

IN THE MATTER

of the Housing Accords and
Special Housing Areas Act
2013

AND

IN THE MATTER

of Applications under
Section 25 by B.M. Geddes,
J.G.I. Cooke and D.L.
Geddes – RC165454,
RC165455, RC165508,
RC165509.

DECISION

Commissioners

David Mead (Chair)

Janette Dovey

Hearing and Appearances

Heard in Rolleston on 15th and 16th November 2016

Hearing closed 2 December 2016

Appearances

For the Applicant

Ms J Crawford – Legal Counsel
Mr J McFarlane – Urban Design
Mr M Thomson – Infrastructure
Mr A Metherell – Transportation
Ms C McKeever – Planning

Submitters

Mr and Mrs Washbourne
Mr and Mrs Bruce-Jones
Mr M Brown for Hughes Developments Ltd
Mr Perry
Mr Main
Ms Jelli for K.B. Goh and F.D. Lowe
Mr Boyce

Council Officers and Advisers

Mr N Boyes, Consultant Planner

Mr A Mazey, Asset Manager Transportation
Ms G Wolfer, Urban Designer

Introduction

1. This is an application under the Housing Accords and Special Housing Areas Act 2013 ("HASHAA" or "the Act") to subdivide a 72.1973ha site into 743 residential lots and construct up to 888 dwellings on those lots; develop a small neighbourhood centre and create associated open space areas. The proposed development is to be known as Chelsea Green.
2. HASHAA has as its purpose the facilitation of an increase in land and housing supply in certain regions or districts, including Selwyn District. In addition to housing, section 14(2)(b) of HASHAA provides for non-residential components that are ancillary to quality residential development (such as recreational, mixed use, retail, or town centre land uses).
3. The proposal meets the requirements for a Qualifying Development under section 14 of the Act and the applicant requested under section 20 of the Act that the application for resource consent be considered under HASHAA.
4. The applicant consulted with adjacent landowners and obtained written approval from 9 of the 18 adjacent properties identified by Council. However, two of those approvals were conditional and the Council notified those two landowners and the remaining landowners who had not provided a written approval in accordance with its discretion under section 29 of HASHAA. Nine submissions were received (in opposition and in support).
5. A hearing was held on the 15th and 16th November 2016 in Rolleston. The Commissioners visited the site and surrounds on the 14th November. The Hearing was adjourned on the 16th and a Minute was issued recording details of further information to be prepared and circulated, as discussed with the parties. After receipt of that information, the applicant provided a written right of reply.
6. The hearing was closed on Friday 2 December 2016. In accordance with Section 41 of HASHAA, a decision is to have been released by Thursday 15 December 2016, 60 working days after notification, but that date was only 10 working days after the close of the hearing. We have extended this timeframe under Section 37 of the RMA to ensure that we had adequate time after the close of the hearing to fully consider the material provided during and post the hearing.

Relevant Statutory Provisions

Section 34 of HASHAA

7. Our consideration of this application is to be in terms of section 34 HASHAA.
The relevant portions read:

- (1) *An authorised agency, when considering an application for a resource consent under this Act and any submissions received on that application, must have regard to the following matters, giving weight to them (greater to lesser) in the order listed:*
 - (a) *the purpose of this Act:*
 - (b) *the matters in Part 2 of the Resource Management Act 1991:*
 - (c) *any relevant proposed plan:*
 - (d) *the other matters that would arise for consideration under—*
 - (i) *sections 104 to 104F of the Resource Management Act 1991, were the application being assessed under that Act:*
 - (ii) *any other relevant enactment (such as the Waitakere Ranges Heritage Area Act 2008):*
 - (e) *the key urban design qualities expressed in the Ministry for the Environment's New Zealand Urban Design Protocol (2005) and any subsequent editions of that document.*
- (2) *An authorised agency must not grant a resource consent that relates to a qualifying development unless it is satisfied that sufficient and appropriate infrastructure will be provided to support the qualifying development.*
- (3) *For the purposes of subsection (2), in order to be satisfied that sufficient and appropriate infrastructure will be provided to support the qualifying development, the matters that the authorised agency must take into account, without limitation, are—*
 - (a) *compatibility of infrastructure proposed as part of the qualifying development with existing infrastructure; and*
 - (b) *compliance of the proposed infrastructure with relevant standards for infrastructure published by relevant local authorities and infrastructure companies; and*
 - (c) *the capacity for the infrastructure proposed as part of the qualifying development and any existing infrastructure to support that development.*
- (4) *In considering an application for a resource consent under this section, the authorised agency—*

- (a) *may direct an affected infrastructure provider to provide any information that the authorised agency considers to be relevant in the circumstances to its consideration of the application; and*
 - (b) *if the authorised agency is the chief executive, may also direct any local authority to provide any information that the authorised agency considers to be relevant in the circumstances to its consideration of the application.*
 - (5) *If an authorised agency makes a direction under subsection (4), the infrastructure provider or local authority must provide the information requested as soon as is reasonably practicable.*
 - (6) *The Ministry must ensure that a copy of the document referred to in subsection (1)(e), or a link to that document, is on the Ministry's Internet site and that members of the public can easily access the document via that site, free of charge, at all reasonable times.*
8. We note at this point the we did not need to make any directions in terms of section 34(2) to (5) as the (un) availability of infrastructure is not an issue for this development.
9. In terms of the matters set out in section 34(1); the purpose of the Act is set out in section 4. It reads:
- The purpose of this Act is to enhance housing affordability by facilitating an increase in land and housing supply in certain regions or districts, listed in Schedule 1, identified as having housing supply and affordability issues.*
10. Selwyn District Council is listed in Schedule 1. We note the emphasis of the section on increasing the supply of housing.
11. Section 34(1)(b) addresses Part 2 of the Resource Management Act (RMA). Part 2 covers sections 5 to 8. Section 5 of the RMA sets out the purpose of that Act as being to promote the sustainable management of natural and physical resources.
12. Section 6 of the RMA lists matters which are to recognised and provided for as matters of national importance in achieving the purpose of RMA. None of these matters were identified as being relevant to this proposal.
13. Section 7 of the RMA lists other matters that particular regard is to be had to in achieving the purpose of the RMA. Relevant to this proposal are:
- (b) *The efficient use and development of natural and physical resources*
 - (c) *The maintenance and enhancement of amenity values*

(f) *Maintenance and enhancement of the quality of the environment*

(g) *Any finite characteristics of natural and physical resources.*

14. Section 8 of the RMA requires decision-makers to take into account the principles of the Treaty of Waitangi. That was not raised as an issue in this proposal.
15. Section 34(1)(c) of HASHAA refers to proposed plans. As there is no proposed district plan, this matter is not relevant.
16. Section 34(1)(d) refers to section 104 of the RMA. Other matters that would arise for consideration under section 104 to 104F of the RMA cover a number of points of relevance.
17. Section 104 (1) RMA sets out the matters a consent authority is to have regard to in making a decision on a resource consent application under that Act. Relevant to this proposal, it requires consideration of:
 - *Any actual and potential effects on the environment of allowing the activity;*
 - *Relevant provisions of*
 - *A national environmental standard;*
 - *A national policy statement;*
 - *The Canterbury Regional Policy Statement;*
 - *The Operative Selwyn District Plan;*
 - *Any other matter we consider relevant and reasonably necessary to determine the application.*
18. Sections 104(2) to (7) RMA are not relevant to this decision. Neither are Sections 104A and 104C. Section 104D RMA is relevant as we are considering a non-complying activity. Section 104D provides two gateway tests, one of which must normally be met for consent to be granted to a non-complying activity. In this case, whether an application meets or does not meet the “gateway test” is a relevant matter to be had regard to as part of consideration of section 34(1)(d), but is not determinative of whether consent may be granted under section 34 of HASHAA.
19. Sections 104E and 104F RMA are not relevant to this application.
20. Key urban design qualities are required to be addressed by section 34(1)(e). These qualities are detailed in the New Zealand Urban Design Protocol.

Reasons Consent Required

21. Under the Operative District Plan the site is zoned Rural Inner Plains.

22. The applicant's Assessment of Environmental Effects ("AEE") and Council's section 42A report identified the provisions in the plan for which consent is required. These cover the following consents, with their activity status noted:
- i. subdivision (non-complying),
 - ii. construction of dwellings and business premises (non-complying),
 - iii. earthworks (discretionary) and
 - iv. subdivision of multi-unit developments (non-complying).
23. Consent is also required for remediation of soil contamination under the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health ("the NES") and the cancellations of an existing consent notice and easement.
24. Overall, consent is required under the Operative District Plan as a non-complying activity.

The Site and Surrounds

25. The application site and its surrounds are well described in the applicant's AEE and Council's section 42A report. No party took issue with these descriptions. Features that are salient to this decision are as follows.
26. The site borders two roads: Springston Rolleston Road to the west and Selwyn Road to the south. These roads are in a rural configuration (no kerb and channel or footpaths, wide grass berms and open water tables).
27. To the east and north are rural-residential and rural activities. Along the eastern boundary of the site is a shelter belt.
28. The site lies approximately 1.5km south of the main part of Rolleston township. In between is an area of open pasture and rural residential lots. Approximately 400m to the west, on the western side of Springston Rolleston Road is the developing Faringdon subdivision. There is one row of properties between the application site and the Faringdon development, which are still in use as rural properties.

The Application

29. Consent is sought for an 888 dwelling development and a neighbourhood centre. A number of open space areas will be created to accommodate existing water

races and new stormwater treatment areas, recreation areas and walking and cycling links.

30. The 888 dwelling units will be in a variety of forms. Subdivision of the land will be undertaken in 15 stages creating 743 residential lots. 15 of these will be larger, low density lots of around 1,500m² in area. 187 will be low density lots and 485 will be medium density lots. 56 comprehensive lots will accommodate 201 residential units in duplex or town house form, with four or five dwellings per comprehensive lot. Once these dwellings are constructed, then the comprehensive lots will be further subdivided into smaller lots.
31. In accordance with the Order In Council that identified the site as a Special Housing Area, 92 affordable dwellings will be provided, spread over the stages. The affordable housing will be part of the comprehensive housing developments.
32. A small neighbourhood centre is to be built. As originally sought, the application was to authorise a centre of unknown size on a 3,334 m² site. At the conclusion of the hearing, the applicant had modified their position such that consent was still sought for the use of the relevant lot as a neighbourhood centre in accordance with the Business 1 Zone rules, except that total site floorspace of no more than 450m² is proposed to be consented as part of this application, subject to standards. Any further development over 450m² in total site area is to comply with the Business 1 Zone rules and be subject to a future resource consent process.
33. An important aspect of this application (and our Decision) is the alignment of an east-west collector-type road through the northern part of the site. The concept of an east-west link through the southern part of Rolleston has been in play for some time. Outline Development Plan ("ODP") Area 11 incorporated into the Operative District Plan shows this road immediately to the north of the application site, and crossing Springston Rolleston Road into ODP Area 13 to the west. The application proposes re aligning the road into the site. This was seen by the applicant, Council and some submitters to be of general benefit to the attainment of the link, but raises issues as to how the road is to proceed to the east and west of the site.

Evidence

34. The Council's section 42A report was pre-circulated. As no Directions were given by the Commissioners in relation to the pre-circulation of expert evidence, evidence was read at the Hearing. The submitters spoke to their submissions.

35. The following is a summary of the main points of evidence. Not all points are covered.

Applicant's Legal Submissions and Evidence

36. Ms Crawford presented written submissions for the applicant. She outlined section 34 of the HASHAA legislation. This section sets out a different hierarchy to decision making to the RMA. The most weight has to be given to the purpose of HASHAA (land and housing supply), with lesser weight given to RMA matters.
37. She then addressed a number of matters identified in the Council's section 42A report and submissions, in the context of section 34 of HASHAA. The most significant of these being a suggested adjustment to the east-west road link (so called CRETS¹ link) in the north-eastern corner of the site; further subdivision of the 56 comprehensive lots and consenting development of the business centre.
38. By way of background, the Council's section 42A report recommended that the proposed alignment of the east-west CRETS road link be modified in the north-western corner of the application site so that the road traversed north into neighbouring land before it reached Springston Rolleston Road. This realignment presented significant difficulties to the applicant, as we discuss more fully below. In Ms Crawford's opinion, HASHAA places some importance on the efficient development of land and if the adjusted alignment creates problems in relation to the early and timely development of the land, then that is a factor we should take into account.
39. The section 42A report also recommended consent not be granted to the further subdivision of the 56 comprehensive 'super lots'. This was on the basis that, elsewhere in the district, it was normal practice for subdivision of the super lots to occur once the dwelling units on the comprehensive lots had been constructed. At that point, lot boundaries could follow the footprints of the constructed dwellings. Ms Crawford's submission was that deferring the consenting of the re-subdivision of the comprehensive lots would undermine the purpose of the application in terms of accelerated housing supply and may cause delays further down the track. She considered that any risks associated with granting consent to re-subdivision in advance of the units being built could be addressed through conditions.
40. In a similar vein, she contended that the initial development of the local neighbourhood centre could be consented in the absence of detailed plans of

¹ Christchurch Rolleston and Environs Transportation Study ("CRETS")

layout and design, and a supportive non-residential element to the development was clearly anticipated by HASHAA.

41. Mr McFarlane, an urban designer, presented evidence on urban design issues. He outlined the key features of the development, including the centralised blue green network formed by reserves and stormwater management areas; the roading hierarchy of the east-west CRETS road and the north-south central Boulevard; the interconnected secondary road network and the dispersed pattern of smaller lots / comprehensive housing lots.
42. He then addressed the issues raised by the section 42A report and submissions. In his view, the alignment of the CRETS road shown in the application provided a number of urban design benefits, compared to other alignments. These include a legible entrance to the development and efficient layout of lots. He presented a number of hand drawn diagrams which considered the implications of the adjustment proposed by the section 42A report.
43. Mr McFarlane then referred to the interface of the development with adjacent land to the south and east. Along the southern boundary of the site (Selwyn Road frontage) larger lots are proposed, while a 10m building set back and consistent landscaping and fencing requirements will apply. On the eastern boundary, specific rural-type post and rail fencing and landscaping requirements will also apply. He noted that the land to the east may be subdivided for urban purposes in the future, given its proximity to the township, while there was some uncertainty as whether the existing shelter belt was within the application site.
44. Mr McFarlane went on to question a number of conditions proposed by the Council, particularly those applying to development in the comprehensive lots.
45. Mr Thomson addressed infrastructure issues. He stated that there are no infrastructure constraints present. Water and wastewater services are available along Springston Rolleston Road. Stormwater management can be accommodated on-site.
46. He noted that an adjustment to the alignment of the CRETS road in the north-western corner may present some difficulties in servicing that part of the site. In response to questions from us, he provided comment on the issues involved in moving the intersection of the proposed north-south Boulevard with Selwyn Road to the east to lessen potential conflicts with driveways on the southern side of the Road. He advised that a shift in the road is likely to require approximately double the amount of earthworks over the two affected stages and a longer construction process.

47. Mr Metherell covered transport and traffic issues. He spent some time discussing the background to the CRETS alignment and the issues involved in modifying the alignment of the road in the north-western corner. He noted a number of options as to how the route could continue to the west, including two off-set "T"s whereby the CRETS road headed west on the current ODP 13 alignment, to the north of the new intersection of CRETS with Springston Rolleston Road, as per the application. He agreed that a footpath connection between the development and the existing built up part of Rolleston was important. In his view, the site's Selwyn Road frontage need only be upgraded to a rural standard, rather than an urban standard as sought by the Council. He presented diagrams which provided more detail of the intersection of the north-south Boulevard with Selwyn Road and the relationship of that intersection with existing driveways.
48. After a break to allow time for submitters to present their points of view, Ms McKeever presented evidence on planning issues. She covered the planning framework for the site, noting various plans and strategies that identified the land as being appropriate for urban development. Her view was that consent could be granted to the re-subdivision of the comprehensive lots in advance of the units on these lots being built. Sufficient safeguards could be built into the conditions to avoid risks. With regard to the neighbourhood centre, she proposed that consent be granted to an initial stage (450m² of floorspace) without the need for additional urban design consent. This was consistent with the permitted activity envelope contained in the relevant Business Zone.
49. In her view, the realignment of the CRETS road into the site did not present any issues with regard to consistency with the existing ODPs contained in the Operative District Plan, and the new alignment was possibly more consistent with objectives and policies in the plan relating to bus services and provision of roading infrastructure in time with development.
50. She made comments on a number of the Council's recommended conditions. In particular, her opinion was that the upper storey window 'set back' rule for the comprehensive lots need only require a 4m, rather than 10m, set back.

Submitters

51. Mr Main's property is to the north of the development site. He supports the application. The CRETS road has been shown in various planning documents as passing through his land, with the current Area 11 ODP showing it on his southern boundary. The applicant has proposed shifting the road into their site. Mr Main supports this realignment. Apart from relieving his property of having to

provide the alignment, he considered that the road was more likely to be built if it was incorporated into the applicant's land, as otherwise it would need to cross three properties, rather than one, to span the same length.

52. Mr Perry owns a property to the east of Mr Main. He also supports the proposal, including a Right Of Way to be provided by the application into his property. With the realignment proposed, the CRETTS road will still have to traverse his property and he accepts that this will be necessary. The development of Chelsea Green and the provision of the CRETTS road east from Springston Rolleston Road to his property boundary will help to open his land to development. He informed us that it was likely that land to the north east of his property may be developed in the near future. This would allow for the CRETTS road to extend to Branthwaite Lane, creating a continuous linkage from Springston Rolleston to Lincoln Rolleston Roads.
53. Mr and Mrs Bruce-Jones own a property on the western side of Springston Rolleston Road. They are very concerned that the realignment of the CRETTS road into the application site has the implication that to connect to the Faringdon development to the west, the CRETTS road will need to go through their property. This alignment is not shown on any planning documents. They have no intention to develop and sell. They considered that the need to extend the CRETTS road through their property would lower the value of their site and / or make development of it more complex. They also noted their location opposite the access to Chelsea Green, and considered there would be adverse effects in relation to traffic safety. They acknowledge that should their property develop, then some form of local road may need to go through the property, but not a wider collector type road.
54. Ms Jelli spoke on behalf of K.B. Goh and F.D. Lowe, who own the property to the north of Mr and Mrs Bruce-Jones. ODP Area 13 currently shows the CRETTS road running through the middle of their property from Springston Rolleston Road through to the Faringdon development. Ms Jelli presented the original submission from the submitters. They advised that they were not consulted when the CRETTS road was proposed to go through their property, and sought assurance that they would not be forced or pressured into developing or selling their property.
55. Mr and Mrs Washbourne live on Selwyn Road. They have two vehicle entrances into their property (a walnut orchard) which will be close to the new southern road entrance into the Chelsea Green development. They are worried about traffic safety along Selwyn Road, the safety of cars and trucks entering their property

including conflicts with a right hand turning lane to be provided for Chelsea Green, noise and headlights from cars exiting the development and construction effects, as well as pedestrian safety in the future.

56. Mr Boyce spoke briefly in relation to the shelter belt along the eastern boundary of the site. His understanding is the shelter belt straddled the property boundary, and advised that he had located an existing boundary peg. He was unsure of the situation with regard to whether the applicant had the right to remove the shelter belt. He would like the shelter belt to remain, if possible.
57. Mr M Brown is a consultant planner representing Hughes Developments Ltd. They own a block of land to the north of the site. Currently, the Operative District Plan shows the CRETS road passing through their site. He stated that Hughes Developments were neutral as whether the road was realigned entirely to the south, or remained partly within their land, as per the recommendations of the section 42A report.
58. He questioned whether the purpose of the various reserve areas shown on the subdivision plans should be identified, while he noted a number of risks associated with consenting the re-subdivision of the comprehensive lots ahead of the dwellings being built. He also questioned the content of the ODP provided with the application; the apparent 'easing' of the requirement for comprehensive lots to obtain a minimum average density of 350m² and the rules to apply to the large lots (using site coverage as an example).

Council Staff

59. Council staff made a number of comments in response to having heard the applicant and submitters.
60. Ms Wolfer (urban designer) supported an alignment of the CRETS road that enabled its early completion. She was concerned about the rules relating to privacy and overlooking of housing in the comprehensive lots and supported the conditions proposed by Mr Boyes. She considered that the conditions applying to the proposed neighbourhood centre were generally adequate. She also considered pedestrian connectivity to Rolleston Town Centre to be important and a matter not fully resolved.
61. Mr Mazey is the Council's Asset Manager Transportation. He spoke to the traffic issues present. He considered that the Springston Rolleston and Selwyn Road frontages of the site should be constructed to an urban standard, and that the Lincoln Rolleston/Selwyn Road intersection should be upgraded. He considered

that the Washbourne's crossing should be formed in accordance with standard E10.C2 of the district plan. A footpath connection to the existing urban area was also a necessity, but he noted that there were a number of options over possible routes. He identified a number of advantages and disadvantages of the various CRETS alignment options. In relation to a future western extension beyond the site, he considered that cognizance should be given to the alignment shown in the ODPs incorporated into the district plan. This would lend weight to the adjusted alignment proposed in the section 42A report. Following the hearing, in response to a Minute from us, Mr Mazey summarised his views on the CRETS alignment in a memo that was circulated to all parties. In that memo he elaborated upon the advantages and disadvantages of the different options, noting that he strongly opposed a disjointed alignment, as illustrated in his Option 3 diagram, which relied on retaining the ODP Area 13 alignment to the west of Springston Rolleston Road. He concluded by saying that, in the absence of detail with respect to the development of the Hughes Developments land to the north, he preferred the alignment as put forward by the applicant, acknowledging that this implies a link through the Bruce-Jones and Goh/Lowe properties to enable completion of the CRETS road at some point in the future.

62. Mr Boyes covered a number of planning issues. He considered that the adjustment to the CRETS alignment set out in his section 42A report was still appropriate, as this alignment partly mirrors the alignment shown in the relevant ODP. He agreed that Selwyn Road should be formed to an urban standard at this point, and sought to ensure that a condition permitted only four private accesses along this road. He also supported pedestrian connectivity to the township and advised of relevant objectives and policies supporting this. He remained concerned as to whether the proposed conditions in relation to the neighbourhood centre were sufficient to deal with all effects. The conditions proposed by the applicant in relation to the re-subdivision of the comprehensive lots had helped to allay his concerns to a degree over the risks involved in this approach. He also noted the need for the conditions to reflect the development contributions required should this be accepted.

Applicant's reply

63. After reviewing and circulating an updated set of conditions for Council comment, Ms Crawford provided a written right of reply. In this statement she outlined how the applicant and Council had worked on a revised set of conditions, agreeing most matters. They had also agreed a process to address contributions to 'off-site' infrastructure, with a Developers Agreement to be prepared. This would address matters such as roading, water and wastewater infrastructure, footpath

connections to the north or west, and the Lincoln Rolleston Road/Selwyn Road intersection upgrades. With respect to the CRETS road, she noted the preference of Mr Mazey for the alignment shown on the application and considered that there was no basis for requiring an adjustment to the alignment in the north-eastern corner. She stated that it was not necessarily a foregone conclusion that the CRETS road would have to pass through the Bruce-Jones property to the west. Furthermore, there were currently no planning documents that stated that this had to occur. Finally, she noted that the applicant had been in discussions with the Washbournes as to possible works to improve the safety of their secondary vehicle entrance.

Evaluation Approach

64. Section 34(1) of HASHAA requires us to evaluate the proposal by undertaking four weighted considerations, namely the purpose of HASHAA; Part 2 of the RMA; section 104 and 104D of the RMA and urban design principles. To undertake this task we first identify the significant matters in contention; then consider these matters in terms of the actual and potential effects they might have on the environment and how they might be mitigated. Following that we then consider these effects and their possible mitigation in relation to the matters set out in section 34(1), taking into account their relative importance.

Significant Matters in Contention

65. Having read the application, Council's reports, the evidence presented by experts and submitters, and heard responses to the questions we posed; it is evident that the majority of the application is not in contention. We accept the information, evidence and recommendations provided to us in relation to these matters. We consider that there are six principal issues remaining in contention. They are (in loose order of importance):

1. Alignment of CRETS road
2. Upgrade of transport infrastructure in the vicinity, including Washbourne entrance
3. Resubdivision of comprehensive lots
4. Conditions applying to development
5. Eastern boundary - fencing and landscaping
6. Neighbourhood centre.

Alignment of CRETS road

66. An important issue for us to determine is the alignment of the CRETS road. As outlined above, this road is identified in two ODPs (ODPs 11 and 13) that are part of the Operative District Plan. The CRETS road is an east-west collector link that will play an important role in the distribution of traffic within the expanded settlement. Part of this route is already formed in the Faringdon development to the west.
67. As set out in the ODPs, the CRETS alignment lies to the north of the application site, traversing numerous properties to the east of Springston Rolleston Road before it joins the Lincoln Rolleston Road; and one property to the west of Springston Rolleston Road where it would then connect to the Faringdon development.
68. The application seeks to locate part of the CRETS alignment within its site. This is of benefit to the development, as well as providing an important step towards the attainment of the full route. By bringing the road into the site, the need for the CRETS road to traverse through three properties to the north is reduced to one.
69. The applicant proposes to start the western end of the section of CRETS road that will be in its site, at Springston Rolleston Road, on an alignment to the south of that shown on ODP 11. This alignment is shown on the indicative ODP prepared for the application in consultation with the Council as part of the Special Housing Area ("SHA") process and has Council's support. While the relocation of the CRETS road to the south into the SHA land is seen as positive by the Council, the point at which the road intersects with Springston Rolleston Road is at issue.
70. The implication of this realignment is that to the west of Springston Rolleston Road, the CRETS road will likely need to pass through two properties before it could join with the already formed part in the Faringdon development. One of these properties has not previously been identified as having a collector type road pass through it. Neither of these two properties are large properties and we heard from both property owners who were individually concerned that they had not been previously consulted over the route and/or that the road may devalue their property.
71. The applicant maintained it is not certain that the road will have to pass through both properties to join with the Faringdon development. Two off-set "Ts" are possible, meaning only one property is affected; while other arrangements that

minimise land take across the two properties could be construed. The applicant's position is that:

- by providing the CRETS road, they are contributing a significant portion of the early attainment of the route, ahead of what may otherwise happen;
- the route of the CRETS road west of their site is not their responsibility;
- the Council has options as to how the route west may be achieved.

72. Hughes Developments initially submitted in opposition to the southern relocation of the CRETS road off their land, but at the hearing stated that they were neutral.

73. As noted, Council's section 42A report recommended an adjustment of the CRETS alignment shown in the application at the north-western corner of the application site so that the road would intersect with Springston Rolleston Road in the alignment shown in ODP 11. That is, the road would pass through the neighbouring block to the north (Hughes Developments) before it reached Springston Rolleston Road. This would mean that the road could maintain its alignment to the west as per ODP 13 and not need to also traverse the property to the south (Bruce-Jones property).

74. Mr Mazey initially supported this adjustment from a transport planning perspective. He is concerned that a disjointed route would not support the collector type role of the road, while requiring the road to traverse two properties to the west would slow down the implementation of the road. In his memo post-Hearing, he agreed that the applicant's alignment was the more preferable alignment, as it ensured at least part of the CRETS road would be developed.

75. However, submitters have expressed concern at any realignment, and as such we need to address the benefits or otherwise of the realignment proposed.

76. Ms Crawford was of the view that as the option put forward in the section 42A report had the potential to undermine (or at least delay) the Chelsea Green development, it was potentially at odds with the purpose of HASHAA. As such we should only consider the application as presented.

77. In terms of effects, the applicant contended that the adjusted alignment would involve:

- a reduction in the number of lots in their development;

- a more difficult road alignment (two back-to-back curves);
 - loss of a direct route into the development;
 - complications around short term bus access;
 - complications around wastewater services;
 - uncertainty over implementation of the link to Springston Rolleston Road.
78. There are urban design benefits from the realignment, in that the alignment in ODP 11 hard against their northern boundary presented a quandary for the applicant as to how lots would front a road that is not in their control. By bringing the road into their site, the northern side of the street could be fronted by dwellings, adding to amenity, safety and similar outcomes (compared to a situation where the lots on their northern boundary may 'back onto' the CRETS road).
79. Mr Metherell stated that in his opinion, the northern adjustment of CRETS into the Hughes land is feasible from a transport planning perspective, but there would be implementation issues. Ms McKeever drew our attention to the number of objectives and policies of the plan that refer to transport and roading connectivity. In her view these policies supported the alignment shown in the application as it enabled early connectivity and a bus route into the site.
80. The submitters pointed to potential adverse effects on their properties from the extra land required to accommodate a wider road.
81. In addressing this issue, we begin by noting that we are not so sure, as contended by Ms Crawford, that the overriding purpose of HASHAA can be used to resolve all debates over layout. A northward adjustment of the intersection of the CRETS road with Springston Rolleston Road out of the application site does not render the Chelsea Green development infeasible. Access to the bulk of the site is still possible, although staging may need to be amended and other adjustments made to road layouts. As such, we consider that there is a need to review whether an amendment to the proposed alignment is reasonable in the circumstances.
82. To accommodate the route shown in the section 42A report, and as supported by the Bruce-Jones, we would need to impose a condition to this effect. Section 37 of HASHAA (conditions of resource consents) cross refers to Section 108 and 220 of the Resource Management Act 1991. Section 37 goes on to state that a

resource consent may include any condition that is consistent with, and gives effect to, the purpose of this Act.

83. Under section 108 of the RMA there is wide scope in relation to the nature of conditions that may be imposed on a resource consent but, to be valid, a condition on a resource consent must be reasonable. The Newbury tests set out criteria as to whether a condition is reasonable. These tests are still relevant to proceedings under HASHAA.

84. These tests are that conditions must:

- (a) Be for a resource management purpose and not for any ulterior purpose;
- (b) Fairly and reasonably relate to the proposal which is the subject of consent;
- (c) Not be so unreasonable that no reasonable authority could have approved it; and
- (d) Not involve an unlawful delegation of the consent authority's duties.

85. In short we have two options to consider in terms of these tests:

- i. As per application (with the CRETS road possibly continuing west through Bruce-Jones property)
- ii. As per section 42A report.

86. In terms of the tests, we identify the following points:

- (a) Be for a resource management purpose and not for any ulterior purpose

87. The issue of connectivity is identified in a number of policies of the Operative District Plan and is clearly part of the ODPs that are incorporated into the plan. At the district-plan level, policies that support integration of transport networks at the time of subdivision include:

Policy B2.1.5

Ensure the development of new roads is:

- i) integrated with existing and future transport networks and landuses; and*
- ii) is designed and located to maximise permeability and accessibility;*

through achieving a high level of connectivity within and through new developments to encourage use of public and active transport; whilst having regard to the road hierarchy.

Policy B2.1.12

Address the impact of new residential or business activities on both the local roads around the site and the District's road network, particularly Arterial Road links with Christchurch City.

88. The explanation to policy B2.1.12 refers to CRETS. The method listed is: district plan policies. The text refers to assessing plan change requests to rezone land for the expansion of townships.

89. The Regional Policy Statement places some emphasis on compliance with ODPs. Policy 6.3.3 – Development in accordance with outline development plans - refers to ODPs, as follows:

Development in greenfield priority areas and rural residential development is to occur in accordance with the provisions set out in an outline development plan or other rules for the area. Subdivision must not proceed ahead of the incorporation of an outline development plan in a district plan.

90. In this case, the ODP for the application site is not part of the plan. ODPs 11 and 13 are. Furthermore, strictly speaking, the Chelsea Green development is not within a priority development area as identified by the RPS, but through the SHA process has obtained a similar status. We accept the general point of the RPS policy that ODPs are a tool to help ensure integrated outcomes and they are an important point of reference, but that it is also reasonable to expect changes to these ODPs as circumstances alter.
91. Given this framework, we find that a condition requiring an adjustment to the CRETS road in the north eastern corner of the site to ensure continuity of linkage to the west along the alignment shown in ODP 13 (i.e. as per the section 42A report) would be for a resource management purpose. However that does not mean a condition is automatically needed or appropriate.

(b) Fairly and reasonably relate to the proposal

92. The application is for a large block of land generating over 880 residential units. Connectivity through, into and out of this sized development is clearly a relevant issue to be addressed. We accept that consideration of connectivity from the development to the west must extend beyond just accessing Springston

Rolleston Road. We were told that people from the new housing to be developed will wish to access a school proposed further to the west (in the Faringdon development), and there will be other movements to the west.

93. However we also accept that requiring connectivity to the main road frontage of the site to be by way of an adjoining site because of connectivity issues further to the west creates a number of difficulties for the proposal. It is not the proposal which is generating the western connectivity issues. The development is providing east-west connectivity within its site, consistent with various objectives and policies of the Operative District Plan.
94. How the route connects to the west is a matter for subsequent processes, while there appear to be options as to how this connectivity is to be achieved. A requirement to adjust the route within the site so as to connect to a proposed alignment to the north-west, across a road, seems a step too far.

(c) Not be so unreasonable that no reasonable authority could have approved it

95. A condition requiring an alternative alignment may be unreasonable if it would have the effect of making the application (if consented) unable to be implemented; creates additional effects to that sought by the original application; and or creates adverse effects on other parties who may not have the opportunity to comment on the proposal. The most directly affected landowner (Hughes Developments) did not express opposition to the adjusted alignment, while the Bruce-Jones are party to these proceedings. There may be effects on the Bruce-Jones property (in terms of future layout options should the land be urbanised) from the alignment proposed, but these effects do not appear out of the ordinary to those that often occur when land is subdivided for housing.

(d) Not involve an unlawful delegation of the consent authority's duties

96. Our responsibilities under section 34 of HASHAA is to enhance housing affordability by facilitating an increase in land and housing supply in districts identified as having housing supply and affordability issues.
97. In discharging this duty we need to consider the matters listed in section 34 of HASHAA, which includes Part 2 of the RMA. As covered above, roading connections are an important and relevant RMA matter. A condition requiring a realignment to the north would not represent an unlawful delegation of duties, but does mean that some parts of the application may not proceed as quickly as hoped, which may be seen to contrary to the purpose of HASHAA.

98. Overall, our finding on the matter is that the alignment shown in the application is appropriate. The alignment does not automatically mean that the CRETS road must extend into the Bruce-Jones property, although this is likely to be an important matter to be determined when this site is developed. Neither does the realignment place extra pressure on either of the two properties to the west to be developed. The question of timing is still in their hands. An adjustment of the alignment in the north-west into the property to the north would not appear to bring forward any benefits in comparison with the application presented. The alignment as proposed in the application will assist with the early development of the applicant's land, as well as possibly land to the north.

Upgrade of transport infrastructure in the vicinity, including Washbourne entrance

99. At the conclusion of the hearing, the applicant and Council were proposing a Development Agreement to address what can be called 'off-site' infrastructure.
100. Footpath and cycleway connections to the existing urban area were identified by a number of experts and submitters as being important and we (strongly) agree with them. The Council had proposed a condition that referred to a footpath connection being provided in general terms, but did not identify a particular route. Subsequently the Council agreed to its removal and reliance placed upon the Development Agreement.
101. We are satisfied on the basis of the evidence before us that the Development Agreement is a satisfactory means by which footpath connections can be made. Any works required to form a footpath / cycleway connection are likely to involve other private land outside of the application site (as well as road reserves), and therefore outside our jurisdiction. Mr Mazey identified a number of possible routes. It is appropriate that Council co-ordinate this work, with funding assistance from the applicant.
102. In relation to the Washbourne's property accesses, we were provided with vehicle tracking diagrams at the hearing, all of which showed various truck sizes entering the Washbourne's main residential access. We note the applicant's offer at the hearing to complete Tracking Plan A works to the main entrance of the Washbourne's property in order to mitigate any potential traffic/access impacts when entering/exiting their property in close proximity to the Chelsea Green entrance. We also note Mr Mazey's recommendation at the hearing that this entrance be formed to meet District Plan rural vehicle crossing standard E10.C2 (i.e. the residential access standard). We agree that these works would be beneficial to address safety concerns, and propose a specific condition of

consent to this end. We have provided some flexibility within the condition, recognising the discussion at the hearing in relation to the resultant works that might consequently be required to the shelterbelt either side of the entrance.

103. We note that the secondary vehicle access was also discussed at the hearing, predominantly in relation to B-train truck access. At the time, Mr Metherell considered that large trucks would need to swing across to the other side of the road in order to enter, but noted that on rural roads it was not uncommon for truck drivers to have to plan their time of entry to a rural property in order to avoid oncoming vehicles. In the right of reply, the applicant noted that it was prepared to look at upgrade works at the secondary road service entrance to the Washbourne's property, and has advised that it will separately engage with the Washbourne's in relation to this. We have only required works to the main residential entrance at this point, and accept in good faith that this additional engagement in relation to the secondary access will be done.
104. The Selwyn Road frontage of the site remains an area in dispute. The applicant maintains that an upgrade to a rural standard is appropriate, while the Council seeks an urban treatment on the northern (development) side of the road. The road marks what is anticipated to be the urban/rural boundary. Large lots, rural-type fencing and landscape treatment fronting this road are proposed in the application site.
105. Mr Metherell's opinion was that so long as the posted speed limit remained above 50kms an hour, then a rural-type arrangement was appropriate.
106. The applicant's transport assessment notes that Selwyn Road will become an important link road to the east and that it is expected that as the town develops, traffic volumes will be consistent with a collector type road.
107. The Council's approach is that Selwyn Road will take on more of an urban function over time as the area develops. There will likely be pedestrians to cater for and safety features such as lighting will be called for. An urban type configuration to the road will help to moderate driver behaviour, while the Council can amend the speed limit along the relevant stretch of road.
108. Our conclusion is that an urban-type frontage should be provided, consistent with the use of the land to the north for housing. We understand that this will involve kerb and channel, footpath, lighting and similar features. This type of road configuration will help to signal to drivers that they are in an urban environment and the commensurate need to moderate their speed and behaviour appropriately so as to provide a safe environment for all road users.

Re-subdivision of comprehensive lots

109. This issue concerns the subdivision of the 56 comprehensive housing lots into smaller sites and whether subdivision consent can be granted before the houses on these lots have been constructed. By the end of the hearing it appeared that this issue had been resolved, but out of caution we record our findings on the matter.
110. The applicant had sought, as part of this application, subdivision consent to create individual lots around the 201 residential units to be built on the 56 comprehensive 'super' lots. This consent would be issued in advance of the houses being constructed. The application documents show proposed boundaries for the smaller lots to be created out of the 56 comprehensive lots. The applicant did not wish to be subject to the time and cost of obtaining the subdivision consents after the houses had been constructed when it considered it had provided sufficient information with this consent application.
111. Council's initial approach as set out in the section 42A report was to recommend that consent not be granted to the (re) subdivision of the comprehensive lots into smaller lots, on the basis that the smaller lots could be sold ahead of building, frustrating a comprehensive approach to their development. Moreover, the final lot boundaries may be somewhat different to those shown on the application plans. This may be because the units built on the comprehensive lots are in slightly different positions to that currently anticipated. For example a party wall between two units may not be in the same alignment as that shown on the application plans, and hence not on the boundary line shown in the subdivision plans.
112. The Council did not wish to be in a position where it was asked to approve subdivision plans that contained 'variations' from those applied for. Council's general practice is to issue consent only after the units have been built. It is the approach used in the Faringdon development, for example.
113. Ms Crawford for the applicant explained that the applicant understood the risks associated with issuing consent ahead of the dwellings being built. The applicant accepts that section 127 processes may need to be followed, but they did not anticipate that to be likely. They further offered a condition that requires the dwellings to be built before the s223 or s224 certificates are issued for the smaller lots.
114. In relation to the need to address 'minor variations', Ms McKeever in her evidence referred to Council having some discretion to accommodate changes under the

standard subdivision condition that development proceed 'in general accordance' with the plans submitted. However, we can understand the Council having some qualms about the extent to which it might be asked to exercise the discretion inherent in this condition where it relates to title boundaries. The applicant's closing submissions state that they are content to rely upon the section 127 process, and we agree that this is a better process to follow.

115. At the close of the hearing, Mr Boyes for the Council accepted that the condition proposed by the applicant relating to the buildings being built before s224 certificates are issued helped to allay fears about the housing development and subdivision not being integrated.
116. In our view, the conditions should refer to subdivision occurring 'in substantial accordance' with the attached subdivision consent plans to limit the extent of any discretion that can be exercised by the Council and to ensure that variations (where needed) are documented and appropriately consented.

Conditions applying to development

117. Two matters remain outstanding in relation to the proposed conditions that set development standards.
118. The first relates to the building coverage control to apply to the large lots located along Selwyn Road. The applicant seeks that the conditions allow for 40% coverage, consistent with the Living Z controls. The Council wishes to limit coverage to 500m². Mr Brown noted the apparent inconsistency of applying a small lot coverage control to a large lot.
119. The sites in question range up to 1,500m² in area. A 40% coverage allowance could see 600m² buildings.
120. Given the role of the sites as being a transition into a rural environment, we see a need to restrain building coverage. To this end, we find that the maximum building site coverage shall be 500m². We note that this still allows significant building floor area to be constructed.
121. The second matter relates to the design of two storey buildings in the comprehensive lots. The Council has proposed the following rule:

Any windows at first floor level or above must:

(i) face a road boundary, or an internal boundary shared with land vested or designated with Council for stormwater, recreation or esplanade reserve/ strip purposes; or

(ii) be set back a minimum of 10m from an internal boundary; or

(iii) have a sill height of at least 1.6m above internal floor level; or

(iv) be obscure glazed, and either non-opening or top- hinged, and be associated with a bathroom, toilet, or hallway.

122. The applicant sought that the 10m setback be brought down to 4m and apply to principal living room windows only. They are concerned that the control is aimed at terrace type configurations with units orientated towards the street and backyards, and consider the rule is not suited for duplex type units that may share a common wall, but have individual side yards. They further point out that in the 'standard' residential zone, a 2m side yard applies. Thus two storey units may be only 2m off a side boundary, with a living room window or similar on that face of the building. Our impression from our site visits around the Rolleston area is that two storey development is likely on the smaller lots enabled in the comprehensive developments, but much less likely on the larger sized lots.
123. In his comments during the hearing, Mr Boyes for the Council remained of the view that this condition should be imposed. It is sourced from the District Plan controls for medium density lots. In Mr Boyes and Ms Wolfer's view, the amendment proposed by the applicant does not maintain adequate protection of privacy of adjacent residential development.
124. Our finding is that the matters of privacy and overlooking of adjacent sites are important issues in any more intensive environments. As we understand it, in the normal course of events where operative residential zones apply, more intensive housing developments would be subject to consent and an assessment made as to privacy and overlooking effects. In this case, consent is sought for the erection of units on the comprehensive lots, before designs are prepared, but subject to conditions. Hence a standard needs to be imposed, rather than reliance placed on assessment. The standard applies to second storey developments and in our view appropriately sets in place a reasonable standard for intensive housing to be designed to. While different set back distances such as 6m or 4m could be considered, given that the Selwyn District Plan already refers to 10m, we see no benefit in a greenfields situation from stepping away from this standard.

Eastern boundary - fencing and landscaping

125. We record this as a matter in contention since we did not hear from two submitters to the east of the site. Their submissions sought retention of the existing shelter belt.
126. During the hearing the applicant informed us that the shelter belt was within their land and hence it was open to them to remove it as part of the development. However, at least as it pertains to the Boyce land to the north, the shelter belt may be located on the boundary. To address the resulting interface with the rural residential land to the east, the applicant proposed a 2m wide landscape strip and a rural style post-and-rail fence. The relevant fencing condition proposed reads as follows:

The consent holder shall establish rural style post and rail fencing along the north eastern and southern boundary of the application site at the completion of each adjacent stage of subdivision. This fencing shall be stained a dark or recessive colour. Pursuant to section 44 of the Housing Accords and Special Housing Areas Act 2013 and section 221 of the Resource Management Act 1991 a Consent Notice shall be registered on the Computer Register of Lots 377-385, 507-514, 583-586, 657-660, 671-675, 677-679, 781-784, 796-797, 814-819 and 820-827 to ensure the maintenance of this fencing on a continuing basis whilst the adjoining land retains a rural zoning.

127. We see no issue with the landscape strip condition. In relation to rural post-and-rail type fence, two issues arise. One is whether landowners on either side wish to have a more secure and/or solid boundary. This may be to contain children, pets or stock, or to afford their properties increased privacy. The other is where the shelter belt is actually located on the boundary and the neighbours need to agree to its removal.
128. We agree that a consistent fence design is an appropriate starting point and understand that a post-and-rail fence fits with this rural landscape context to some degree, but see the need for some flexibility where agreements are in place between neighbours as to different fencing designs/boundary treatments. The relevant boundary is a private boundary, barely visible from the road, and as a result a variety of fence styles or boundary treatment should not generate any public amenity related issue. We have reworded the conditions so that alternative styles of fence or treatment are possible (e.g. close boarded 1.8m/2m high fence or hedging) where neighbours agree. This will remove the need for a consent

holder to seek a variation to the conditions of consent, should alternative arrangements be agreed.

129. The following is to apply:

The consent holder shall establish rural style post and rail fencing along the north eastern and southern boundary of the application site at the completion of each adjacent stage of subdivision.

This fencing shall be stained a dark or recessive colour. Pursuant to section 44 of the Housing Accords and Special Housing Areas Act 2013 and section 221 of the Resource Management Act 1991 a Consent Notice shall be registered on the Computer Register of Lots 377-385, 507-514, 583-586, 657-660, 671-675, 677-679, 781-784, 796-797, 814-819 and 820-827 to ensure the maintenance of this fencing on a continuing basis whilst the adjoining land retains a rural zoning, unless a different fencing/boundary treatment arrangement is agreed between the relevant lot owner and the adjoining rurally zoned property.

Neighbourhood centre

130. A neighbourhood centre is proposed, but no firm plans had been prepared by the applicant as to the activities to be provided for, or the design and layout of buildings and car parking. The section 42A report had raised concerns over consenting a large development in advance of such detail.

131. At the hearing the applicant clarified that it essentially sought consent to the Business 1 Zone use of the subject lot, with the first stage of the development being consented subject to standards, and the following stage/s being subject to compliance with the Business 1 Zone standards, including the requirement for a separate resource consent in terms of urban design.

132. We agree that conditioning the permitted scale of commercial development in the equivalent Business Zone into the land use consent for this site is appropriate. However, we note at this point that the conditions proposed to apply to the first stage (less than 450m²) include all of the permitted activity standards of the district plan for developments of this size, except one – clause 16.9.1.1, which requires car parking and accessways to be at the rear of buildings. We assume this was an oversight, as we understood that the intent was to fully reflect the permitted activity envelope. Therefore, we have added an additional condition (3(ii)) to the land use consent relating to the neighbourhood centre.

133. We have also made additional, minor amendments to these conditions, for example amendments to the floorspace thresholds listed to reflect the permitted activity status through use of the terminology “*less than 450m²*” and “*450m² or more*”; amendments to the format of the proposed conditions to clearly reflect the intent for the larger scale developments to gain separate consent; and refining of the condition relating to permeability and connectivity between the neighbourhood centre and the adjacent reserve.

Evaluation

134. Having considered the main effects in contention and made findings on them in terms of their nature and scale and possible mitigation, we now turn to consider these effects in the light of the cascading priorities set out in HASHAA. In doing so, we look at the combined picture of the above effects, rather than them individually.

Purpose of HASHAA

135. Granting consent to this application will clearly facilitate an increase in the supply of land and housing in a way that does not generate significant adverse effects. While development of the site is out-of-step with the orderly expansion of the town southwards and ahead of normal structure planning and plan change processes, due consideration has been given to layout and wider connections, eliminating concerns over an ad hoc approach to development stymieing development of the wider area.
136. Core network infrastructure (water, wastewater, roading) is present. The layout does not appear to preclude or foreclose on the logical and appropriate development of other land to the north, east or west for urban uses in the future, and, if anything, is likely to facilitate development of the land to the north through the roading connections provided. This means that no significant adverse urban form effects are generated. As such we do not need to undertake a weighting exercise where the benefits of the development to housing and land supply are considered alongside the costs of the adverse effects to the environment or the on-going development of the town.

Part 2 RMA

137. The proposal will enable the community of Rolleston to provide for their social, economic and cultural well-being by providing additional housing. There is a reasonably foreseeable need for future generations to require housing and open space in the way envisaged by this proposal. There is nothing to suggest the life-

supporting capacity of air, water, soil or ecosystems will not be safeguarded, and the adverse effects of the proposal are effectively avoided, remedied and mitigated with the conditions we are imposing. We are satisfied that the proposal represents sustainable management of natural and physical resources.

138. Here we note that the development of the site will not transgress any matters of national importance in terms of section 6 of the RMA. This is an important caveat to the decision. In terms of section 7, there may be some adverse effects in terms of amenity (outlook) enjoyed by neighbouring properties to the west, south and east. However these effects need to be seen in the context of the anticipated expansion of the town. These effects will be experienced earlier than anticipated, but equally there will be earlier benefits in terms of access to new open spaces, the neighbourhood centre and upgraded roading infrastructure. The realignment of the CRETS road also raises some amenity and development issues, but these are not of a nature that they would overturn this broad judgement.

Sections 104-104F

139. The application does require consideration under section 104D of the RMA. In the context of the existing zoning of the site - Rural Inner Plains - the development does create adverse effects in terms of rural amenity and resources. The development is also contrary to the objectives and policies of the plan in relation to the sustainable management of rural resources. In the normal course of events, section 104D would place a high hurdle in front of an application of this type. However in the context of the identification of the area as an SHA, the on-going urban expansion of Rolleston and the various planning documents that have indicated future urbanisation, these adverse effects take on lesser relevance.
140. Turning to the effects generated by the proposed subdivision layout, the most significant potential off-site effect flows from the re alignment of the CRETS road and its future extension over time to the west. We have spent some time on this matter, noting that the alignment proposed is not what is set out in relevant ODPs. We accept that shifting the alignment into the site brings forward benefits from implementation of the CRETS route, and in that context is consistent with the objectives and policies of the plan that refer to interconnectivity as the township develops. The realignment does however create some uncertainty as to connectivity to the west, including some uncertainty for the two properties to the west in terms of how and when the road may traverse this area. However these sites are already earmarked for urban development and in our view, the issues arising from the realignment of the CRETS road are not of an order or type that

uncommonly arise during urbanisation of a greenfields area. It is likely that the Council will need to adjust the ODP for this area to take into account the revised approach to the CRETS, while the realignment does not require that the road extend to the west in the short term.

141. In this context, and taking into account the conditions offered by the applicant and the adjustments identified in this decision, we have concluded the effects on the environment of allowing the proposal are appropriate, taking into account the objectives and policies and the relevant ODPs contained in the district plan.
142. We also accept Mr Boyes' analysis of the NES, the NPS-UDC, the RPS, the Maahanui Iwi Management Plan and the relevant earthquake recovery documents, including the LURP.

Urban Design Protocol

143. Section 34(1)(e) of HASHAA requires an assessment of the proposal against the key urban design qualities expressed in the NZ Urban Design Protocol.
144. We have taken the key urban design qualities to mean the seven "Cs" that are set out in the Protocol.
145. We note that the application included an urban design assessment at Appendix E, and, generally, the approach taken by the applicant to the layout of the majority of the site was supported by the experts we heard from, or at least not strongly challenged.
146. Our finding is that in relation to the key qualities of the Urban Design Protocol, the application performs appropriately, subject to appropriate conditions as identified during the hearing and in this decision.

Decision

147. Consent is granted, with conditions (included as **Attachments 1-4**).
148. The relevant existing consent notice and easement are cancelled as per the resolutions at **Attachment 5**.
149. The reasons for the decision are as set out above. In summary, the development will provide for housing supply and choice in a well designed layout. The housing can be provided with adequate and appropriate infrastructure, while the development will contribute to the extension and upgrade of roading and open

space infrastructure that will benefit the wider area. The design and layout takes into account the context of the site and its relationship with properties to the north and east.



Commissioners Mead and Dovey

22 December 2016