

**BEFORE THE SELWYN DISTRICT COUNCIL**

**IN THE MATTER OF** the Resource Management Act 1991

**AND**

**IN THE MATTER OF** Proposed Plan Change 80 being a request by Two Chain Road Limited to rezone approximately 98 hectares of current rural land at 7-183 Two Chain Road, on the south side of Two Chain Road between Walkers Road and Jones Road, and Main South Road, Rolleston to Business 2A

---

**MINUTE NO 3 OF COMMISSIONER DAVID CALDWELL ADDRESSING FURTHER  
INFORMATION, THE SITE VISIT AND CONTAINING FURTHER DIRECTIONS**

**Dated 8 November 2022**

---

1. As the parties will recall, in my Minute No 2 dated 28 October 2022 I made a direction that the submitter (PC80-0010) (**the Submitter**) provide any comments, in writing, on the Applicant's proposed rules addressing concerns raised by the Department of Corrections in relation to the Rolleston Prison.<sup>1</sup> I advised in that Minute that I was interested in receiving written comment from the Submitter as to whether or not an amended version of those rules could potentially address their concerns.
2. In accordance with those directions, I was provided with an email on behalf of the Submitter dated 3 November 2022.
3. Very much in summary, the Submitter advised that "in order" for PC80 to advance any further in the plan change process remedies appropriate for a Living area adjoining the proposed Business 2A site in PC80 need to be determined.
4. The Submitter identified "agreement" with the zone extending 500 metres from the frontage of residential properties across Two Chain Road into the proposed site where controlled development would align with the revisions already agreed by the Applicant and the Department of Corrections. The Submitter considered this would mitigate some concerns in relation to noise, light pollution and particulates. Additionally, the Submitter considered that zoning should be restricted during the hours of operation of 10.00pm and 7.00am.
5. They also identified a restriction on any potential container stacks and operating equipment height.
6. As recorded in my previous Minute, I have not reached any view on the appropriateness or otherwise of any amended provisions based on the agreement with the Department of Corrections. Of course I have not, at this stage, reached any view in relation to the appropriateness of the plan change at all.
7. Neither the Applicant, reporting officers, or any other submitters, have had the opportunity to provide any evidence in relation to the costs and benefits of such an approach in a s32 context. While I did discuss that possibility with a number of witnesses, that was very much at a high level. I note that in those discussions a number of the witnesses identified the differences between the Walker Road boundary treatment (as a result of the concerns expressed by the Department of Corrections) and that proposed along the frontage with Two Chain Road.
8. I have considered whether this issue is one I can simply leave for the Applicant to address in its reply. However it is a matter which, in my view, may be better addressed by focused and limited expert evidence, particularly evidence from the evaluative expert witnesses.
9. Given the reasonably confined nature of the issue, I consider the following directions are appropriate:

---

<sup>1</sup> Proposed Rules 13.1.4, 13.1.7.3, 13.1.11.3, 22.9.6, 22.9.7 and 22.9.7.1

- (a) The Applicant file any further evidence and/or submission on this particular issue – being the appropriateness or otherwise of an amended rules package similar to that proposed in response to the Department of Corrections’ submission, by **5.00pm Tuesday 15 November 2022**;
  - (b) Any evidence/submission of any submitter and the reporting officers in relation to this particular issue by no later than **5.00pm Friday 18 November 2022**.
10. It may also be helpful if the Applicant, at the same time as filing the evidence/submission identified above, address the issue of the treatment of container stacks and operating equipment.

#### **Site Visit**

11. I confirm that I have undertaken the site visit. I spent some time on the site itself. I familiarised myself with the surrounds and particularly the Two Chain Road frontage relative to the submitters. I also attended Mr Hamilton’s property, and he identified the Coombe property next door and the Norton property. I also went on to Mr Donald Fraser’s property and the property of Ms Mehlhopt. I also drove past the prison and the Oranga Tamariki facilities, and towards the Burnham Military Camp. The site visit was helpful, particularly in relation to the location, proximity and orientation of the houses within the group submission, the width of Two Chain Road and road reserve, the water races and the existing vegetation including the eucalyptus trees at the eastern corner of the site.
12. I note what appears to be an unformed legal road within or adjacent to the site and running along the railway corridor. It would be helpful to have some more information in relation to that road, and how that will be addressed should the plan change request be approved.

#### **Applicant’s Reply**

13. I will not fix the time for filing of the Applicant’s reply pending receipt of the further evidence that I have outlined above. I will issue a further Minute but I anticipate the reply will be within seven working days of that Minute.
14. Should any party have any issues arising from this Minute which require further consideration, they can raise that in the usual manner **by 5.00pm on Thursday 10 November 2022**, being in writing through Heather Goh at [submissions@selwyn.govt.nz](mailto:submissions@selwyn.govt.nz).



**David Caldwell**  
Hearing Commissioner

Dated: 8 November 2022