

REPORT

TO: Robert Love - Executive Director - Development and Growth

FROM: Policy Planner, Jon Trewin

DATE: 8th September 2025

SUBJECT: **DECISION ON HOW TO CONSIDER THE PRIVATE PLAN CHANGE REQUEST FROM YOURSECTION FOR 487 WEEDONS ROAD, ROLLESTON**

RECOMMENDATION

'That the Executive Director – Development and Growth, under delegated authority:

- a. accepts the private plan change request from Yoursection to rezone the property at 487 Weedons Road, Rolleston from General Rural Zone to Medium Density Residential 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. notifies the private plan change request in accordance with clause 26 of Schedule 1 of the Resource Management Act 1991; and*
- c. directs the Policy Team Leader to undertake any steps necessary to give effect to recommendation (a) and (b) above.'*

1. PURPOSE

To assess the options and make a recommendation, pursuant to clause 25 of Schedule 1 of the Resource Management Act 1991 (RMA), on how to process the private plan change request to the Partially Operative Selwyn District Plan (PODP) from Yoursection (the proponent) at 487 Weedons Road, Rolleston.

2. SIGNIFICANCE ASSESSMENT/COMPLIANCE STATEMENT

Decisions made within the context of this report could be considered to be significant within the meaning of the Local Government Act 2002. However, where decisions on private plan change requests are required to be made in accordance with Schedule 1 of the RMA, Council's Significance and Engagement Policy states that those procedures are to be used instead of those contained in the Policy.

In this regard, the RMA prescribes the decision-making procedures that are required, both when making a decision on how to proceed with a request, as well as to how progress a request once a decision has been made on process.

3. HISTORY/BACKGROUND

Site and surrounding area

The subject land is located generally on the southeastern side of the existing Rolleston township, to the west of Weedons Road and east of Lincoln Rolleston Road, at 1/487, 2/287, 9/487 and 10/487 Weedons Road. The subject land has an area of approximately 13 hectares and is comprised of four land parcels, being Lot 2, Lot 3, Lot 5 and Lot 6 DP 47839. For the purposes of this rezoning request, the site comprises two areas of land to be rezoned and will be referred to as Site 1 (north) and Site 2 (south).



Figure 1: Aerial photograph indicating subject land (Source: Xteriorscapes)

Figure 1 Aerial photograph indicating location of site, current zoning and development areas (Source: Xteriorscapes)

The site has frontage and access to/from Weedons Road to the east. Weedons Road is classified as an Arterial Road under the PODP.

To the west of the site is the existing Rolleston township, including land that has been recently rezoned from GRUZ to MRZ through the District Plan Review process and is now in the process of being progressively developed. The site to the immediate west that is also owned by the applicant is Development Area DEV-RO16, with Development Areas DEV-RO15 and DEV-RO17 to the north and south of the site.

To the east is GRUZ land used predominantly for rural activity. Small pockets of GRUZ are also located to the north and south of Site 2, with those pockets also being located within the UGO of the PODP.

The site itself features land used for cropping, a walnut orchard and pastoral grazing, with several dwellings spread through the site.

Private Plan Change contents

The requested plan change seeks to:

- change the zone maps, to zone Site 1 and 2 as Medium Density Residential Zone (MRZ) in its entirety;
- introduce two new outline development plans and accompanying narratives, DEV-RO18 and DEV-RO19.

It is proposed to rezone approximately 17.3 ha of GRUZ land for residential purposes, with two ODPs guiding the form and layout of future development. The rezoning request and ODPs provide for the land to be rezoned MRZ in its entirety, with a minimum density of 15 hh/ha to be achieved.

Aside from a change to the planning maps and insertion of the ODPs into the Plan as a new Development Area, no other substantive changes, additions or deletions are proposed to the current content of the PODP. In particular, no changes to objectives or policies are proposed.

The proponent considers that the proposed zoning is a natural extension of the existing and developing residential areas to the west, north and south, with all immediately adjoining areas either already zoned MRZ, or located within the UGO and therefore anticipated by the PODP to be rezoned to MRZ

The proponent has provided a section 32 evaluation report to support the plan change request, as well as the following specialist reports:

- Infrastructure Assessment
- Geotechnical Assessment
- Preliminary Site Investigation (PSI) and Detailed Site Investigation (DSI) Reports
- Integrated Transport Assessment
- Landscape and Visual Assessment
- Assessment of Potential Loss of Productive Land

Timeframes

Your section lodged the request with Council on 1 April 2025, and it was formally received on 4 April 2025.

A request for further information (RFI) was issued on 14th May 2025. The RFI requested further information on:

- Transport
- Urban Design
- Servicing
- Reserves
- Planning

Access to the full request is available on Council's website.

The RMA requires that Council decide how a private plan change request is to be progressed within 30 working days of either receiving a request or receiving all required information (whichever is latest).

A response to the RFI was received on 25th July 2025. 30 working days from the 25th July 2025 is the 4th September 2025 however due to an internal communication error, staff only became aware of the response on 6th August 2025. Due to staff absence, it has not been possible to review the proponent's response to determine if the RFI has been satisfactorily addressed and thus providing a recommendation to Council within the 30-working day legislative timeframe.

However, confirmation has now been received that the proponent's response to the RFI satisfactorily addresses the matters raised in the RFI to the extent that a recommendation can be made to progress to notification.

Should a decision be made to accept the request, Council is required to notify the request within 4 months of making that decision. Once a decision is made, it is expected that the process will move forward in a timely manner.

4. PROPOSAL

Statutory context: Resource Management Act 1991

Any person may request a change to a district plan. The procedure for private plan change requests is set out in Part 2 of Schedule 1 of the RMA. In relation to a private plan change request, the usual process that Council follows as a plan-maker is adapted, and additional procedural steps are added, including the opportunity to request information.

Council must decide under clause 25 which is the most appropriate processing option for each private plan change request it receives. In making this decision, Council may either reject, accept or adopt the request, or process it as a resource consent.

In order to make a decision on how to proceed, in whichever manner, Council only need to be satisfied that adequate information has been provided to understand the:

- nature of the request, including any effects it may have on the environment;
- ways in which any adverse effects may be mitigated;
- benefits and costs, the efficiency and effectiveness, and any possible alternatives to the request; and
- nature of any consultation undertaken or required to be undertaken.

Any request should also explain the purpose of, and reasons for, the request and contain an evaluation report prepared in accordance with section 32 of the RMA.

It is important to note that deciding how to proceed with a private plan change request is not the same as making a decision on the merits of a private plan change request, nor is it the time to consider the substantive merits of a request. This step in the process has been described in case law as a 'coarse filter' – a screening exercise to determine that there are no 'drop dead' issues that prevent further consideration of the request. Further, unless one of the limited rejection grounds in clause 25(4) exists, the case law suggests that the presumption is that request will, in some form, proceed to public notification, submissions, and hearing in accordance with the procedures in the RMA.

In order to ensure that a consistent approach is taken to this 'coarse filter' or screening exercise, it is recommended that the request be considered against the appropriate framework, as set out in the Rezoning Framework Report that was provided to the PODP Hearings Panel. These frameworks reflect the objectives and policies within the

Urban Growth Chapter and the outcomes sought by overarching strategic planning documents.

It is considered that the proponent has provided sufficient information for the request to be considered against the Greenfield Framework, as set out in **Attachment 1**.

The options available to Council under clause 25 are evaluated in the next sections of this report.

5. OPTIONS

Option 1: Adopt the request, in whole or in part, as if it were a proposed plan change made by Council

Under clause 25(2)(a), Council may adopt the request, in whole or in part, as its own. Adopting a request means that the Council effectively takes over the request so that it becomes a council-initiated plan change rather than a private plan change.

The advantage of adopting the request would mean that Council would have greater control over the request, including modifying it to address any concerns it may have such as the impact that the request may have on Council's strategic infrastructure. Any modifications would not require the consent of the proponent.

However, there are several significant disadvantages of adopting the request.

Firstly, adopting the request implies that Council is generally supportive of the request. However, at the stage of deciding how to proceed, there are still many substantive steps in the plan change process, including public notification, considering submissions and eventual decision making on the merits of the request. Pre-empting these steps is not recommended.

Secondly, Council would have to fund the remainder of the process, relinquishing the ability to recover costs from the proponent. If modifications were proposed to the request, these would have to be funded by Council, along with the cost of any technical evidence to support these modifications, all on-going processing costs, and any costs associated with an appeal against the decision. Council should not carry these costs as the request is primarily of direct benefit to the proponent, rather than the wider public, and does not have any other public policy benefits.

Finally, the request would have legal effect from the date of *notification*, rather than the date of *decision*. The effect of this would mean that, from the date of notification, the provisions of the proposed zone would have effect. Should a resource consent for development be received by Council, it would have to be considered against the provisions of the proposed zone, without the broader consideration of the merits of this zone in this location, or the opportunity for community involvement.

As, pursuant to clause 25(2)(a)(i), Council must notify the request within 4 months of adopting the request, there is not the option of adopting, then shelving, the request.

The request does not address a gap in the provisions of the PODP and it is not a matter under consideration in Council's policy work programme. The proponent seeks to change the zone of several properties, to reflect their intended and desired future use of the site. While there may be some economic benefit to the wider community, through

providing construction and employment opportunities and flow-on benefits of additional commercial activity occurring within the district, this request is a site-specific proposal and the most immediate or direct benefit, if any, is to the proponent.

It is also noted that the proponent did not request that council adopt the request.

It is recommended that the private plan change request not be adopted.

Option 2 – Reject the request, in whole or in part

Council can reject a private plan change request, in whole or in part, in reliance on one of the limited grounds set out in clause 25(4). A decision to reject a request is essentially a decision that prevents any consideration of the substantive merits of the request. The grounds for rejection under this clause are as follows:

- a. the request is frivolous or vexatious;
- b. within the last two years, the substance of the request has been considered, and given effect to or rejected, by the Council or the Environment Court;
- c. the request does not accord with sound resource management practice;
- d. the request would make the District Plan inconsistent with Part 5 of the RMA; or
- e. the District Plan has been operative for less than two years.

Is the request frivolous or vexatious?

The objective of the plan change is to rezone the site to enable residential development that reflects the intended and desired future use of the site by the proponent.

The request is not considered frivolous as the private plan change:

- is considered thoroughly in the request materials and is supported by specialist assessments on relevant matters, including servicing, geotechnical, contamination, transport, landscape, productive land and a section 32 analysis; and
- cannot be said to have no reasonable chance of succeeding.

The proponent is not acting in bad faith by lodging a private plan change request. The proponent is not requiring council to consider matters in this process that have already been decided or the subject of extensive community engagement or investment. Accordingly, the private plan change request is not considered to be vexatious.

It is recommended that the private plan change request not be rejected on this ground.

Has the substance of the request been considered and been given effect, or rejected by the council within the last two years?

The Proposed District Plan decisions were released by Council on 19th August 2023. There has not been any request in the last two years for the subject site.

It is recommended that the private plan change request not be rejected on this ground.

Is the request in accordance with sound resource management practice?

The phrase 'sound resource management practice' is not defined in the RMA but has become a common term within the planning discipline and has been discussed in case law. Overall, the general direction is that consideration of this ground should involve a coarse assessment of the request, at a threshold level, and take into account the purpose and principles of the RMA. Where there is doubt as to whether the threshold

has been reached, there is case law direction that suggests that the request should go through the public and participatory processes envisaged in the RMA.

The purpose of the RMA, as set out in Part 2, is to promote the sustainable management of natural and physical resources. In this regard, the request proposes to rezone the site to provide additional land for residential activity which would contribute to a well-functioning urban environment in Rolleston and considers that any adverse effects on the environment from the request are able to be appropriately avoided, remedied or mitigated.

Section 7 outlines a number of 'other matters' to which Council shall have particular regard to. Of these, sections 7(b), (c), (f) and (i) are considered to apply because:

- the proposed MRZ may provide a more efficient use and development of the site, due to land already zoned residential in the immediate vicinity (north, south and west);
- site-specific ODP's proposed would ensure that any future development maintains and enhances the quality of the environment;
- the effects of climate change, such as the site's exposure to flood risk, can be appropriately addressed at the time of a specific development proposal.

Having reviewed the proponents planning and specialist reports, undertaken a coarse scale assessment of the request, as set out in **Attachment 1**, and taking the purpose and principles of RMA into account, it is considered that the proposal is an appropriate, efficient and effective means of achieving Part 2 of the RMA, and therefore is in accordance with sound resource management practice for the purposes of consideration under clause 25(4)(c).

It is recommended that the private plan change request not be rejected on this ground.

Would the request or part of the request make the plan inconsistent with Part 5 of the RMA?

Part 5 of the RMA sets out the role and purpose of planning documents created under the RMA, including that they must assist a local authority to give effect to the sustainable management purpose of the RMA and to higher order documents, such as national policy statements and the regional policy statement.

The proponent seeks to rezone the site under section 73(2) of the RMA to a zone that is included within the Council's adopted suite of zones and is therefore relevant to the Council's corresponding requirements under the RMA. The request is supported by a section 32 analysis and assessment of effects including consideration of all relevant plans/ strategies as required under section 74 of the RMA.

Section 75(3)(a) requires the district plan to give effect to any national policy statement. The National Policy Statement for Highly Productive Land 2022 does not apply to the subject site as it is considered that the land is identified for future urban development (NPS-HPL 3.5(7)(b)(i)) being an urban growth overlay in the PODP. The National Policy Statement for Urban Development does apply. The rezoning proposition, at a high level, is not inconsistent with the objectives and policies of that document.

Section 75(3)(c) requires the district plan to give effect to any regional policy statement. In terms of the Canterbury Regional Policy Statement (CRPS), the most relevant objectives and policies are those contained in Chapters 5 (Land Use and Infrastructure) and 6 (Recovery and Rebuilding of Greater Christchurch). Generally, the CRPS

provides for development in and around existing urban areas as the primary focus for accommodating the region's growth.

On the basis of the coarse assessment of the request undertaken to date, as set out in **Attachment 1**, it is considered the purpose of the request is appropriate to the site and will not make the PODP inconsistent with the CRPS or national policy statements and is therefore consistent with Part 5 of the RMA. The similar conclusions in the request would be best evaluated via the submissions and hearing processes so that these matters can be considered in full.

It is recommended that the private plan change request not be rejected on this ground.

Has the plan to which the request relates been operative for less than two years?

Clause 25(4)(e) states that the Council may reject a plan change request if the relevant plan has been operative less than two years. The provisions of the PODP relevant to this request were made operative on 19 August 2023 and therefore have been operative for more than two years.

It is recommended that the private plan change request not be rejected on this ground.

Option 3: Decide to deal with the request as if it were an application for a resource consent

Under clause 25(3)(a), Council may decide to deal with a private plan change request as if it were an application for a resource consent.

In this regard, the request would be subject to the procedures in Part 6 of the RMA. This means the Council would make a decision on the notification requirements for the resource consent, serve limited or public notice as required, hear submissions if any, and ultimately make a decision whether to grant or decline consent after having regard to section 104 and Part 2 matters, with Council's decision able to be subject to appeal to the Environment Court.

It is considered that the plan change process, rather than a resource consent process, is the appropriate planning instrument to consider the future development of the site for the following reasons:

- A resource consent would require complicated conditions to "override" the current PODP provisions in order to provide for "out of zone" residential activities within the GRUZ. This would be contrary to sound resource management practices.
- Rezoning, guided by an outline development plan, would provide some flexibility for future development within predetermined parameters, whereas a resource consent would generally permit a specific development proposal with limited flexibility.
- A resource consent lapses unless implemented within a limited timeframe, whereas a plan change would provide long-term certainty of the site's development options both for the developer, and the community.

It is recommended that the private plan change request not be dealt with as if it were an application for a resource consent.

Option 4: Accept the private plan change request, in whole or in part

Council can decide to accept the request in whole, or in part. If accepted, the plan change cannot have legal effect until it is operative.

The private plan change mechanism is an opportunity for a proponent to have their proposal considered between a council's plan review cycle. The subject matter of this request is not a priority matter in Council's work programme and is not presently being considered.

Accepting the request would enable the request to be publicly notified and to be subject to the substantive assessment and public participatory processes provided under the RMA. This, in turn, would provide Council with a more informed understanding of the community's view on this specific request.

Accepting the request would also mean that the costs associated with the continued processing of the request would be the responsibility of the proponent and no direct costs would be incurred by the Council or rate payers, although the preparation of any Council submission could not be on-charged.

It is recommended that the private plan change request be accepted.

Recommended Option

In conclusion, it is considered that:

- the request meets the statutory requirements for consideration as a private plan change;
- there are insufficient grounds to reject the plan change request;
- given the scale of the proposal, long-term nature of the proposed development, and the need to retain flexibility, a plan change, rather than a resource consent, is the appropriate way to deal with the request; and
- there are no public good reasons which would justify Council adopting the plan request.

It is recommended that the private plan change request be accepted.

The consideration of the request at this stage has been limited to a coarse scale assessment of the contents of the request, as set out in **Attachment 1**.

Accepting the request does not imply that the Council or staff hold an opinion on the merits of the plan change. It does, however, indicate that the Council (through the Executive Director under delegated authority) is satisfied that the request is in accordance with sound resource management practice so that it can be notified and considered on its merits by the public and Council in accordance with the RMA. The opportunity remains for Council to recommend that the request be supported, amended or opposed at a later stage, should it choose to do so.

The RMA process will ensure that the request is publicly notified, allowing for submissions and further submissions to be received, and for the substantive merits of the proposal to be considered at a public hearing.

6. VIEWS OF THOSE AFFECTED / CONSULTATION

(a) Views of those affected and consultation

If the request is accepted, then the content of the request will be subject to the statutory consultative provisions of the RMA where the opportunity for public involvement is mandatory. Council will be required to publicly notify the request and serve notice on all directly affected parties and organisations who then can participate in the process.

The proponents of the variation had a preliminary meeting with Planning staff after Council issued the RFI.

(b) Māori implications

No wāhi tapu or wāhi taonga sites of cultural significance have been identified within the plan change area.

Mahaanui Kurataiao Limited who represent Tangata Whenua interests will be invited to review the request and provide comment. In addition, the submission process allows for a submission to be made by runanga.

(c) Climate Change considerations

Council adopted a Climate Change policy in December 2020. The purpose of the policy is to outline a blueprint to achieve a cohesive and comprehensive response to climate change and take a leadership role to prepare the Council functions, businesses, and its communities, to be responsive, resilient, and ready for a carbon-neutral future.

The decision on how to proceed with the request is a procedural decision, rather than a substantive decision on the request itself. The potential impact of the request in relation to climate change, such as does it encourage car dependency, enhance connections to public transit, walking and cycling or support quality compact urban form, and whether the request elevates or alleviates climate risks, such as flooding and stress on infrastructure, can be considered in the future processes for the request.

7. FUNDING IMPLICATIONS

If the request is adopted, council would pay all costs associated with processing it. This would be unbudgeted expenditure, meaning that there would be less funding available to progress the Council's own work programme.

If the request is accepted or, if the request is dealt with as a resource consent application, the applicant would pay all reasonable costs associated with processing it on a user-pays basis.

Council would be responsible for the cost of defending both its decision on how to proceed with the request, as well as an eventual decision on the merits of the request, should either be appealed to the Environment Court.

8. INPUT FROM OTHER DEPARTMENTS

As discussed above, the contents of the request, including relevant technical reports, have been sent to internal and external experts for peer review. An RFI arising from the peer review has been produced and sent to the proponent with a response having been received. This has been provided back to the relevant experts for their consideration prior to the notification of the request who have confirmed the information provided is sufficient to notify.



Jon Trewin
POLICY PLANNER

Endorsed to decision maker:



Geoff Deavoll
POLICY TEAM LEAD

Decision:

Agree with recommendation to accept the plan changes request.



Robert Love
EXECUTIVE DIRECTOR DEVELOPMENT AND GROWTH

Attachment 1 – Assessment of the request against the Greenfield Framework

This is a coarse assessment and is not intended to predetermine the merits of the plan change.

Criteria	Assessment:
Does it maintain a consolidated and compact urban form?	The proposal 'fills a gap' to the west of Weedons Road where other surrounding land has already been zoned MRZ. It therefore assists to consolidate the urban form in this area.
Does it support the township network?	The development is consistent with the long term growth planning of Rolleston, being in a UGO, and thus supports the township network.
If within the Urban Growth Overlay, is it consistent with the goals and outline development plan?	The site is within the UGO for Rolleston and its development for residential purposes is consistent with the Rolleston Structure Plan (noting the map for the RSP envisages lower densities).
Does not affect the safe, efficient, and effective functioning of the strategic transport network?	A transport assessment has been provided and reviewed by an external expert. The external expert has not raised any transport concerns to the extent that the proposal appears contrary to sound resource management practice. Any transport matters can therefore be addressed through the plan change process.
Does not foreclose opportunity of planned strategic transport requirements?	A transport assessment has been provided and reviewed by an external expert. The external expert has not raised any transport concerns to the extent that the proposal appears contrary to sound resource management practice. Any transport matters can therefore be addressed through the plan change process.
Is not completely located in an identified High Hazard Area, ONL, VAL, SNA or SASM?	The sites are not located in these areas
Does not locate noise sensitive activities with the 50 db Ldn Air Noise Contour	The sites are outside of this noise control overlay.
The loss of highly productive land.	The National Policy Statement for Highly Productive Land 2022 does not apply to the subject site as it is considered that the land is identified for future urban development (NPS-HPL 3.5(7)(b)(i)) being an urban growth overlay in the PODP.
Achieves the built form and amenity values of the zone sought	The proposal does not seek to amend the built form and amenity values of the MRZ.
Protects any heritage site and setting, and notable tree within the re-zoning area	The proposal does not contain any of these listed areas.
Preserves the rural amenity at the interface through landscape, density or other development controls.	The proposal would result in the interface being along Weedons Road, which is consistent with the rural-urban interface for neighbouring MRZ parcels.
Does not significantly impact the operation of important infrastructure, including the strategic transport network.	A transport assessment has been provided and reviewed by an external expert. The external expert has not raised any transport concerns to the extent that the proposal appears contrary to sound resource management practice. Any transport matters can therefore be addressed through the plan change process.

Criteria	Assessment:
How it aligns with existing or planned infrastructure, including public transport networks and connecting with water, wastewater and stormwater networks where available.	Transport and servicing assessments have been provided and reviewed by experts both internal and external. No issues have been raised to the extent that the proposal appears contrary to sound resource management practice. Any transport and servicing matters can therefore be addressed through the plan change process.
Ensuring waste collection and disposal services are available or planned	As an extension of the surrounding MRZ, solid waste collection and disposal systems could be expanded to include the proposal area.
Creates and maintains connectivity through the zoned land, including access to parks, commercial areas and community services.	An urban design assessment has been provided and reviewed by an external expert. No issues have been raised to the extent that the proposal appears contrary to sound resource management practice. Any urban design matters can therefore be addressed through the plan change process.
Promotes walking, cycling and public transport access	A transport assessment has been provided and reviewed by an external expert. The external expert has not raised any transport concerns to the extent that the proposal appears contrary to sound resource management practice. Any transport matters can therefore be addressed through the plan change process.
The density proposed is 15hh/ha or the request outlines the constraints that require 12hh/ha.	The ODP narrative in the proposal specifies that there will be a minimum of 15hh/a, or if there are any identified constraints, 12hh/ha.
The request proposes a range of housing types, sizes and densities that respond to the demographic changes and social and affordable needs of the district	The proposal does not propose to modify the MRZ provisions and so would provide for a range of housing types, sizes and densities that respond to the demographic changes and social and affordable needs of the district
An ODP is prepared.	Two ODP's with accompanying narratives has been prepared.