⁵³
115. I have carefully considered Mr Beechy's evidence. That evidence was thorough and helpful.
116. I acknowledge the degree of change that Mr Beechy discussed. That evidence has assisted in my understanding of the issues he identified. The changes proposed respond to the submissions, including V2-5.5 and 5.6 (J Hindley) and V2-14.8 (P Beechey), which recorded opposition to the visual effects of the building bulk and signage.
117. I consider that it is important that these issues are identified and addressed at the plan change stage. There needs to be an appropriate and comprehensive framework to inform and guide a decisionmaker at the consenting stage. This is particularly so given the triangular shape of the site and the potential location of the Mitre10 (or other trade supplier). That part of the site is considerably narrower and in essence narrows down to a point. This site differs considerably from the part of the site incorporating the PAK'nSAVE development, which is much wider, and which enabled considerable setbacks of the buildings, and a northwest open space area of approximately 3,000m². The PAK'nSAVE went through a comprehensive and iterative consenting

⁵³ Statement of Evidence of David John Compton-Moen 7 March 2025 at para [28].

process. I anticipate further development that is proposed under the PPCR would likely have a similar degree of scrutiny, and the framework must allow for that.

118. In terms of the building setback, this has now been agreed to by the Proponent at 20m from the Lincoln Rolleston Road boundary. I sought further information and commentary from the reporting officer and Mr Allan in terms of that matter as to what was and what was not covered by the setback. It is my understanding that the position agreed between those two experts was that any proposed covered outdoor areas or canopy structures would be captured but, in essence, the outdoor storage would not.
119. The 20m setback is, in my view, a key provision. It provides a critical and appropriate mechanism for addressing amenity and landscape effects, and the interface with the surrounding residentially zoned land.

Additional Landscaping Around the Outdoor Storage and Landscape Supply Yards

120. Mr Ross considered that outdoor storage and landscape supply yards can present additional visual clutter of a more industrial and commercial nature. He provided as Figure 4 to his primary evidence a photograph showing the Papanui Mitre10 Mega outdoor storage area. It was his view that they are not compatible to the evolving MRZ residential context. He agreed with Mr Milne that taller trees would be beneficial for filtering views of this area but he considered, given the potential contents of the storage area, such as bulky storage bins and tall racks for lumber, often wrapped in plastic, low level planting was required along that frontage to provide adequate screening.
121. He identified that LFRZ-REQ5 under the POSDP requires a fence, wall or vegetation of at least 1.8m in height for the full length of the storage area that is visible from the road. He considered the likelihood of taller storage racking and bulk materials storage that may exceed 1.8m in height, and he recommended that it would be appropriate to require this screening to be at least 1.2m taller. He recommended that this be implemented via planting rather than a solid fence which would be vulnerable to graffiti and present a less desirable hard boundary.⁵⁴
122. He considered that within the 5m landscape strip this screening could be achieved by a row of taller growing shrubs such as Pittosporum or Olearia or similar species along the fenced boundary of the outdoor storage area and that the proposed mix of lower-growing shrubs and street trees could be placed in front of that row. He considered that as long as the taller shrubs are maintained as a dense single row and periodically trimmed, there should be minimal risk for entrapment or concealment outside of the storage area.

Assessment

123. Again I accept Mr Ross' evidence in relation to this additional landscaping. The adverse effects associated with poor screening is, in my view, readily illustrated in the photographs provided,

⁵⁴ Summary of Evidence of Gabriel Wilson Ross Landscape Architect 19 March 2025 at para [25].

including those provided by Mr Beechey, the Proponent and Mr Ross. While structures associated with the outdoor storage will be captured by the building setbacks, the outdoor storage itself will not. Given the information and evidence, the concerns identified in terms of effects of a lack of appropriate screening of outdoor storage, including those raised by Mr Beechey, illustrate the need for an appropriate methodology to be included at this stage. Again this is particularly important in my view given the shape of this site and its narrowing. Overall I consider that the most appropriate method for that to be addressed is to include the requirements for additional screening as proposed by Mr Ross.

Glazing and Modulation

124. In terms of glazing and modulation and the building façade design overall, submitters, including Mr Beechey, identified concerns with the “typical” Mitre10 buildings. This issue was identified by Mr Ross in his evidence where he considered that additional controls were required to achieve a similar high quality built form and outcome for the trade retail and trade supplier building as the consented PAK’nSAVE.⁵⁵ I agree that it is important that this issue is provided for. The Proponent has agreed to the addition to CMUZ-MAT3(3) which includes, as a matter of discretion:

- b. 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.*

125. I consider this provides for an appropriate assessment to be undertaken at the resource consent stage.

126. There are a number of other rules which will assist in addressing the matters raised by the submitters. These include CMUZ-MAT4 Height (4) which enables the assessment of effects on amenity of adjoining residentially zoned properties, including on outlook, privacy, overshadowing and visual dominance.

127. Given the importance of those matters being appropriately addressed, I do not consider that it is appropriate to exclude public notification. In my view the question of notification is best left to the relevant provisions of the RMA. I acknowledge that a number of the rules within the existing LFRZ do provide for the exclusion of public notification. However I consider that context to be very different. This proposed LFRZ is, as identified by Mr Milne, set amongst residentially zoned areas (acknowledging the consented PAK’nSAVE).

128. Some emphasis has been placed on matters such as the now proffered 20m setback, the landscape screening, and the consistency with the treatment approved under RC216016. I note that none of the landscape experts or urban design experts appear to have consulted with the community and local residents.

⁵⁵ Statement of Evidence of Gabriel Ross 13 February 2025 at paras [10.13] and [10.14].

129. I acknowledge that the public process for plan changes does provide the opportunity for residents to input into the process. If there is a consent application which involves a breach of the significant and important rules designed to protect the adjoining residential amenity, the public should not be automatically excluded from participating in the consenting process. This is particularly so given the degree of change to the 3ha of the site not within the area covered by the PAK'nSAVE consent.
130. I acknowledge there was considerable evidence from the Proponent, and to a lesser degree its experts, in relation to its intentions. While stating the obvious, this is a plan change proposal. It is not a resource consent application. While the PPCR has focused on a potential Mitre10, the rules package will apply regardless of ownership. In a planning context, it would, in my view, be improper to restrict the assessment of the PPCR to the identified Mitre10. The rules package therefore must be robust, certain and comprehensive.

Urban Form / Urban Design

131. The Proposal included an Urban Design and Visual Impact Assessment prepared by Mr Compton-Moen. In terms of the urban form, that advised that the proposed rezoning to the LFRZ was consistent with the current township boundary for Rolleston, and that urban development within the boundary will have the ability to achieve an attractive, pleasant and high-quality urban environment. He noted it was well connected to the existing town with a high level of connectivity and accessibility. He noted that in time the adjoining land would become urban in character. He considered the receiving environment to be urban with any change in character assessed against the future MRZ and the consented PAK'nSAVE development.
132. From an urban form perspective, the assessment noted that the placement of an LFRZ on the southern side of the state highway is not considered to create any adverse effects on urban form. It stated that the proposed rezoning, which would allow a trade retailer such as Mitre10, plays more of a retail role than an industrial activity, servicing a domestic/residential need which will be frequented by local residents. He considered this to be very different to many of the activities on the northern side of the state highway which serviced commercial or industrial needs and may not serve a local function. The report referenced urban design evidence by Mr Andrew Burns for the PAK'nSAVE consent application and largely agreed with a number of those prepared matters.
133. In that regard, I note Mr Burns' evidence related to the PAK'nSAVE consent application and it is not before me. I also consider the PAK'nSAVE, being consented and near to completion, addresses a number of matters identified as benefits by Mr Compton-Moen. It provides the focal point, memorable outcomes different to context, and notable open space in the northwest corner with a pedestrian path. Those benefits already form part of the existing environment, irrespective of the outcome of this PPCR.
134. There was a request for further information which was responded to by memo dated 16 August 2024. One of the issues raised in that request noted that with the exception of a few modifications to the LFRZ provisions, the same activity and bulk and location parameters were to be applied to

the site. Clarification was sought of Mr Compton-Moen's statement that from an urban form perspective the rezoning would allow a trade retail and supplier, like Mitre10, to play more of a retail role servicing domestic/residential needs as opposed to commercial/industrial needs which are typically a character of large format activities that might establish within the Jones Road LFRZ.

135. Mr Compton-Moen responded that the Proposal was very much serving a residential or domestic catchment as opposed to a commercial or professional/trade customer base which existed within the LFRZ area within IZone. The response considered that the POSDP provisions that had been modified provide the key difference to what will establish on the site compared to what is enabled in the existing LFRZ. He advised that those modifications were site specific and designed to mitigate potential adverse effects on the adjoining and adjacent residential zones, noting that many of the provisions had been tested and were deemed acceptable through the PAK'nSAVE consent process.
136. Again in the RFI response, Mr Compton-Moen considered that the Proposal provides assurance that the two large footprint buildings will be generously set back from road boundaries, with appropriate landscaping/screening/acoustic treatment along the internal boundary with the adjoining residential zones to ensure visual dominance and noise effects are mitigated to an acceptable level. He noted that within the site, the provisions provide for a higher level of pedestrian and cycle movement than would typically be associated with a LFRZ. He stated this to be consistent with the domestic nature of the LFRZ where it is designed to service and assimilate with the surrounding residential environment.
137. Mr Lonink provided evidence on urban design matters which formed part of the s42A report. Mr Lonink's evidence provided a synopsis of the proposed ODP and how it related to the neighbouring ODPs. After taking into account the statutory documents which he referred to, he identified the key urban design matters that need consideration from his perspective as follows:
 - (a) Does the plan change in any way enable or prevent the site and surrounds to operate as a well-functioning urban environment?
 - (b) If additional land for large format retail is needed, is this an appropriate location from an Urban Design perspective?
 - (c) SD-DI-O1 and SD-DI-O2 and the CRPS highlight the need for taking into account existing and anticipated character of communities and existing activities are protected from incompatible activities and reverse sensitivities effects. He considered that the anticipated environment which is starting to occur at the moment is of a residential character, the character of which is anticipated will depend on the level of density the site could feasibly and realistically accommodate;
 - (d) He advised that the relevant statutory documents including the NPS-UD, the CRPS, the POSDP and the urban design protocol 2005 all identify that connectivity and accessibility are of key importance for urban design outcomes and for a well functioning urban

environment. He considered the question was how the proposed plan change and associated ODP ensure a good level of accessibility and connectivity;

- (e) Finally he addressed, as point 5, that the documents referred to all direct towards urban solutions that are safe and recognise the CPTED principles. He considered the question was therefore whether the proposed plan change and associated ODP ensure an environment that is safe from both a transport safety and CPTED perspective.

- 138. He did not agree with Mr Compton-Moen's assessment of effects on urban character where he considered the level of change to be of a low magnitude with the greatest change being the bulk, location and style of buildings which will be commercial in character. Mr Lonink considered a finer grained residential environment, even if of higher densities permitted by the MRZ, to be considerably different character to the proposed LFRZ and associated ODP. He considered a non-fanciful density in this area would be a maximum density of 25hh/ha which would still allow for a predominance of townhouse typologies with a mix of detached, semi-detached and occasional terraced housing solutions.
- 139. He did not agree with Mr Compton-Moen's assumptions that the housing would turn its back on the street or be screened off by high fencing and planting. He noted the rule requirements of the MRZ were directive enough that residential developments are designed so that street frontages are activated and enable passive surveillance.
- 140. He considered that while both LFRZ and MRZ types of development would be considered urban in character, a residential environment in the MRZ context would have a character that is much more fine grained and of a human scale compared to the LFRZ types of development. That would show a good level of diversity in urban form and planting and would have a good level of permeability/connectivity for both vehicles and active modes of transport. He considered that generally an MRZ context would be much more sympathetic to the surrounding lower density urban environment.⁵⁶
- 141. Again Mr Lonink disagreed with Mr Milne's landscape and visual assessment conclusion that the overall bulk and mass of built form enabled by the MRZ could read as greater than that of the proposed LFRZ on the site.
- 142. He considered that when comparing the type of built form to be expected in the MRZ compared to the typical built form of the LFRZ, even with the extensive mitigation proposed by the ODP, the buildings will still have a singular, mostly blank façade arrangement, extensively using corporate colours and providing extremely low levels of glazing. He considered that would result in an environment with a significantly lower sense of human scale and amenity. He noted that fact was highlighted by the significant amount of design work that had gone into the design of the PAK'nSAVE supermarket and the carparking area to make it fit in its surrounding environment. He noted that development needed high quality landscape strips along every boundary and a

⁵⁶ Statement of Evidence of John Lonink Urban Design 20 February 2025 at para [54].

building design that shows a good level of modulation, architectural articulation and level of glazing for a supermarket.⁵⁷

143. In addition, he considered supermarkets generally are more attuned to the residential areas and tend to be visited by local residents much more frequently. Having the local convenience of a supermarket within a residential development often results in more people deciding to walk or cycle to the supermarket for their daily needs. He considered that if designed well, supermarkets can actually contribute to the liveliness and safety of residential environments. He compared this to trade retail which does not tend to get this frequent visitation of local residents. In addition, the goods sold generally require the use of a motor vehicle for transportation so people tend to be prepared to travel further to use this type of service. He considered that a trade retail store would not have the same contributing effects as a supermarket would.⁵⁸ I note Mr Compton Moen also identified in his evidence the likely usage of cars for visits to the Mitre 10.
144. At a minimum, Mr Lonink suggested that additional controls be introduced to ensure that a good level of articulation, modulation and glazing are achieved and corporate colours are actively managed to a level that is appropriate for an anticipated environment that is predominantly residential.⁵⁹ Mr Lonink had considerable concerns in relation to connectivity and walkability which I will address in subsequent discussion.
145. Mr Lonink concluded that some of the concerns he identified could be addressed, including the “significant” change of character arising from the rezoning from MRZ (including the consented supermarket) to LFRZ by increasing the building setback from the road to 20m and introducing additional controls to ensure a good level of articulation, modulation and glazing. His concerns about corporate colours could be addressed by restricting the use of these to a level that is appropriate. He also did not agree that the level of connectivity would be sufficient, particularly when considering the need for enabling walkable blocks.
146. Mr Compton-Moen’s evidence discussed the work which had been undertaken with the expert team to develop the new ODP which includes a number of amendments in terms of indicative positioning of the footprints (excluding covered yards), addition of a 10m wide landscape treatment (biodiversity) strip along the eastern boundary, addition of a 3m wide landscape treatment along the Levi Road frontage, addition of a 5m wide landscape treatment along the Lincoln Rolleston Road frontage, provisions for the future connection road into the medium density residential area to the northwest at the southern end of the site, provision of internal pedestrian connectivity, and identification of two principal entrances and six supplementary entrance/exit points.
147. He considered those provisions in the ODP to be necessary and appropriate to manage amenity and urban design effects of the proposed rezoning to ensure its compatibility with the adjoining residential areas. Again he repeated his view that the LFRZ was very much serving a residential

⁵⁷ Statement of Evidence of John Lonink Urban Design 20 February 2025 at para [58].

⁵⁸ Statement of Evidence of John Lonink Urban Design 20 February 2025 at para [59].

⁵⁹ Statement of Evidence of John Lonink Urban Design 20 February 2025 at para [62].

domestic catchment as opposed to a commercial or professional trade base. In terms of the character change from MRZ to LFRZ and visual amenity effects, he considered that in terms of urban character values, the rezoning would result in a low magnitude of change when compared to the MRZ which includes the consented PAK'nSAVE development, and a suite of landscape consent conditions.

148. He identified the greatest change would be the bulk and location style of building on the southeastern corner of the site which would be larger, taller and commercial in character compared to the existing permitted residential dwellings.⁶⁰ He considered that not to be as adverse as it is continuing with the commercial character created by the consented PAK'nSAVE development. He considered that can be mitigated by adopting the same mitigation as reflected in the consent conditions placed on the PAK'nSAVE development.⁶¹
149. He considered that overall the rezoning sits well in the receiving environment and the largest potential adverse effects which would occur on the boundary with the adjoining MRZ can be successfully mitigated.
150. In terms of visual dominance and shading effects, he considered that the proposed provisions would ensure that the LFRZ development, including the PAK'nSAVE and trade retail, on the site will be compatible with the surrounding MRZ from an amenity and urban character perspective.⁶²
151. Mr Compton-Moen addressed connectivity and accessibility. He identified benefits from having the large format retail area closer to residential properties where the intended activities have a strong domestic nature.
152. He considered the Proposal would not have a detrimental effect on the amenity of adjoining and nearby residential properties with the implementation of the proposed provisions. He considered extensive amounts of landscape planting is proposed along the boundaries and in his experience additional landscaping will be both proposed and required within the carpark areas and to soften the building at the resource consent stage. He advised that site coverage was relatively low combined with the large building setbacks when compared to the anticipated built form of the MRZ.⁶³
153. In terms of accessibility and connectivity around and through the plan change area, he noted that the shared boundary with the future residential development to the northeast was approximately 500m in length and noted that a shared pedestrian/cycle link as part of the future primary road is proposed by the Proponent at the southeast end of the site. He advised that while this block length is longer than would usually be designed, it does not create any adverse effects in terms of connectivity for reasons that he addressed. These included that the block shape did not create any longer walking distances to the key destination, the road layout on the northeast site did not

⁶⁰ Statement of Evidence of David John Compton-Moen 7 March 2025 at para [28].

⁶¹ Statement of Evidence of David John Compton-Moen 7 March 2025 at para [28].

⁶² Statement of Evidence of David John Compton-Moen 7 March 2025 at para [36].

⁶³ Statement of Evidence of David John Compton-Moen 7 March 2025 at para [48(f)].

need to rely on the plan change site with the exception of the link provided on the southeastern end of the site, and that from a CPTED and safety perspective, it was not appropriate for a pedestrian/cycle link through the middle of the site where conflicts with delivery vehicles/service areas would occur.⁶⁴

154. In his Summary of Evidence, Mr Lonink maintained his view that from an urban design perspective, the conflicts that are arising with neighbouring land and the level of mitigation required, means the site is not “very well suited for LFRZ”. He considered that a residential environment in the MRZ context would have a character that is much finer grained and of a human scale compared to the LFRZ types of development, even with the level of mitigation suggested. In addition, a residential environment would show a good level of diversity in urban form and planting. He noted Mr Compton-Moen’s view that trade retail would not be appropriate within a town centre environment because of the fine grain nature it has. He considered that was applicable for a residential environment. He considered that an MRZ context would be much more sympathetic to the surrounding lower density urban environment.
155. There were a number of matters of agreement which Mr Lonink included in his Summary as being:
- (a) The future environment would be substantially different from the current environment and urban in character;
 - (b) The current anticipated environment would likely be residential with a density sitting somewhere between 15-20hh/ha;
 - (c) That additional Matters for Control or Discretion for building design will provide greater guidance for future decision makers;
 - (d) He agreed with Mr Compton-Moen that the strategic corner of the site (for him the northwest corner) can provide a focal point and justifies a different pattern/activity. He considered the supermarket sufficiently does this and in his view the site is too large to justify a complete shift in character for the whole site;
 - (e) Finally he agreed with Mr Compton-Moen’s statement at paragraph [38] that the LFRZ can have a detrimental effect on the fine grain nature of the Town Centre Zone but he considered the same would apply in the MRZ.
156. The areas where Mr Lonink disagreed related primarily to character. He considered the change in character to be more substantial than Mr Compton-Moen because the grain and density a residential development would have is substantially different compared with the large footprints, bulk and scale and lack of diversity in a LFRZ development. He did not agree with the argument that because the site now has a commercial activity this character should be allowed to continue. In terms of Mr Compton-Moen’s view that it is common for LFRZs to co-exist with residential environments, he considered that there were a lot more examples where they are not adjacent to

⁶⁴ Statement of Evidence of David John Compton-Moen 7 March 2025 at para [54].

residential environments and there is good reason for that. There are reverse sensitivity issues to be considered between these types of activity.

157. He also considered that of the examples identified by Mr Compton-Moen, there was a lot more nuance which needed to be considered. In terms of the Mitre10 at Papanui, that site was built on an existing commercial/industrial site, but he still considered there to be a stark contrast between the Mitre10 and its surrounding residential environment. He also noted that site was directly abutting a commercial zone across the railway line and was not sitting in what is predominantly a residential environment.
158. He described there was some reliance on the domestic nature of this particular Mitre10, but that cannot easily be controlled by the rules of the district plan. In that context he considered that a trade retail store more focussed on general trades, like many Mitre10 are, needed to be considered.
159. He considered the differences of distances which were substantial in terms of connectivity. He remained concerned about CPTED. While he understood that CMUZ-MAT3 would enable assessment of CPTED principles, he considered that adding a narrative within the ODP that requires a CPTED assessment containing a lighting plan would provide greater certainty.
160. Overall he remained of the view that the proposed plan change and ODP would not result in a desirable outcome from an urban design perspective. If on balance the plan change was deemed acceptable, he recommended changes, being a road connection through and stronger and direction to assess CPTED matters for resource consent applications within this new zone.

Legal Submissions in Reply

161. The legal submissions in reply on behalf of the Proponent⁶⁵ focused on the planning framework which would enable urban design matters to be addressed. Ms Booker referred to discussions that I had with Mr Allan where he confirmed that any new building (or structure) and modifications to an existing building (or structure) on the site would trigger the need for a resource consent application for *at least* (original emphasis) a restricted discretionary activity with a requirement for specific urban design assessment. She identified matters which would be relevantly assessed for every new or modified building or structure. These were summarised as to whether it:⁶⁶
 - (a) Contributes to the vibrancy and attractiveness of adjacent streets, lanes and 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;

⁶⁵ Legal Submissions in Reply on behalf of Foodstuffs (South Island) Properties Limited 17 April 2025.

⁶⁶ Legal Submissions in Reply on behalf of Foodstuffs (South Island) Properties Limited 17 April 2025 at para [5].

- (d) Is designed to incorporate 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; and
- (h) Complies with the ODP.

162. She submitted that every resource consent applied for specifically (and in response to changes proposed by the reporting officer and accepted by the Proponent) 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.⁶⁷
163. She submitted that the assessment 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 those rules are not met, additional resource consents are required based on each individual rule requirement.
164. She submitted that with respect to the ODP all development is to be undertaken in accordance with the ODP in LFRZ-SCHED1 – Lincoln Rolleston Road Large Format Precinct or resource consent is required as a discretionary activity. She noted this to be a different approach to the existing LFRZ where buildings are permitted provided they comply with the rule requirements. She submitted that Variation 2 provides for the future resource consent process to thoroughly assess the effects of *any development* (original emphasis) on the site and this includes outdoor storage areas where they are not fully enclosed. She noted that Mr Johnston confirmed that outdoor storage is considered as part of the building and site layout upfront and where they would not be caught by reference to a new building, they would be caught by the reference to “structure” in LFRZ-R1.⁶⁸
165. Having said that, she submitted that the Proponent has accepted the recommended changes that apply in relation to the rules and matters of discretion themselves and referenced Mr Friedel’s reporting officer summary which records :

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-

⁶⁷ Legal Submissions in Reply on behalf of Foodstuffs (South Island) Properties Limited 17 April 2025 at para [6].

⁶⁸ Legal Submissions in Reply on behalf of Foodstuffs (South Island) Properties Limited 17 April 2025 at para [10].

Issue - Connectivity to the Northeastern Boundary

166. Mr Ross identified the loss of connectivity across the northeastern boundary as shown on the POSDP ODP and that this had been raised and addressed in the s92 response. Mr Ross noted that while the Proponent justified this based on the CPTED and safety concerns, the lack of connectivity may encourage members of the public to shortcut across the boundary planting to the future residential areas to the east, particularly if the DEV-RO12 ODP which indicates access through the adjoining MRZ remains in force. He expressed a concern that this informal and unsanctioned access could result in increased CPTED and safety issues for the site and cause management challenges for the boundary planting.⁶⁹
167. He recommended making provision for at least a pedestrian and bicycle connection aligned with the access road separating the PAK'nSAVE and the southern future retail building. He identified this could be as simple as adding fencing to ensure the north and south portions of the buffer planting and allowing sufficient width for a 10-15m wide open space linkage to accommodate a landscaped safe pedestrian and cycle connection from the east of the proposed LFRZ.
168. Mr Friedel helpfully addressed this issue in his summary.⁷⁰ Mr Friedel noted the Proponent's evidence set out the reasons why connection to development area DEV-RO12 was inappropriate including operational, acoustic and safety concerns, and recorded that the owner of the adjoining land in development area DEV-RO12 had submitted in support of the boundary treatments contained in Variation 2 as notified (S22 Goulds Development Limited). He recorded that Mr Ross maintained that a walking and cycling connection would assist to support community amenity and that there were multiple design options available to the Proponent to address the operational need and safety concerns while enabling public access to maintain a degree of residential amenity and to improve passive surveillance opportunities.⁷¹ He noted that Mr Carr maintained a small trail walking and cycling connection along the northeastern boundary was desirable and for the PREC13 ODP to be amended to facilitate this outcome.
169. He recorded that Mr Lonink maintained his concerns about the absence of walking, cycling and road connections along the boundary will contribute to poor connectivity and accessibility outcomes due to the absence of walkable blocks.⁷² Mr Lonink remained of the view that rezoning this Proposal will contribute to poor outcomes but that the provision of a through connection would achieve positive connectivity and accessibility outcomes.⁷³
170. He records that Dr Trevathan, SDC's acoustic expert, has recorded that the effects of incorporating a single or multiple breaks in the acoustic fence lines and biodiversity were

⁶⁹ Statement of Evidence of Gabriel Ross Landscape Architect 13 February 2025 at para [2.15].

⁷⁰ Reporting Officer Summary of Key Points 20 March 2025.

⁷¹ Citing Summary of Key Points, Landscape and Visual, Gabe Ross, paras [18] – [23].

⁷² Citing Summary of Key Points, Urban Design, John Lonink, paras [4] and [5].

⁷³ Citing Summary of Key Points, Urban Design, John Lonink, para [31].

addressed in the acoustic JWS and that both experts agreed that there were design solutions available, such as overlapping or interwoven barriers, but that these solutions could contribute to poor CPTED outcomes and safety issues, requiring further analysis.

171. Ms Booker addressed this issue in some detail in her written reply. She confirmed that Foodstuffs opposes the proposal to include an additional eastern link (i.e. cycling, walking or roading) for operational and public safety reasons. In addition, she submitted that the evidence of the experts representing Variation 2 was that this further access is not necessary to achieve the objectives of the POSDP. Ms Booker discussed s32(1)(b). She identified the relevant POSDP objectives.⁷⁴ She noted that Ms Parish and Mr Smith do not support the 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 accommodating connections further down the boundary at the Broadlands Drive link. She considered these are matters specifically required to be addressed under s32 of the RMA.⁷⁵
172. I agree that the link would potentially provide greater connectivity consistent with the adjacent connections illustrated on the adjoining ODP, and would assist in addressing Mr Lonink's CPTED concerns. As noted by Mr Friedel, Mr Lonink's requirement for a road connection was generally consistent with the recommendations contained in Mr Ross' landscape and visual assessment, and Mr Carr's transport evidence, albeit they both recommended a pedestrian and cycling connection further to the east to align with the indicative cycle and pedestrian route illustrated in the development of area DEV-RO12 ODP.
173. However, on balance, and having considered all of the evidence, and the legal submissions on this point, I consider that the additional access is not required. I agree that there will be potential benefits in connectivity and walkability but in light of the health and safety issues clearly raised, I conclude, albeit by a fine margin, that it is not appropriate. I also acknowledge Ms Booker's position in relation to scope and agree that there could potentially be an issue in that regard.

Assessment of Remaining Urban Design Matters

174. I have carefully considered all of the evidence and submissions on these matters. There is something of a crossover between the landscape and urban design matters and evidence. That is not a criticism. In this context there is clearly a crossover which renders a strict demarcation between landscape experts and urban designers artificial.
175. On the issue of the degree of change, I prefer the evidence of Mr Lonink (and Mr Ross). I agree with Mr Lonink that the change in character is more substantial than that identified by Mr Compton-Moen. I agree that the grain and density a residential development would have, even if at the higher levels of density, is substantially different when compared with the large footprints, bulk and scale, and lack of diversity in an LFRZ development.

⁷⁴ Legal Submissions in Reply on behalf of Foodstuffs (South Island) Properties Limited 17 April 2025 at para [22].

⁷⁵ Legal Submissions in Reply on behalf of Foodstuffs (South Island) Properties Limited 17 April 2025 at para [24].

176. As detailed above, Mr Compton-Moen considered that in terms of urban character values, the rezoning would result in a low magnitude of change when compared to the MRZ which includes the consented PAK'nSAVE development and a suite of landscape consent conditions. He did identify that the greatest change would be in the bulk and location and style of the buildings in the southeastern corner of the site where they would be large, tall and commercial in character compared to the existing permitted residential dwellings. He considered the change in character was not viewed as adverse as it is continuing with the commercial character created by the consented PAK'nSAVE development and he considered it can be mitigated by adopting the same mitigation as reflected in the consent conditions placed on the PAK'nSAVE development.
177. On the southern portion of the site Mr Compton-Moen considered the additional matter of control CMUZ-MAT3, relating to the façade design, permeation and modulation and similar, was unnecessary but acceptable as it would provide greater clarity.
178. Again Mr Compton-Moen did not consider that the 20m minimum building setback from road boundaries was necessary from an amenity or urban design perspective as the proposed landscape treatment and road corridor separations were sufficient to mitigate potential adverse effects, especially when compared to a built development in a MRZ.⁷⁶ However he noted that the Proponent was willing to accept that any building within a 20m setback would trigger a resource consent requirement and he had no concerns if that was included. He considered the proposed building platforms outlined in the ODP provided a positive degree of certainty as to where built development will occur.

Assessment

179. Having considered all of the relevant evidence, I consider that 20m setback to be very important. It allows for an assessment which, in the context of a this plan change is critical. In my view that is particularly important given the 'wedge shape' of the site.
180. In terms of the urban design matters – CMUZ-MAT3, I agree that those assessments, including the additions relating specifically to PREC13, will enable a thorough assessment at consenting stage of urban design issues. CMUZ-MAT4 Height, again as amended, ensures that effects on amenity of adjoining residentially zoned properties, including on outlook, privacy, overshadowing and visual dominance, will be considered). Setback is addressed in LFRZ-REQ4 and development that is not in accordance with the ODP is subject to a fully discretionary consent process.
181. While I accept Mr Lonink's evidence in relation to a number of the issues identified, overall I consider that with the changes that I now recommend to the overall package, which have largely been agreed and which are included in the attached provisions, will enable urban design issues

⁷⁶ Statement of Evidence of David John Compton-Moen 7 March 2025 at para [52].

to be fully and properly assessed at the consenting stage. I have addressed the importance of those provisions in the landscape assessment paragraphs and I reiterate their importance here.

182. If those amendments and additions were not included, in my view approval of this plan change would be potentially problematic. Again, what is before me is not a consenting of a particular Mitre10, by a particular owner. It is providing the appropriate framework for assessment.

Urban Form

183. Submissions by B A Roche, J Hindley, P Beechey and D Schmidt opposed the variation on the basis that the rezoning was inconsistent with the POSDP directions that large format retail activities should be located west of State Highway 1.
184. Clearly the urban form anticipated by this plan change does not reflect that anticipated by the POSDP. While the POSDP includes this area within the urban form of Rolleston, it does so on the basis that is to be residentially zoned. The POSDP anticipates that large format retail will be provided adjacent to the General Industrial Zone/inland port or within the Town Centre Zone.
185. Mr Lonink considered the rezoning to be inconsistent with the urban form that had been established in the relevant statutory instruments and strategic plans where the site had been identified to accommodate residential greenfield development. He considered that there was already sufficient plan enabled supply for the commercial activities being sought in Variation 2 provided elsewhere within Rolleston that avoids the need for this site to be rezoned and avoids the related non-residential character and amenity adverse effects that would arise. On the basis of the economic evidence which I address subsequently, I do not accept there is sufficient plan enabled supply for the commercial activities sought.
186. Mr Friedel addressed this issue in his report. He considered, that having evaluated Variation 2 and the evidence provided by the SDC supported experts, the context of the site was unique from other areas east of State Highway 1 and the South Island Main Trunk Line (**SIMTL**) as it already accommodated a consented and partially constructed PAK'nSAVE supermarket.
187. He considered that the Variation 2 site enjoyed a strategically strong location in proximity to a primary connection to State Highway 1 via Levi Road and the Town Centre Zone by Masefield Drive. He noted that the economic evidence of Mr Foy confirmed that the location of the activities was appropriate despite there being other areas within Rolleston where it could establish and noted that Variation 2 with the amendments could satisfy the economic bottom lines detailed in the NPS-UD for achieving a well functioning urban environment. He again identified the landscape and visual effects assessment of Mr Ross and confirmed that the co-location of trade retail and trade supplier activities with the consented supermarket were concentrated and contained the visual effects and that overall it provided an integrated and cohesive landscape outcome if the recommended amendments were adopted.⁷⁷

⁷⁷ Section 42A Report 28 February 2025 at para [7.16].

188. Overall, and subject to the changes that I have made, I accept Mr Friedel's evidence. I recommend rejection of those submissions in opposition on urban design (and landscape) matters and recommend acceptance of those submissions in support.

Economics

189. The Proposal included an economic assessment dated 13 February 2024. This traversed various economic matters including site and location criteria for trade retail, other locations, including the LFRZ on Jones Road, locating in the Rolleston Town Centre, or locating in the General Industrial Zone. Overall it concluded that this was the most appropriate site for a proposed Mitre10 as it met the criteria in terms of visibility and accessibility near to market demand, was large enough to meet the needs, was relatively flat, free of contamination and of a suitable shape, and created "synergies" with the consented PAK'nSAVE and could be developed in a financially viable manner.
190. It addressed effects on existing commercial areas, impacts on residential land supply, before addressing the benefits of rezoning and enabling Mitre10. The assessment noted that despite Selwyn being the fastest growing territorial authority by a clear margin, it had an anomalously low level of hardware, building and garden retail supply.
191. It identified one-off construction impacts (including employment), ongoing onsite employment and improved commute times and emissions. In that regard it noted that it would significantly reduce the need for households and tradespeople to commute to/from the city to source hardware and building supplies. It considered that given the 30,000 new dwellings needed to be built over the next 30 years, this effect would confer significant and enduring benefits. The assessment did not attempt to quantify the benefits noting that they depend on several assumptions, many of which cannot reliably be gauged ex-ante.
192. It noted that the expectation was to run into tens of millions of dollars over time, relative to the status quo of MRZ. It estimated that the consented PAK'nSAVE on the site would generate nearly \$7m of benefits annually due to the impacts of reduced commuting and that while they did not expect the proposed Mitre10 store to generate the same level of benefits, they would still be significant, particularly over the longer term.
193. In response to a further information request, Insight Economics provided a Technical Memorandum addressing potential retail distribution effects on the Rolleston Town Centre and, if relevant, other Selwyn centres. In response to a query in relation to the assessment that this was the most appropriate location for the proposed Mitre10, the position was clarified to read that the Mitre10 cannot be **optimally** (original emphasis) located elsewhere in Rolleston due to the unique locational advantages of the subject site. It considered that while alternative locations such as the IZone exist, they present suboptimal conditions. In essence the s92 response outlined the key advantages of the subject site.

194. Mr Foy addressed the economic issues as part of the s42A report.⁷⁸ Mr Foy's evidence identified the key issues as being: potential retail distribution effects on the Rolleston Town Centre and other centres; the need for the requested LFRZ; alternative locations for providing the types of activities that the Proposal seeks to enable; the potential effect on land use activities located between the subject area and the Rolleston Town Centre; and the potential effects on the adequacy of residential land supply arising from a change of zoning.⁷⁹
195. Mr Foy agreed with the IEL Report's assessment of:
- (a) The need for additional supply of hardware, building and garden supply;
 - (b) The likelihood that the proposed plan change area will necessarily accommodate a supermarket and a Mitre10 hardware store due to the ODP proposed. He addressed concern in relation to food and beverage outlets;
 - (c) The magnitude and effect of retail distribution effects;
 - (d) The potential effects on the adequacy of residential land supply;
 - (e) The appropriateness of the proposed plan change area to accommodate large format retail activities, including with respect to accessibility, visibility, and the size and flat nature of the site; and
 - (f) The economic benefits of the proposed plan change request, including ongoing retail employment on the site, reduced commuting to access large format retail supply, and one-off construction impacts.
196. In his original evidence he disagreed with the IEL's report assessment that there were no other locations in Rolleston where the indicative Mitre10 hardware store might locate, and therefore the IEL report statement that the Mitre10 would not locate elsewhere in Rolleston if it could not locate at the proposed plan change area. Mr Foy had undertaken his own assessment of that matter and determined that despite the likelihood that the Mitre10 could establish in other locations, the proposed plan change area is an appropriate location for that store.⁸⁰
197. In his Summary of Evidence, and in discussions at the hearing, Mr Foy updated his position on key issues having read the statements of evidence prepared by Mr Colegrave and Mr Allan. He recorded that in terms of retail distribution effects, there was agreement between him and Mr Colegrave that the Proposal will not give rise to significant retail distribution effects or adversely impact the role and function of the Town Centre Zone or other centres. He noted that he had previously had some concerns in relation to permitted capacity for a substantial presence of food and beverage outlets. In light of the changes accepted by the Proponent in relation to limitation

⁷⁸ Statement of Evidence of Derek Foy 12 February 2025.

⁷⁹ Statement of Evidence of Derek Foy 12 February 2025 at para [2.1].

⁸⁰ Statement of Evidence of Derek Foy 12 February 2025 at para [3.4].

on those activities, he was satisfied that the potential economic effects of food and beverage activities on the site would be appropriately avoided.

198. He agreed that there was a need for the requested LFRZ, and while there were some alternative location options for the activity proposed to be enabled, those alternatives are inferior from a commercial perspective compared to the Proposal area. He considered from an economic perspective the rezoning of the whole of the proposed plan change area as LFRZ would be appropriate, even if there were other places which could feasibly accommodate a Mitre10.
199. He considered that the creation of the proposed LFRZ may induce some expansion of commercial activity into the residential area along Masefield Drive between the proposed plan change area and the town centre, but concluded that such an effect would be minor. He considered that overall the Proposal would contribute to a well functioning urban environment including because it would avoid urban expansion. It was his view that the zoning would not conflict with the intent of the CRPS Objective 6.2.1a and he therefore agreed with Mr Colegrave's conclusion that removing a portion of plan-enabled residential land in this location would have no material effect on the district's overall residential land supply.
200. He concluded that the Proponent had adequately assessed the appropriateness of the area and the anticipated economic outcomes were appropriate and effectively managed by the proposed provisions. He considered it to be consistent with the direction and framework of the CRPS, the NPS-UD and the POSDP in so far as they relate to urban growth and relevant economic matters. He concluded that there were a number of positive aspects in the plan change request and overall supported the request from an economics perspective.
201. At the hearing, Mr Colegrave's evidence focused on the likely economic effects of the development enabled by the Proposal over and above the consented supermarket. To reflect the most likely development outcome under the Proposal, he assumed there would be a new Mitre10 store.⁸¹
202. Mr Colegrave addressed the question of the 'need' for the Proposal under the NPS-UD. He addressed the April 2023 Business Development Capacity Assessment for the Christchurch City, Selwyn District and Waimakariri District. He noted that assessed that in aggregate Selwyn had sufficient commercial land in the short term, a projected undersupply of three hectares in the medium term and a shortfall of 31 hectares in the long term. He considered that there was a shortfall in aggregate commercial capacity in the medium long term but a pressing specific need for additional hardware, building and garden retail supply.
203. He addressed the economic benefits of a proposed Mitre10 store in more detail. He concluded that there would be a generation of significant and enduring district economic benefits from the

⁸¹ Statement of Evidence of Fraser Colegrave 7 March 2025 at [30].

construction, and once operational, permanent employment for approximately 65 fulltime equivalent staff.

204. Another benefit he considered and addressed was the reduction in the need for households and tradespeople to commute to and from the city to source hardware and building supplies and this was enhanced by the central location relative to the core residential catchment. He noted that with the 30,000 new dwellings needing to be built in Selwyn over the next 30 years, the reduced commuting distances would confer significant and enduring benefits in terms of lower vehicle travel, fuel consumption, emissions, travel time and costs, congestion and accidents.
205. Mr Colegrave advised that those benefits were not quantified as they are dependent on several assumptions. He expected that the Mitre10 would generate significant benefits on its own and, in combination with PAK'nSAVE, there would be an amplification of the benefits associated with a reduction in commuting.
206. Mr Colegrave's evidence expanded on the assessment in relation to other locations. He addressed the LFRZ on Jones Road, which provides for one large format hardware, building and garden retailer, that had been consented and confirmed as a Bunnings Hardware Store. It was his evidence that there was no remaining LFRZ land on Jones Road or anywhere else in the district to accommodate the proposed new Mitre10 store. He also expanded on his report in relation to locating in the General Industrial Zone and ultimately considered it was highly unlikely that a Mitre10 store would be economically viable in that location other than the recently rezoned PC80 General Industrial Zone area which would be more visible and slightly more accessible than other General Industrial Zone land. He noted that the ODP for PC80 indicated that it is likely designed for industrial businesses needing or wanting a rail siding. He considered that Mitre10, not requiring a rail siding, would be not only a poor fit, but would lead to a suboptimal utilisation of infrastructure by displacing future industrial uses for whom it is a better site and location fit.⁸²
207. He advised that it was not practical or desirable for a new Mitre10 store to establish in the Rolleston Town Centre noting it was largely already developed or in the process of being developed and any remaining parcels were too small. Again he confirmed his view that the single trade retailer enabled by the rezoning (which he assumed to be a Mitre10 store) posed no threat to the role, function, health or vitality of the Rolleston Town Centre. He considered the new store would neither divert trade from the town centre or deprive it of a store that would otherwise have located there. He saw no material risk that this Proposal would encourage other commercial activities to establish along Masfield Drive (between the site and the town centre). He considered there was no material risk to the same given it was zoned MRZ, where commercial activities are non-complying, and it was substantially built out in new housing.

⁸² Statement of Evidence of Fraser Colegrave 7 March 2025 at [30].

208. He concluded that the economic merits of rezoning this site to LFRZ to better recognise the consented PAK'nSAVE and to enable a new Mitre10 store to establish there were appropriate, and would provide and generate significant and enduring economic benefits.

Submitter Comments

209. There was no expert economic evidence provided on behalf of submitters. Mr Friedel in his officer report identified that there were 30 submission points seeking relief in respect of the economic effects of the rezoning.⁸³ He advised there were 12 submission points requesting it be approved due to a commercial need in the location and wider area, five submission points requesting Variation 2 be approved as the rezoning would support employment opportunities and/or retail offerings, three submission points requesting it be approved as it will address a deficiency in LFRZ land to support convenience, productivity and economic benefits, three submission points opposing on the basis that it should be in the existing LFRZ on the western side of State Highway 1 and the SIMTL, two opposing Variation 2 on the basis that it would set a precedent for commercial sprawl, one submission point identifying that the rezoning would not have a significant adverse distributional effect, three neutral submission points, aside from the departure from Map A, that the rezoning would support self-sufficiency, and is consolidated and intensified business growth consistent with the CRPS Objective 6.2.2 and Policy 6.3.6. Finally, he advised there was one neutral submission point identifying that the rezoning would not conflict with the need for Council to provide sufficient housing capacity consistent with the CRPS. Those submitters are identified in Mr Friedel's report.
210. Mr Beechey in his appearance at the hearing noted that the Hornby branch of Mitre10 was only 9 minutes away. He spent some time addressing the activities which occur in the IZone (GIZ), noting drama, dance, gymnastics and Chipmunks are all located within that area. They are well used and regularly attended. Residents in Rolleston town centre itself regularly went to the GIZ land and, from his context, several times a week to take children to after school activities. He also identified that the land west of the state highway was readily accessible to the rest of the district and noted the businesses which had established there.
211. He raised a concern in relation to a growth of click and collect would be likely to lead to reduced employment opportunities. He identified that people were not visiting physical stores to the same degree that they had in the past. He queried the cross-shopping synergies that had been raised and in essence considered they were overstated.
212. He expressed concern in relation to the \$7 million in benefits identified by Mr Colegrave. He described this as a "bait switch" in his evidence. He submitted it would only be the Smith family who would benefit from this rezoning, and that would be at the cost to the community. In terms of jobs, he described those as generally involving low wage jobs. He noted the new Chipmunks store and referenced other businesses that were looking at entry into the IZone. As noted, he advised that he visits some of the places five times a week. He noted this was the same for many

⁸³ Section 42A Report 28 February 2025 at para [7.33].

families every school week. He also referenced the land available for sale and lease in that location.

Assessment

213. I accept there are significant economic benefits from the Proposal. I note that the PAK'nSAVE is consented and it is important to avoid "double counting" given that job creation and similar matters have been taken into account in the consenting phase. They are not benefits which accrue from this Proposal.
214. This was acknowledged by the experts. As identified by Ms Booker in her reply submissions, both the economic experts confirmed that the PAK'nSAVE was considered as part of the existing environment in undertaking their assessments.
215. There was clear evidence and agreement in relation to the shortfall in aggregate commercial capacity and that there was a specific need for additional hardware, building and garden retail stores. Again as identified by Ms Booker in her reply submissions, Mr Foy confirmed in response to questions from me that a hardware supplier is needed now.
216. Mr Foy confirmed that this would increase the breadth and depth of offering in Rolleston and contribute to self-sufficiency.
217. Overall, there is a very high level of agreement between the economic experts, Mr Foy and Mr Colegrave.
218. Mr Friedel evaluated the economic evidence and expert advice and submissions. He considered that Variation 2 can be supported as it will not give rise to any adverse retail distribution effects and will contribute to a well functioning urban environment, including by providing access to large format retail activities in an accessible location and one that avoids rezoning of greenfield land for business purposes. He recorded that the economic experts also established that the rezoning will not have a negative impact on Rolleston's plan enabled residential land supply and that the addition of another trade retail and trade supplier activity would not generate adverse cumulative effects from an economic perspective.
219. I agree with Mr Friedel's assessment that Variation 2 can achieve the positive economic outcomes identified in the submissions received in support of the rezoning, including that it will meet a commercial need, increase economic productivity, support a competitive development market, improve trade retail and trade supplier offerings, provide convenience to employees and customers, and support employment in the area. I agree that the submissions identifying the positive economic outcomes should be accepted. I also agree with his recommendation that the neutral submission points by the Canterbury Regional Council in relation to retail distribution effects, the supporting of self-sufficient, consolidated and intensified business growth and that Variation 2 would not compromise plan enabled housing sufficiency be accepted.

220. I agree with Mr Friedel's assessment, again based on the conclusions reached by the economic experts, that the rezoning will not contribute to a precedent effect that would undermine the integrity of the POSDP based on precedent effect. He noted that precedent effects could form the basis for an evaluation to consider the appropriateness of a future resource consent application. I also agree with him that precedent effects are unlikely (to the degree they were part of the plan change).
221. As noted, Mr Beechey considered that the jobs resulting would be low paying. Ms Booker submitted in her reply submissions that the statement was not accurate as there will be higher paying roles available. She identified that in discussions I had with Mr Foy, he 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.
222. While some of the financial benefits arising from the Mitre10 were not strictly quantified, clearly the overall economic benefits are substantial. These include benefits from job creation.
223. There is no evidence that the plan change would give rise to retail distribution effects, or effects on the very recently identified LFRZ north of the state highway. On the basis of the expert evidence provided, I conclude that the retail distribution effects have been properly considered by the expert evidence, and are less than minor, at most.

Impact on Property Values

224. Mr Beechey identified a concern in relation to property values and discussed this in his presentation at the hearing. I understand his concern, particularly given the level of investment that residential property involves. I note that in *City Rail Link Limited*⁸⁴ the Court there, in summary, held that adverse effects on land and property values are not in themselves a relevant consideration. It stated at paragraph [63]:

If property values are reduced as a result of activities on adjoining land, the devaluation would reflect the effects of that activity on the environment. The correct approach is to consider those effects directly rather than the market responses because the latter can be an imperfect measure of environmental effects.

225. Mr Beechey sought to distinguish the *City Rail Link Limited* case on the basis that it was a very large scale significant infrastructure project. I agree that there is a difference between this Proposal and the proposal being addressed in the *City Rail Link* case. However the rationale remains the same. I have focused on the primary effects, rather than the concerns expressed in relation to property values.

Infrastructure Servicing

226. Mr Thielmann, a civil technician (NZDE Civil), provided expert evidence in relation to infrastructural matters. He concluded that the 7.3ha PAK'nSAVE and Mitre10 developments

⁸⁴ *City Rail Link Limited (CRRL)(Successor to Auckland Transport) & Ors v Auckland Council*, Decision No [2017] NZEnvC 204.

would have a lower water and wastewater demand than a 7.3ha residential development with a 15hh/ha density.

227. Mr Blake-Manson, an infrastructure advisor at Waugh Infrastructure Management Limited, provided evidence addressing an infrastructure assessment for Variation 2 and an evaluation of the submissions received that were relevant to his area of expertise.
228. The Proposal included a Design Advice Memorandum in response to Council's request for further information. Mr Thielmann addressed discussions which had been held with the Council to establish the allowed daily wastewater discharge for the PAK'nSAVE site and advised that he had undertaken conservative estimates.
229. Mr Thielmann and Mr Blake-Manson undertook conferencing prior to the hearing addressing wastewater discharge demand, water supply demand, stormwater disposal and implications for future roading in so far as it related to the development's capability to dispose of stormwater.
230. Those experts agreed that:
 - (a) The combined wastewater discharge demand for the proposed PAK'nSAVE and Mitre10 developments is calculated to be less than that of an equivalent 7.3 hectare 15hh/ha residential development and the site can therefore be adequately serviced from the Council's network;
 - (b) The combined water supply demand for the proposed PAK'nSAVE and Mitre10 was calculated to be less than the equivalent of a 7.3 hectare 15hh/ha residential development;
 - (c) Trade waste consents would need to be applied for and that on the basis of the information which was provided/available, that would be equivalent to a domestic loading and not foreseen to have any undue effects on the Council's treatment system; and
 - (d) That fire fighting water supply can be resolved through any subsequent consenting process.
231. There was a disagreement in relation to the methodology for stormwater treatment and disposal. This arose from the indicative location at the southeastern corner which may not be available due to a proposal for extension of Broadlands Drive. The experts did agree that stormwater treatment and disposal could still be achieved by other means if that area was not available.
232. On the basis of the expert evidence, and the further advice from Mr Friedel and Mr Allan, I am satisfied that wastewater, water supply and stormwater disposal can be addressed in an appropriate manner.

Noise and Vibration

233. The Proposal included an assessment of noise effects prepared by Marshall Day. Mr Hay of Marshall Day also provided the response to the s92 RFI in relation to questions which had been raised by Dr Trevathan in his peer review.
234. Mr Hay and Dr Trevathan undertook conferencing and provided a Joint Witness Statement – Noise.⁸⁵ It was agreed in terms of noise limits that the applicable noise limits are determined by the site receiving the noise. As the neighbouring sites are zoned residential, the status quo remains. In that context, the rezoning to LFRZ did not enable more noise.
235. They agreed that the noise limits were conservative but appropriate to manage noise from the activities. They confirmed that the noise limits do not apply to the noise generated by vehicles on roads but even with the higher levels of traffic associated with the trade based retail activity, any increase in noise level would be modest and the general character and effect of traffic noise in the area would remain the same. They similarly agreed that any vibration effect would again remain similar to the existing situation.
236. The witnesses addressed mitigation and the steps that may need to be taken by a trade based retail activity to comply with the noise levels. Both experts agreed that it was realistic for such an activity to achieve compliance by implementing mitigation, particularly in terms of the already consented boundary treatments arising from the PAK'nSAVE consent.
237. The noise experts recorded their understanding that noise would not formally be assessed again in the restricted discretionary application if the restricted discretionary application was made on the basis that compliance with the noise limits would be achieved. The witnesses agreed that noise limits always provide a backstop and there is nothing inherently wrong or unusual about that with the possible exception of mechanical plant noise.
238. They addressed the possible break in the northeastern boundary which was identified by the reporting officers in terms of a pedestrian and cycle accessway across the northeast boundary. They agreed that a break in barriers would make it more complex to achieve compliance and while identified solutions such as overlapping or interwoven barriers may be as good as or similar to the proposed boundary treatment, they may create CPTED issues that fall outside the scope of their expertise.
239. Mr Friedel provided a helpful summary of the relevant noise issues, and submissions on the same.⁸⁶ Mr Friedel confirmed that on the basis of the evidence, there were ultimately design solutions available, such as overlapping or interwoven barriers.
240. Having considered the acoustic evidence, the outcomes from the expert conferencing, the relevant submissions and the officers report, I am comfortable that noise issues can be

⁸⁵ Joint Witness Statement – Noise 19 March 2025

⁸⁶ Section 42A Report 28 February 2025 at para [7.80] – [7.86].

appropriately considered and addressed through the consenting process. Again, I recommend rejection of those submissions identifying concerns with noise generation.

Transportation Network

241. The Proposal included an Integrated Transport Assessment prepared by Mr Metherell. That described the site location and its adjacency to two arterial roads which have an important function in the Rolleston network and that it is located within walking distance of the town centre. It noted the intersection of Levi Road and Lincoln Rolleston Road was due to be upgraded at that stage from a roundabout to traffic signals which would address existing queuing that occurs at the evening peak on Levi Road and support safe movement across the arterial intersection by those walking and cycling. It noted that a detailed investigation had been carried out for the consented PAK'nSAVE and a range of access conditions were included which had been transferred onto the proposed ODP for the site.
242. By using a detailed traffic model, the assessment identified the changes in performance were small and would not impact the timing or form of transport infrastructure provisions on the arterial road network. It concluded it was well serviced by existing public transport which could be enhanced and that the rezoning would be supportive of the provisions for access and connectivity proposed.
243. It noted that the site development would be subject to consideration under district plan transport rules in terms of access and no particular issues have been identified. It recorded that it was expected development would be subject to high trip generating activity requirements for an ITA to further assess the site and access layout, provision for mode choice, and potential traffic effects. It considered that the combined ODP and transport chapter provisions will enable good transport outcomes for the site and surrounding network for various reasons which were identified.
244. It also considered that there was a high level of consistency from a transport perspective with the District Plan's Strategic Directives and Transport Objectives, and similarly it could contribute to the relevant objectives in the NPS-UD.
245. Mr Friedel in his s42A report noted that the rezoning request can contribute to relatively significant changes to the safety, efficiency and convenience of the transportation network through increased demand and changes in models that may require network upgrades and improvements. He identified that there were 26 submission points seeking relief in respect of transport related matters. I adopt his summary of submissions referred to in paragraph [7.63] of his report.
246. In essence, some of the submissions considered that the rezoning would promote positive transport effects through less commuting and/or improved connectivity, one was neutral but identified again reduced travel distances and increased connectivity. Five of the neutral submission points identified that Variation 2 should be supported by integrated transport planning and managed to avoid adverse transport effects on the future emergency services campus, including in respect of the placement of vehicle crossings and accesses and formation of the

Lincoln Rolleston Road and Broadlands Drive intersection. Seven submission points requested that it be declined as it would generate adverse transport effects including congestion, increased greenhouse gas emissions and air pollution, onsite staff parking and/or compromised safety. One submission point raised vehicles diverting down Reuben Avenue; and two sought decline on the basis of adverse effects and congestion, again referencing staff parking.

247. Mr Andy Carr gave expert transportation evidence for the Council. This is summarised in Mr Friedel's report at paragraphs [7.64] – [7.67]. I agree with and adopt Mr Friedel's summary of the matters identified and discussed by Mr Carr.
248. Mr Metherell provided a statement of evidence.⁸⁷ As noted, Mr Metherell was the author of the Integrated Transportation Assessment (ITA) which was included as Appendix K in the Variation application. He noted that he had also prepared the Request for Information response to traffic matters dated 15 August 2024. He described the updates currently being undertaken at the intersection of Levi Road and Lincoln Rolleston Road which will address existing queuing at the roundabout which he noted that in the evening peak on Levi Road can extend approximately 1km to the east, and additionally support safe movement across the arterial intersection by those walking and cycling.
249. He noted that a detailed investigation of traffic effects was carried out for the consent of the PAK'nSAVE supermarket and those access conditions of consent have been transferred to the proposed ODP. He used the "same detailed traffic model for Rolleston as used for the PAK'nSAVE consent application" and investigated the ability of the road network to accommodate the traffic associated with additional high trip generating activities at this location. Given the cumulative change in traffic generation is not high compared to the traffic volumes on the surrounding road network, he considered that changes in performance were small and would not impact the timing or form of transport infrastructure provision on the arterial road network.
250. He considered it to be well serviced by existing public transport with opportunities for enhanced access to public transport. He considered the site to be well located in the Rolleston urban form and its location south of State Highway 1 would support the shortening of trips for the additional trade retail supplies that would be enabled, noting that currently the most comparable trade retail store is located in Hornby, requiring a long distance trip.
251. Mr Metherell supported the provisions in the ODP, noting that it would be subject to consideration under the District Plan transport rules that address access position and design and did not identify any issues that could not be considered through the standard consent process. He expected that the subsequent development of a trade retail supply store on the site would be subject to the high trip generating activity rule – TRAN-R8 which would be expected to trigger a full ITA and again was confident that the combined ODP and transport chapter provisions would enable good transport outcomes for the site and for the surrounding network.

⁸⁷ Statement of Evidence of Andrew Metherell 7 March 2025.

252. In terms of the matters raised in submissions, he noted that the additional trade retail supply store to the south of the consented PAK'nSAVE that would be enabled by the proposed rezoning will result in some changes to site access and traffic generation compared to the residential development permitted, but that it supported shortened trips for Rolleston residents visiting a trade retail store and that the shortened trips had network wide safety and efficiency benefits. He addressed the issue of the connection from residential development to the east which I have discussed in the urban design section. Mr Metherell considered that a suitable connection will still be achieved in the wider area without that connection.
253. Mr Carr in his summary statement noted that it remained the case that there was a large degree of agreement between himself and Mr Metherell with both considering that the analysis undertaken does not indicate that there would be adverse road safety or roading efficiency effects that arise from the rezoning of the site. They agreed that the provisions of the variation mean that the scale of the development will trigger the provision of another ITA in due course through the POSDP rules (TRAN-R8) which provides a further opportunity to consider in detail the traffic effects once resource consents are sought.
254. The issue of a non-car east-west link was an important difference. As summarised by Mr Carr, he recommends that a non-car east-west link be shown on the ODP, Mr Metherell disagrees, noting that the absence of such a link does not impose significant additional walking distances to key destinations.
255. As I have identified earlier in this Recommendation, this issue is addressed by Ms Booker in reply. She confirmed the opposition by Foodstuffs for operational and public safety reasons and that the evidence of the experts for the Proposal was that the further access was not necessary to achieve the objectives of the POSDP. Ms Booker identified that the land to the east is zoned MRZ under the POSDP and the zone specifically focuses on providing for houses in its objectives and policies. She submitted they focus on achieving attractive and safe streets and public open spaces, and increased residential densities occurring in close proximity to activity centres, active and public transport routes, community services and public open spaces (RESZ-O4 POSDP).

Assessment

256. I have confirmed earlier that I do not consider the walking and cycling access, nor the vehicular access, is appropriate for health and safety reasons. My recommendation remains the same from a transportation perspective. Ultimately I conclude that the additional connectivity, while desirable from some perspectives, is not appropriate in the context of the health and safety matters clearly raised.
257. There is a significant degree of agreement between the transportation experts. Having carefully considered all of that evidence, together with the submissions, and the officer reports, the traffic and transportation issues have been properly assessed. There are no real issues at the expert level. The site is well served in that it fronts two arterial roads. The assessments undertaken demonstrate that the road network is able to accommodate the changes in traffic patterns as a

result of the rezoning without any material changes in transport infrastructure requirements. The traffic signals which are currently being developed at the intersection of Levi Road/Lincoln Rolleston Road are intended to reduce existing congestion and safety concerns.

258. I accept that the rezoning will achieve wider transport network benefits arising from the co-location and helping to reduce travel distances.
259. I find that the site is clearly able to be provided with suitably located and designed site access noting that the conditions for the PAK'nSAVE already provide specific provisions in relation to access and these are reflected in the ODP. I agree that accesses are to be located to achieve appropriate outcomes and these can be assessed in more detail in future consent processes as the Council has a wide range of discretion.
260. I have considered the matters raised in the submissions and in my view the concerns have been appropriately addressed in the expert evidence.

Assessment of Selwyn District Council's Submission

261. Mr Lawn, Head of the Emergency Management at Selwyn District Council, raised a number of issues in relation to transportation integration with the future emergency services campus that is proposed at 317 Lincoln Rolleston Road. In his statement of evidence he noted that the Selwyn District Council had been working with emergency service providers in exploring an opportunity to co-locate on the currently undeveloped Council owned site at 317 Lincoln Rolleston Road. It had been selected for further investigation for several reasons and from a transportation perspective it was located where there were already good transport connections to enable quick response times. He noted that there were further transport connections planned to be established including the Broadlands Drive extension which is currently being worked through the concept design stage by SDC and Abley Transport Consultants.
262. He advised that as that extension is being worked through, one of the preferences communicated has been that there be a signalised intersection at the Broadlands Drive extension/Lincoln Rolleston Road intersection rather than a roundabout. He understood that would provide some opportunity for emergency priority ability with a link to the new traffic signals currently being installed at Levi Road and overall providing a priority phased route for emergency vehicles. He advised that investigations on this would be done at the time of signal operational design.⁸⁸
263. Mr Metherell, having reviewed the evidence of Mr Lawn, noted that the concept road alignment presented by Mr Lawn does not continue the existing Broadlands Drive alignment with the proposed road alignment shown on DEV-RO2 but rather moves it away from the boundary by approximately 20m.
264. In relation to the road position as per DEV-RO2, Mr Metherell considered a signalised intersection would not have a material difference in land and access requirements when compared to a

⁸⁸ Written Statement of Alastair John Lawn on behalf of Selwyn District Council 14 March 2025.

roundabout for the same road position and considered that the rule already provided sufficient discretion for assessment of access and it was unnecessary to alter the site ODP.

265. The potential roading scheme for the emergency services campus has reached a stage where concept plans have been developed but not necessarily finalised. Mr Carr expected that they may change. His concern was to ensure that there is maximum flexibility in relation to the service exit from the site. He considered that should either be annotated as indicative on the ODP or located further north to avoid that potential conflict. His view was that amendment of the wording of the ODP was the most appropriate. He did not consider that further evaluation of that issue was required at this stage because of the ITA that is required to be produced for the site development in the future and consideration of the separation of site access from the new intersection would form part of that because it is required under TRAN-R4. Mr Carr did agree with the request in relation to the intersection, and considered that, for the reasons outlined by Mr Lawn, all references should instead refer to the Broadlands Drive intersection.
266. In Ms Booker's reply submissions, it was noted that the Broadlands Drive link provisions exist in the POSDP and are not sought to be changed by Variation 2. She noted that the recent POSDP process had included the links over the DEV-RO1, DEV-RO2 and DEV-RO12 sites and the concept plan provided by Mr Lawn did not marry up with the link in DEV-RO2. She noted that discretionary activity subdivision consent is likely required to develop the proposed concept plan and there was no further assistance given as to why it was necessary to depart from the ODP alignment for the SDC land. She submitted that in terms of seeking flexibility on the ODP for access, the evidence of Mr Allan noted that these links were treated as indicative in subsequent resource consent processes and not fixed.
267. In terms of the identification of the signalised intersection, as opposed to the roundabout, in my view that is a matter that can be properly addressed as matters progress and become more certain. As noted by Mr Metherell, there is no material difference in land and access requirements when compared to a roundabout for the same position. There is sufficient discretion for that to be assessed at the appropriate time.
268. In relation to the matters raised by Mr Lawn's evidence and the SDC submission, in my view, in all the circumstances, and given the very conceptual nature of the proposal relating to the emergency precinct, I do not consider any significant changes to the ODP are required or appropriate. They can be addressed at subdivision stage. I do however see some benefit in the identification of the southern access as indicative given the importance of the southern link.

Land Suitability, Geotechnical Risk and Natural Hazards

269. The Proposal identified and assessed ground conditions, flood hazards, geotechnical risks and contaminated soils in Sections 3.5 and 5.6.
270. As identified by Mr Friedel, there were three submission points seeking relief in relation to those issues. Canterbury Regional Council, in its neutral submission, identified that Variation 2 was

consistent with the CRPS Objectives 5.2.1 and 11.2.1 and Policies 5.3.2 and 11.3.1 for managing natural hazards. A further neutral submission identified that it was consistent with the CRPS Objective 17.2.1 and Policy 17.3.2 for avoiding contaminated land and protecting groundwater. Again from Canterbury Regional Council.

271. Te Ngāi Tūāhuriri Rūnanga and Te Taumutu Rūnanga supported Variation 2 provided that a number of issues addressed in the Cultural Impact Assessment were addressed including identification and protection of springs and wetlands, culturally sensitive areas, avoiding earthworks that could affect aquifers, surveying taonga and indigenous species, and remediation of all contaminated soils.

Flood Risk

272. In terms of the identified flood risk, the Proposal at Section 5.6 Flooding considered that the identified flood risk could be addressed and managed during any future resource consenting process. Mr Friedel was of the opinion that the most appropriate time to determine the finished ground level of the site and floor levels in any future commercial buildings was through the future land use consent processes. As noted, it was a matter that was addressed in the conditions for the granted PAK'nSAVE consent.
273. I agree with Mr Friedel's conclusion that there is sufficient certainty provided in the POSDP provisions that the identified flood risk will not present a risk that precludes the appropriateness of the rezoning.

Geotechnical Risk

274. This is addressed by Mr Friedel in his report at [7.93] – [7.96]. Overall he took some comfort from the initial Plan Change 7 process assessment in terms of the Living Z Deferred Zone. That included geotechnical and liquefaction evidence where it was concluded that there was a low to very low risk of liquefaction for all of the rezoned areas around Rolleston and that liquefaction does not need to be considered in the appropriateness or otherwise of the rezoning. This was confirmed in the MRZ rezonings. I agree that there is nothing which indicates that, from a geotechnical perspective, the land is not suitable for rezoning.

Contaminated Soils

275. Again in terms of contaminated soils, the Proposal detailed that a preliminary site investigation had accompanied the PAK'nSAVE land use consent and there was no information to suggest that any Hazardous Activities and Industries List activities had been taking place on the land in the past. Overall I am satisfied that there is sufficient information available on the likely presence of contaminated soils on the site and agree with Mr Friedel that any risk to peoples health and

wellbeing of developing the land for commercial purposes can be effectively managed under the NESCS.⁸⁹

Versatile Soils

276. While this was identified as an issue and addressed by Mr Friedel, I do not consider it is of any real moment. I agree that any impact on versatile soils would be considerably less than minor and I note of course that the land has been rezoned for urban uses in any event.

Statutory Analysis

Functions of Territorial Authorities

277. Mr Friedel identified that the functions of councils are set out in s31 of the RMA and 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) Control any actual or potential effects of the use, development, or protection of land.

278. The functions of territorial authorities was addressed in the Proposal. Mr Friedel generally supported the Proponent's conclusions that Variation 2 would enable Council to continue to carry out its functions under the RMA, referring to the Proponent's assessment at Section 8 Plan Change Consistency with s74 and s75 RMA, and Section 8.2.1 s74(1)(a) RMA Functions of Council under s31 RMA (pages 47 and 48).

279. Mr Friedel agreed that the proposed changes put forward would enable Council to carry out its functions including rezoning to enable the co-location of commercial opportunities within a strategic location that can contribute to social, environmental and economic benefits. He considered that the proposed POSDP changes put forward needed to be supplemented by recommended amendments to ensure that the non-residential activities that would be enabled by Variation 2 can effectively integrate into the surrounding MRZ environment and that any related adverse effects can be effectively managed.⁹⁰

280. At the time of that report, he sought additional evidence to ensure any risks and uncertainties with the rezoning could be appropriately identified and evaluated and these related to additional evidence to establish the extent to which a break in the northeastern boundary treatment to establish recommended through connections could be achieved, infrastructure evidence to establish the estimated demand on the reticulated water and wastewater networks, and acoustic

⁸⁹ Section 42A Report 28 February 2025 at para [7.99].

⁹⁰ Section 42A Report 28 February 2025 at para [8.6].

evidence to establish the likelihood that the future trade retail and trade supplier activities can comply with permitted activity rules.⁹¹

281. Overall, Mr Friedel considered that the updated PREC13 provisions in combination with the proposed changes to the CMUZ, LFRZ and district-wide matters, can achieve integrated management and manage all potential effects associated with the future use, development and protection of land consistent with the Council's functions under s31 of the RMA.

282. I agree with Mr Friedel's assessment.

National Policy Statement on Urban Development

283. The request evaluated Variation 2 against the NPS-UD provisions.⁹² Mr Friedel helpfully summarised that assessment.⁹³ On the basis of those matters, and on the evidence provided by Mr Colegrave and Mr Foy, Mr Friedel agreed that it would enable a variety of business sectors to operate from different locations in Rolleston, consistent with a well-functioning urban environment. He considered the proposed Variation 2 provisions, coupled with Mr Foy's recommendation to manage the number of ancillary food and beverage outlets, would be effective in enabling competition in the trade retail and trade supplier offerings available in Rolleston, ensuring adverse trade competition effects can be managed to ensure the viability of other commercial activities are not unduly compromised.⁹⁴

284. He considered that co-location of a trade retail and trade supplier activity with the consented PAK'nSAVE supermarket created benefits that other alternative locations are unlikely to achieve and that those positive outcomes were substantiated by the economic evidence and submissions in support that indicate Variation 2 will meet a commercial need, increase productivity, improve trade retail and trade supplier offerings and convenience and support employment in that area.⁹⁵

285. He agreed with the transport evidence and submission points in relation to the contribution to fewer and reduced trip distances to similar trade retail and trade supplier activities in Christchurch city and in Rolleston's IPort, and that that would collectively support reductions of greenhouse gas emissions. He considered those reductions would be further achieved if the recommendations in relation to pedestrian, cycling and roading connections to the northeast were incorporated.⁹⁶ I have addressed this recommendation in relation to the connections to the northeast earlier. I do not consider that is, in the circumstances, appropriate.

286. He identified, as did Mr Allan, that the various planning instruments and spatial plans do not anticipate the site accommodating commercial activities – including CRPS Chapter 6 Map A, the Greater Christchurch Spatial Plan and Rolleston Structure Plan. He considered that the rezoning

⁹¹ Section 42A Report 28 February 2025 at para [8.7].

⁹² Variation 2 Executive Summary and Section 8.1 Plan Change Consistency with s74 and s75 RMA, 8.2.5 s74(1) RMA National Policy Statements pages 50 – 52.

⁹³ Section 42A Report 28 February 2025 at para [8.13].

⁹⁴ Section 42A Report 28 February 2025 at para [8.14].

⁹⁵ Section 42A Report 28 February 2025 at para [8.15].

⁹⁶ Section 42A Report 28 February 2025 at para [8.16].

supports an additional trade retail and trade supplier offering that avoids the need for additional rural land to be rezoned to accommodate future activities while, on the basis of the economic evidence, the loss of the plan enabled residential greenfield land would not reduce the supply required to meet projected demand within the short and medium term periods.

287. Overall, he concluded that Variation 2 can support additional plan enabled business capacity in the location and supports a well functioning urban environment that is consistent with the NPS-UD objectives and policies where the recommendations he detailed were accepted by the Proponent.
288. Mr Allan addressed the NPS-UD in some detail in his evidence. I will not lengthen this Recommendation by traversing all of that evidence, but he identified that the NPS-UD directs the Council to provide for more housing and businesses to be built in places close to jobs, community services and public transport; and to respond to market demand, and assessing the Proposal in the isolation of that higher order document would not present an appropriately balanced and considered view of the environment in which the site is situated, in particular acknowledging the significance of the PAK'nSAVE consent in this context, and the actual and planned urban growth of Rolleston.⁹⁷ He considered that based on the nature and form of development authorised by the PAK'nSAVE consent and enabled by the LFRZ provisions tailored for the site, the Proposal would contribute to a well functioning urban environment.⁹⁸
289. Mr Allan concluded by recording his view that the development enabled by the LFRZ and the proposed amendments and ODP will, like the PAK'nSAVE consent, be consistent with a well functioning urban environment, will meet the general directive of the NPS-UD, and will provide much needed development capacity. He concluded in short, that the PPCR would give effect to the NPS-UD more than would MRZ.⁹⁹
290. I agree with the evidence of Mr Friedel and Mr Allan in this regard.

Canterbury Regional Policy Statement

291. Mr Allan noted that the CRPS identifies the significant resource management issues facing the region and sets out the objectives, policies and methods to resolve those. He identified that the provisions of relevance to the Proposal were those contained in Chapter 6.
292. Mr Allan identified a comprehensive assessment of the Proposal against those provisions as contained in Variation 2. He adopted that for the purpose of the evidence and recorded his view that the Proposal is either consistent with or not engaged by the remaining chapters of the CRPS. Mr Allan advised that the site is identified in Map A of the CRPS as being within a greenfield priority area – residential and the project infrastructure boundary. He addressed Change 1 noting that it did not identify any future development areas for business development capacity in Rolleston, or indeed anywhere else in greater Christchurch.¹⁰⁰ He identified the extent of actual

⁹⁷ Statement of Evidence of Mark David Allan 7 March 2025 at para [27].

⁹⁸ Statement of Evidence of Mark David Allan 7 March 2025 at para [28].

⁹⁹ Statement of Evidence of Mark David Allan 7 March 2025 at para [36].

¹⁰⁰ Statement of Evidence of Mark David Allan 7 March 2025 at para [43].

and planned residential growth at Rolleston and “the apparent lack of provision for additional business land to keep pace with the increasing demand”. He advised that the NPS-UD requires regional policy statements and district plans to enable more businesses to be located in areas of an urban environment where there is a high demand for business land and he considered the lack of identification of additional business land illustrated that the CRPS did not implement (or fully implement) the NPS-UD.

293. Mr Allan noted to the extent the Proposal may be not be fully consistent with the desired settlement pattern in Policy 6.3.1 and Map A, he considered that the Proposal qualified under the responsive planning regime provided by the NPS-UD (Policy 8 and Clause 3.8) because it will provide additional development capacity for a specific business sector in an area where there is a high demand for business land, and contribute to a well-functioning urban environment.¹⁰¹
294. The submission of the Canterbury Regional Council was that Variation 2 does meet the broad intent of Objective 6.2.1 as it will support self-sufficient business growth, while avoiding urban development occurring outside the identified greenfield priority areas.
295. Mr Friedel considered that Variation 2 was consistent with the relevant objectives and policies in the CRPS again subject to modifications being made.
296. In light of the submissions of the Canterbury Regional Council on this issue, and the evidence of Mr Allan and Mr Friedel’s conclusion, I agree that it is broadly consistent with the relevant objectives and policies of the CRPS.

Canterbury Land and Water Regional Plan and Canterbury Air Regional Plan

297. Mr Friedel addressed this. He noted that under s75(4)(b) of the RMA, the POSDP cannot be inconsistent with a regional plan. He advised that the establishment of activities within the site would either need to meet the permitted activity conditions of these plans or resource consents would be required to be obtained under the relevant regional plans that are in place at the time. He identified that the Canterbury Regional Council in their submission confirm that the Proposal would need to comply with the provisions of the CLWRP and overall considered the activities enabled by the rezoning can be efficiently and effectively developed and serviced in a manner that is consistent with the outcomes sought by the CLWRP and the CARP.¹⁰² I agree with Mr Friedel’s view.

Mahaanui Iwi Management Plan 2013

298. As identified by Mr Friedel, the 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. This is a matter which, pursuant to s74(2A) of the RMA, I must take into account. As identified by Mr Friedel, the submission from Te Ngāi Tūāhuriri Rūnanga and Te Taumutu

¹⁰¹ Statement of Evidence of Mark David Allan 7 March 2025 at para [49].

¹⁰² Section 42A Report 28 February 2025 at para [8.33].

Rūnanga includes a Cultural Impact Assessment that evaluates Variation 2 against the relevant IMP policies and includes recommendations to ensure the sensitive natural features are actively protected, stormwater and infrastructure services are effectively designed, installed and operated, any contaminated soils are remediated, and that Ngāi Tahu Subdivision and Development Guidelines are applied.

299. Mr Friedel considered that appropriate provision has been made within the POSDP, CLWRP and any associated development approval processes to address the Cultural Impact Assessment recommendations and that the proposed rezoning does not increase the relative risk that sensitive environments may be identified and require protecting. He considered Variation 2 had taken those matters into account and that there were no specific resource management issues, or specific sites of significance to Mana Whenua that would be compromised by accepting Variation 2. Again I agree with that assessment.

Relevant Non-statutory Plans and Strategies Prepared Under Other Acts

300. Again this was addressed in the Proposal. Mr Friedel again considered that sufficient regard to management plans and strategies under s74(2), including the Greater Christchurch Spatial Plan, Our Space and the Rolleston Structure Plan, had been given. He identified that there was a strategic management plan being developed – the Eastern Area Plan, which may provide more direction on the provision of out of centre commercial activities and whether there is sufficient provision made for large format retailers in Rolleston. Given that is under development, there is no direction to assist in that regard. He was uncertain as to whether such would be available or provided.
301. Mr Allan addressed the Greater Christchurch Spatial Plan in some detail. He identified that the spatial plan set out how sufficient housing and business development capacity will be provided to meet expected demand over the next 30 years. He noted that consistent with the spatial and statutory planning frameworks preceding the spatial planning, the site is identified within the urban area and adjacent to a future urban area of a major town (Map 2, Spatial Plan). For the reasons that he discussed in regard to the NPS-UD and as set out in the technical evidence, he considered the Proposal supports the broad intent of the spatial plan.
302. Having had regard to the Greater Christchurch Spatial Plan, I agree that the PPCR supports the broad intent of the Spatial Plan.

Consideration of Alternatives, Costs and Benefits – Section 32

303. Mr Allan's s32 evaluation in his evidence identified a number of reasons why he considered the assessment provided in Variation 2 fulfils the statutory requirements of s32. He summarised those in his paragraph [58]
304. The Proposal does not include any new objectives. Section 32(1)(a) provides that an evaluation must examine the extent to which the objectives of the Proposal are the most appropriate way to achieve the purpose of the RMA.

305. Pursuant to s32(1)(b) examination is required of whether the proposed rezoning provisions are the most appropriate way to achieve the POSDP objectives. This requires:

- (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.*

306. As there are no new or changes to any existing objectives, they are considered to be the most appropriate way of achieving the purpose of the RMA.

307. The objective of Variation 2 is:¹⁰³

... rezone the site to an appropriate commercial zone that reflects the consented and intended future use of the site for a supermarket and a trade retail/trade suppliers store ...

308. The request included a thorough assessment of the objectives and policies of the POSDP. Mr Allan adopted that in his evidence.¹⁰⁴ Overall he considered the Proposal is generally consistent with the objectives of the District Plan relevant to LFRZ-enabled development of the site.

309. Mr Friedel supported the Proponent's conclusion that the POSDP MRZ provisions that currently apply to the site, and the LFRZ provisions that form the majority of the proposed changes, are not subject to appeal and have commensurate legal effect. He considered that the purpose of the RMA is currently reflected in the settled objectives and policies of the POSDP, which Variation 2 does not propose to change.

310. As noted, the objectives and policies of the POSDP were assessed in the application and adopted by Mr Allan. Mr Friedel generally agreed with that assessment.

311. Some of the submitters, including Mr Beechey, identified the strategic direction Sensational Selwyn SD-DI-O1. This provides:

Selwyn is an attractive and pleasant place to live, work, and visit, where development:

- (1) Takes into account the existing and anticipated character of the individual community;*
- (2) Is well connect, safe, accessible and resilient; and*

¹⁰³ Proposal Section 6 Section 32 Evaluation Statutory Context at page 28.

¹⁰⁴ Statement of Evidence of Mark David Allan 7 March 2025 at para [52].

(3) Enhances environmental, economic, cultural, social and health outcomes for the benefit of the entire district.

312. In my assessment, I have taken into account the existing and the anticipated character for the communities and what is intended by the POSDP. I understand Mr Beechey's concerns. Overall, and again noting that Sensational Selwyn SD-DI-O1 is a strategic policy, with the changes made in my recommendations, I consider that objective is achieved. In terms of the strategic direction regarding district wellbeing and prosperity – SD-DI-O2, I am satisfied that the economic assessment and evidence clearly demonstrates that the rezoning will support the "prosperous" economy and community wellbeing. The amended provisions will assist in ensuring existing activities are protected from incompatible activities. In particular, the changes in relation to landscaping, setbacks and similar provisions.
313. In terms of the well functioning urban environment – SD-UFD-O1, that has been addressed in discussions regarding the NPS-UD. It is consistent with the compact and sustainable township network SD-UFD-O2 in terms of the location of urban growth. It is occurring within the Rolleston urban area.
314. In terms of Policy UG-O1, this provides for urban growth to be provided in a strategic manner. Based on my assessment of the evidence provided, I consider the Proposal is strategic. It is a plan change and the assessments undertaken by the various experts confirm to me that those issues have been appropriately considered, again given the changes which are proposed. It is at least consistent with the remainder of the urban growth and urban form policies including Urban Growth UG-O2, Urban Growth UG-O3, and Urban Form UG-P7.
315. With the amendments that I have recorded, it is at least consistent with Urban Form UG-P10 and the relevant objectives and policies relating to the commercial and mixed use zones, particularly CMUZ-O4 that commercial and mixed use zones reflect good urban design principles by providing pleasant places to be with attractive and functional buildings and public spaces. Again in terms of CMUZ-O5, which provides the commercial and mixed use zones maintain appropriate levels of amenity within the zone and at the interface with residential zones, the various changes that have been proffered or now included, including landscape, setbacks and built form controls, ensure appropriate levels of amenity at the interface both within the site and with the MRZ.
316. Finally, in terms of the urban design CMUZ-P5, which provides for the maintaining of amenity and aesthetic values of the commercial and mixed used zones and surrounding residential areas by (1) Managing the visual effects from the outdoor storage of goods; and (2) Ensuring that buildings and structures do not unduly shade or dominate adjoining residential zoned properties, these matters have been considered and addressed in the proposed rule framework.
317. In terms of the specific LFRZ policies, mitigation will assist in addressing the visual dominance of buildings through the setback and landscaping. It is clear on the economic evidence that it avoids compromising the function, role and vitality of the Town Centre Zone – LFRZ.P3.

318. Overall Mr Friedel considered, after an evaluation of Variation 2 and the submissions, that the objective will achieve the purpose of the RMA when considered against the relevant statutory tests, including consistency with the relevant objectives, policies and methods of the NPS-UD, CRPS and the POSDP. He agreed with the Proponent and the economic experts that the rezoning will improve the range of trade retail and trade supplier activities required to meet the increasing demand in Rolleston, within a strategically well positioned location without creating adverse retail distribution effects.
319. In his evaluation of the appropriateness of Variation 2, Mr Friedel did however consider that there were a number of changes that were needed to address the issues raised in the submissions and evidence and to ensure that the request satisfied the statutory tests to enable Variation 2 to be approved.¹⁰⁵
320. The changes proposed were addressed in [9.2] of Mr Friedel's report. The changes included amending the proposed rule LFRZ-R4 to limit the number of food and beverage activities, and a maximum GFA. I note this has now been clarified in the proffered provisions of the Proponent which limit PREC13 to one food and beverage activity with a maximum GFA of 250m².
321. Mr Friedel, on the basis of the evidence, considered that an amendment to LFRZ-REQ4.4 to apply the minimum 20m building setback from the road boundaries of PREC13 was appropriate. Again as noted in the body of this Recommendation, that has been agreed.
322. Other matters identified included: amending LFRZ-REQ7 to record the exception provided in requirement LFRZ-REQ6 to ensure consistency with the POSDP drafting protocols; amending the matters of control or discretion in CMUZ-MAT3.3 Urban Design to enable the building appearance to be appropriately evaluated at the time of resource consent. As addressed earlier in this Recommendation, that issue has now been addressed.

Areas of Disagreement

323. Mr Friedel recorded, as does the Planning JWS,¹⁰⁶ that disagreement remains on the need to include prerequisites within the PREC13 ODP. He remained of the view that it was appropriate to require the ODP narrative that is included for the PREC13 ODP for the listed plans and assessments to be provided as part of any future resource consent application if the rezoning is approved. He provided a schedule of those amendments in Appendix 1 and they included: regular monitoring is included as a component part of the landscape management plans requested by Mr Ross; a more holistic set of ITA matters recommended by Mr Metherell and supported by Mr Carr; and he maintained his position that it is appropriate to include ODP narrative that requires the listed plans and assessments to be approved as prerequisites to satisfying proposed treatment LFRZ-REQ7 to inform future resource consent process.

¹⁰⁵ Section 42A Report 28 February 2025 at para [9.1].

¹⁰⁶ Joint Witness Statement – Planning 20 March 2025 at para [14].

324. He acknowledged that the prerequisites duplicate existing POSDP provisions but considered there is a subtle difference in requiring plans to be provided and approved at the time a resource consent is lodged as requested versus relying on the general matters of control or discretion. He advised that this is because CMUZ-MAT3 does not specifically require a landscape management plan, CPTED assessment or ITA to be submitted and approved by SDC.
325. He appreciated that it is likely that a Mitre10 application would include the plans as a matter of course but was mindful that a future resource consent could be processed on a non-notified basis and so was unlikely to have the same level of scrutiny as the PAK'nSAVE resource consent if the rezoning is successful. He was not concerned that the inclusion of the ODP narrative would unnecessarily clutter the Plan as suggested by the Proponent and that was because the remaining amendments sought relate solely to a site specific ODP that already contains a high level of detail. He acknowledged that a full ITA is likely to be required under TRAN-R8 but considered that the suggested amended ODP narrative would complement those general requirements to ensure a comprehensive site specific ITA is provided.
326. In his updated Summary of Key Points 20 March 2025, Mr Friedel considered it appropriate to acknowledge 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 his evidence. These included: CMUZ-MAT3 Urban Design Matters – building design; LFRZ-R4 – Food and Beverage number and GFA restrictions; LFRZ-REQ4 Setbacks – 20m setback.
327. Mr Friedel remained concerned that the absence of the recommended prerequisites in PREC13 ODP presented a risk.

Assessment

328. In terms of the prerequisites, I have considered those carefully. Potentially they create a degree of complexity but in the circumstances, and considering the Proposal overall, in my view they are appropriate and they add to a certainty of assessment.
329. Ms Booker addressed this in her reply and confirmed Foodstuffs remained opposed to the additions proposed in Table 1 LFRZ-SCHED1. She submitted the matters were simply not necessary. She further submitted that the proposed belts and braces approach taken creates confusion when applied given that there is already a direction and discretion to consider those matters.
330. I consider that in the context of the PPCR, they are appropriate in terms of s32. In my view they assist in providing a degree of certainty of outcomes, or at least a certainty of information. There do not appear to be any real costs and in my view they provide certainty in terms of outcomes.
331. I address this again briefly in the s32AA analysis.

Benefits and Costs

332. The s32 evaluation identified and addressed the benefits and costs of the plan change and identified four options as being:

Option 1 – do nothing (leave the site zoned as MRZ);

Option 2 – resource consent (apply for a resource consent to establish a trade retail/trade supply activity within the southern part of the site);

Option 3 – rezone the site to LFRZ with specific Precinct provisions as proposed (the preferred option); and

Option 4 – rezone the site to LFRZ without refinements to the existing POSDP provisions.

333. In terms of Option 1, the benefits were identified as the land remaining available for housing development on the southern 3ha of the site and that the zoning remained consistent with amenity outcomes for the locality. In terms of cost, it noted that the MRZ provisions are not generally supportive of the establishment of trade retail and trade supply and are regarded as a non-complying activity and likely consequences would be it would discourage developers pursuing the development of a large format trade retail store at the site with economic costs in terms of jobs and reduced retail diversity in the district. Again it noted that one of the benefits was that linkages between existing and future residential areas were maintained. The costs were identified as MRZ remaining inconsistent with the consented supermarket development, the POSDP had not delivered additional LFRZ land when there was a recognised shortage of sufficient business land capacity and that residents would continue to travel to Christchurch.
334. Again Option 2, seeking resource consent, the benefits were that a specific proposal could be assessed on its merits and that there was the ability to place specific controls on the development through consent conditions. It noted that in terms of costs, identified significant economic costs associated with a resource consent process and high degree of uncertainty and difficulty given the non-complying activity status and that such costs were unwarranted. It considered there would be less flexibility in developing the land and consent would be required of future owners if they were to alter uses beyond what is permitted in the district plan or consented.
335. Option 3, rezoning it with specific Precinct provisions, again the benefits there were identified as recognising the commercial environment established by the PAK'nSAVE, enabling an assessment of a specific development proposal for the resource consent process with more detail provided as part of the consent application, and provided additional business land and economic benefit to the developer from being able to develop it with some certainty. The costs were the removal of 3ha of potential housing and a reducing linkages between residential land to the east, noting that the PAK'nSAVE already did that. The other benefits included employment opportunities and contribution to the economy, increased diversity of retail offerings, in relation to transport movements, consistency with the consented PAK'nSAVE which would allow for future maintenance and upgrade works to proceed without unreasonable consenting requirements, and

a framework that enables development outcomes on the site while appropriately managing the amenity of adjoining residential zones.

336. Finally Option 4, rezoning the site with no refinement, provided similar benefits to Option 3, similar costs, but with reduced certainty of development outcome due to the nature and range of permitted activities, may reduce linkages, reduce scope to manage potential amenity effects, inconsistency with the terms of the PAK'nSAVE consent, may result in an outcome that does not protect adjacent residential amenity, and the framework allowing a development of retail activities in a manner that may adversely impact the Key Activity Centre network.
337. Option 3 was the preferred outcome. The assessment indicated that the costs of Options 1, 2 and 4 outweigh the benefits whereas with Option 3 the benefits outweigh the costs. It was considered the incorporation of the LFRZ rezoning, the proposed ODP and the recommended amendments to the POSDP provisions was the most efficient and effective means of achieving the objective of the proposed plan change being to recognise the commercial environment established by the consented PAK'nSAVE and enable the establishment of the intended trade retail and trade supply store. It noted that the provisions had been designed to ensure the development outcome enabled by the rezoning contributes to the diversity of retail offerings in the district and provides economic benefits, while appropriately maintaining compatibility with the amenity of the existing and anticipated residential environment in its surrounds.
338. The assessment identified risks of acting or not acting advising that the supporting technical evidence did not identify any fundamental risks and confirmed the suitability of the site for a large format supermarket and trade retail development.

Assessment

339. Overall, I consider the Proposal, with the changes to be discussed, is the most appropriate option. It has a number of significant benefits, particularly economic benefits and the opportunities for economic growth and employment. These matters have been addressed and considered above. The environmental costs have been appropriately considered and addressed throughout the process and by the inclusion of the amended provisions which enable a full assessment at consenting stage.

Risks of Acting or Not Acting

340. I am satisfied that I have sufficient information before me to identify the risks associated with acting or not acting. They have been considered and addressed in this Recommendation.

Section 32AA

341. Section 32AA requires a further evaluation of any changes that have been made to the Proposal since the evaluation report was completed. As I have discussed in this Recommendation, there are a number of changes proposed to the ODP and to the rules package. I have considered the benefits and costs of those, their efficiency and overall appropriateness.

342. As noted in my introductory comments, I sought, by way of Minute, clarification of the use of the word “adjacent” in proposed Policy LFRZ-P4.
343. I received a response by way of a Joint Witness Statement from Mr Friedel and Mr Allan dated 9 July 2025. This discussed the use of the word “adjacent”. The Joint Witness Statement provided explained that the intention of the word “adjacent” in the drafting of the policy was to acknowledge the residentially zoned land on the opposite side of Levi Road and Lincoln Rolleston Road, not just the residentially zoned land at 139 Levi Road which shares a common boundary with the variation site. It explains that was on the understanding that the term “adjacent” can refer to something being near or close by (but not necessarily touching), whereas the term “adjoining” refers to things being in contact or connected. It referred to the dictionary definitions. In the context that “adjacent” was used, residentially zoned land would include those properties to the east (139 Levi Road), the north along Levi Road and the west along Lincoln Rolleston Road of the site. They agreed that the POSDP definition of “adjoining” served the same purpose as the intended original drafting of the policy.
344. They agree that given “adjoining” is already defined as including land separated by a road and “adjacent” is not defined, that it was appropriate to replace “adjacent” with “adjoining”. The witnesses suggested some changes to CMUZ-MAT3.3 b. so that incorporated “adjoining” rather than “adjacent”.
345. I have carefully considered the matters raised in that response. I am grateful that it was dealt with in such a short timeframe. Having considered that, I am satisfied that the use of the word “adjacent” is appropriate. While that term is not defined, it may provide more flexibility in terms of assessment. For example, I have some concerns that in terms of residential houses to the west of the site, that is on the other side of Lincoln Rolleston Road, houses set one back from those directly fronting the Lincoln Rolleston Road may be potentially excluded by the use of the word “adjoining”. That is not, in my view, appropriate, nor is it what I understand to have been the intention. As noted earlier in this Recommendation, the LVA identified the receiving environment that is potentially affected by the PPCR as generally considered to be the neighbouring residences, public roads, and surrounding land within a 400m radius of the site.
346. The changes to CMUZ-MAT3 Urban design include the reference to the 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 is in my view appropriate. It may pose some minor costs but benefits outweigh those costs in my view by some degree.
347. The changes in relation to the food and beverage activities with limitation to one food and beverage activity in the precinct again may have some costs but are in my view entirely appropriate in terms of avoiding potential retail distribution effects.
348. Again the inclusion of a 20m minimum building set back from a road boundary and 10m from any internal boundary adjoining a residential zone may have some costs. Those changes are

however again appropriate in ensuring that the amenity and visual effects issues are appropriately dealt with.

349. In terms of the permitted activity prerequisites, again I consider those to be appropriate. They ensure that the relevant matters are addressed. In the context of this particular proposal, I consider they are appropriate. There is little in terms of costs as it is likely that it will be necessary for those documents to be provided in any event.
350. The changes in terms of the carpark trees and the provision for additional denser planting along the boundary adjacent to the outdoor storage areas again may have additional costs but are appropriate in addressing the identified amenity concerns and ensuring an appropriate assessment framework.
351. I have considered the change to the service access annotations and in general I agree there is no benefit from identifying such as indicative, given that is generally accepted in any event. However I do consider there are benefits in having the service access nearest to the Broadlands Drive extension marked as “indicative”. It enables the uncertainties around the location of the Broadlands Drive to be addressed.

Section 31

352. I consider that Variation 2 as proposed in the PPCR will assist in enabling additional business capacity and choice. Overall I consider it accords with and assists in achieving integrated management of effects. This is particularly so given the changes which have been incorporated

Part 2

353. Given the Proposal does not change any objectives which have recently been assessed and included, and minor changes to the policy framework, I am satisfied that the Proposal will ultimately achieve the purpose of the RMA. It has been comprehensively assessed through the evidence, reports and submissions, as outlined in this Recommendation.

Overall Conclusion

354. In terms of the ultimate objective of the plan change and whether it achieves the purpose of the RMA, I conclude that it does. I have considered all of the issues which have been identified in the body of this Recommendation and have considered all documents, evidence and submissions on this issue. I have considered all of the relevant statutory documents including the NPS-UD, the CRPS and the POSDP. In my view this Proposal provides development capacity and the effects identified by submitters have been appropriately considered and addressed by a framework which now enables that assessment. Overall I am satisfied that the objectives of the Proposal are the most appropriate way to achieve the purpose of the RMA and the objectives of the POSDP.

355. I note that I have endeavoured to ensure consistency with the POSDP and I anticipate that matters as to formatting and similar could be addressed without further reference to me.

Recommendation

356. For the reasons above, I **recommend** to the Selwyn District Council:

- (1) Pursuant to Clause 10 of Schedule 1 of the Resource Management Act 1991 the Council Approves Variation 2 to the Partially Operative Selwyn District Plan as set out in Appendix A.
- (2) That for the reasons set out in the body of this Recommendation, and summarised in Appendix B, the Council either accept, accept in part or reject the submissions identified in Appendix B



David Caldwell
Hearing Commissioner

Dated: 15 July 2025