

BEFORE THE SELWYN DISTRICT COUNCIL

IN THE MATTER of the Local Government Act 2002

AND

IN THE MATTER of a submission by Dryden Trust
on the draft Rural Residential
Strategy 2013

LEGAL SUBMISSIONS ON BEHALF OF DRYDEN TRUST

10 APRIL 2014

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1. INTRODUCTION

- 1.1 The Dryden Trust owns 36.22ha of land located on Springston Rolleston Road, south Rolleston (the **Site**). The submitter seeks that the Site be included in the draft Rural Residential Strategy (the **RRS**). The Site is in single ownership. It is currently zoned Rural Inner Plains and used for dairy runoff. It adjoins a LZ Deferred Zone to the north, and is surrounded by 4ha rural lifestyle blocks north, east and west. Rural activities continue to the south of the Site.
- 1.2 The Site is in an area indicated to be for future urban growth, and it is proposed that the Site be future proofed. This will enable rural residential development now, but also retain the opportunity for integrated medium density development in the future, if that were ever to arise. If the status quo is retained, the Site will be subdivided into 4ha blocks.
- 1.3 The Site meets the relevant criteria in the RRS, is within urban infrastructure limits, and has been designed to stand on its own merits as a rural residential development. It is well designed and there are no servicing constraints. Timing is critically important to deliver an exemplary planning outcome, otherwise it will be an opportunity lost. The Officer's Report accepts that the RRS has a potentially significant impact on land owners who may have aspirations to develop their rural land holdings to rural residential densities. You need to be in to develop.

2. PRELIMINARY MATTER

- 2.1 The SDC opinion (dated 2 April 2014, titled "LURP Issues", author Paul Rogers, Adderley Head) considers that the Commissioners' acting properly should decline the Submitter's request. The advice raises jurisdictional issues.
- 2.2 In my submission, this legal advice is fundamentally flawed. Further, it takes an unduly narrow interpretation of the LURP provisions.
- 2.3 The ultimate goal of the submitter is not full residential development as suggested in paragraph 2 of the opinion. Dryden Trust would like to develop its land for rural residential purposes. The idea of future

proofing arose as a result of Council indicating in the Rolleston Structure Plan that it wanted to use the Site for future urban growth.

- 2.4 The legal opinion considers catering for 'future proofing' in the RRS falls foul of Policy 6.3.9(6) and 6.3.9(7) of the Canterbury Regional Policy Statement (the **RPS**). "Falls foul" is not the requisite test. The policy direction to *preserve future growth paths* appears to have been incorrectly interpreted as *avoid development in indicative growth paths* by both the Reporting Officer and the Council's legal adviser.

- 2.5 The opinion states at paragraph 27:

Critically, any decision made is subject to Policy 6.3.9. This means, in my view, that only a decision that meets **Policy 6.3.9 in its entirety and any other provisions of the RPS as amended by the LURP** are relevant to that decision.

(emphasis added)

- 2.6 In my respectful submission, I disagree and consider this is a fundamental misapplication of policies.

- a. Your duty is to consider objectives and policies in the round having regard to all relevant objectives and policies (but not irrelevant policy). It is also not a matter of isolating out one or two policies and then elevating them above all others, as that is not the correct approach¹.
- b. In every case there will be policies with greater relevance than others, and the terms in which particular policies are expressed can provide signposts to the relative importance of one policy or another. The *King Salmon* High Court case is authority for the proposition that not every policy needs to be considered when *giving effect* to a national policy statement for the purposes of the RMA (in that case the New Zealand Coastal Policy Statement) provided a decision is well reasoned and all

¹ *Elderslie Park Ltd v Timaru DC* [1995] NZRMA 433, *Akaroa Civic Trust v Christchurch CC* [2010] NZEnvC 110, *Kuku Mara Partnership (Forsyth Bay) v Marlborough DC* EnvC W025/02. The Commissioner may be aware of a 2012 decision by His Honour Justice Fogarty that, with respect, appears to depart from standard practice (and is currently under appeal). The recent Environment Court decision of *Cookson Road Character Preservation Society Inc v Rotorua District Council* [2013] NZEnvC 194 (decision issued 2 August 2013) specifically discusses the High Court finding of Fogarty J. and the Court deliberately determined not to apply it, being contrary to accepted practice and Court of Appeal authority.

material factors have been considered.² The same approach will apply to rural residential development being considered under Policy 6.3.9 in the RPS in any subsequent plan change or resource consenting processes.

2.7 In any event, the evidence demonstrates the Submitter's proposal does meet Policy 6.3.9. As set out in Ms Lauenstein's urban design evidence an outline development plan can and will be prepared which sets out an integrated design for subdivision and land use, and provides for the long-term maintenance of rural residential character (Policy 6.3.9(6)), and it does not create a presumption that such areas are "in transition to full urban development" (Policy 6.3.9(7)).

2.8 The SDC opinion cherry picks various "principal reasons and explanations" for Policy 6.3.9 within the RPS, omitting to refer to the following comments:

"An important aspect of residential capacity includes the contribution of rural residential development, which is provided for in Waimakariri and Selwyn Districts where it accords with a relevant rural residential strategy."

"At the same time, it is important to manage the extent of rural residential activity due to the pressure it places on infrastructure, its impact on transport efficiency, and the maintenance of rural character and rural land use for production."

2.9 In my submission, it is entirely appropriate for the Council to cater for future proofing when considering the merits of including additional rural residential areas in the RRS. Taking account of the possibility of future urban development is simply good planning practice and entirely consistent with the wider Recovery Strategy for Christchurch.

2.10 Speculative comments such as those at paragraph 20³ in the opinion do not assist the Commissioners to make a decision. Focus should be on the relevant provisions before you.

2.11 The reference to section 23 of the Canterbury Earthquake Recovery Act (the **CER Act**) being a jurisdictional hurdle in the opinion is wrong.

² *Environmental Defence Society Incorporated & Sustain Our Sounds v The New Zealand King Salmon Company Limited* [2013] NZHC 1992, at paragraph [150]. Note, this decision stands pending a Supreme Court decision on the matter.

³ "While it is not clear, I think it is safe to assume that the type of public process the Minister would determine will be a process under the RMA. If this assumption is correct and if the commissioners here make a decision that is inconsistent with the RPS as amended by the LURP, one could well imagine the Minister rejecting the commissioners' decision and amending it before giving effect under the RMA because of that inconsistency".

The CER Act relates to decisions made under the RMA (which this process is not). Further, as the Submitter's evidence will demonstrate, the proposal to include the Site as Rural Residential will give effect to the Recovery Plan. It is important to note that the identification of rural residential areas within the RRS does not pre-empt the statutory requirements under the RMA, where the substantive merits of rezoning land are still required to be considered under a private plan change process that will need to be initiated by land owners if and when they may seek to develop the land in the future. The Reporting Officer accepts this. Land owners should certainly not be penalised for taking the initiative to design rural residential development proposals in a way that will achieve long term sustainable outcomes if demand were to increase or change over time. Again, such an approach is entirely consistent with the Recovery Strategy and the strategic direction of the Council to determine sustainable long term housing options for the District.

- 2.12 The advantage of future proofing through the RRS is that it avoids the prospect of this land being subdivided into 4ha blocks under the existing rural zoning with no controls on such matters as building platforms, curtilage areas or roading layout to cater for future proofing. This could have the unintended outcome of creating real obstacles to achieving a future sustainable urban form, or even actually precluding the opportunity to consider the site for a future urban area in the long term. We understand that the difficulties in 'retrofitting' existing 4ha subdivision for urban densities is currently being experienced by the Council with respect to preparation of an ODP for the Branthwaite Drive area at Rolleston (north of the Site), an existing area of 4 ha lots now zoned deferred LZ, with the deferment to be removed as soon as an approved ODP is included in the District Plan.
- 2.13 Ironically, retaining the status quo could in fact constrain any future urban expansion option if such perverse outcome were to arise during the monitoring and review process envisaged by the LURP. It is considered that such an approach to managing rural residential development could in fact undermine the recovery efforts anticipated by the LURP and is unlikely to meet the purpose of the RMA. I will address this later in submission.

- 2.14 The legal opinion refers to section 80 of the LGA as preventing the commissioners from making a decision that is inconsistent with the RPS, concluding:

Plainly, SDC cannot of its own violation amend the RPS; and signalling any intention to amend it is of no value. This results in a jurisdictional problem if the commissioners were to accept the submitters' submission".

This is incorrect. Under section 80, if a decision of Council is *significantly* inconsistent with, or is anticipated to have consequences that will be *significantly* inconsistent with, any policy adopted by the Council or any plan required by the LGA or any other enactment, the Council must, when making the decision, clearly identify the inconsistency, the reasons for the inconsistency and any intention of the local authority to amend the policy or plan to accommodate the decision. The Council opinion omits to reference the words significant.⁴ This is important. Significant is defined as "*large enough to be noticed or have an effect*" or "*very important*"⁵.

- 2.15 Further, the High Court has confirmed in *Council of Social Services in Christchurch/Outautahi Inc v Christchurch CC*⁶ that an inconsistency itself does not carry any legal consequences, and even if an inconsistency is significant in terms of section 80, that section expressly contemplates that the inconsistency can remain without the Plan having to be changed.
- 2.16 The practical constraints and problems raised and referred to in the opinion have been addressed by the Submitter's experts.
- 2.17 Finally, certainty and practicality of administration is easily achieved despite, superfluous reasons provided at paragraphs 62-65 of the SDC legal opinion against stated *Nanden* factors.

3. LAND USE RECOVERY PLAN

- 3.1 The Land Use Recovery Plan (the **LURP**) directs the Council to amend its District Plan to the extent necessary to implement an adopted Rural Residential Development Strategy in accordance with

⁴ SDC legal opinion, para 8.

⁵ Merriam-Webster, www.merriam-webster.com (2 April 2014).

⁶ *Council of Social Services in Christchurch/Outautahi Inc v Christchurch CC* [2009] 2 NZLR 123 (HC).

Chapter 6 of the RPS. The draft RRS seeks to determine sustainable options for managing rural residential development and has identified, on a preliminary basis, some specific areas for rural residential development having regard to a range of criteria. The Council has been at pains to stress that the identification of such areas is preliminary only and that additional areas may well arise for consideration during the consultation and hearing process⁷.

- 3.2 In identifying priority areas for greenfield development, the LURP anticipates a regional policy framework supporting some rural residential development during the recovery period to allow a range of choices of housing types for those needing to relocate. The LURP identifies that rural residential development must be limited to not only avoid inefficient land use and infrastructure, but (importantly) to also protect future urban expansion options.⁸ It is expressly recognised in the LURP that the supply and uptake of rural residential activity will be regularly monitored to cater for changes in uptake and demand over time⁹. Future proofing is entirely consistent with this objective. It does not create any presumption that urban development will occur. It simply preserves the opportunity for a merits-based discussion at a later date should there be a change in uptake or demand for a range of choices of housing types. Such an approach accords with the overarching purpose of the Recovery Strategy and is enabling of people and communities.

4. LOCAL GOVERNMENT ACT

- 4.1 The Rural Residential Development Strategy is to be prepared in accordance with the Local Government Act 2002 (the **LGA**). The LGA provides powers to Councils to decide which activities they should undertake and how. This is to be done *in consultation with communities*, and it is for each community through the relevant LGA processes to apply policy.

⁷ Rural Residential Strategy, 1.14

⁸ Land Use Recovery Plan, page 25.

⁹ Land Use Recovery Plan, policy 6.3.11.

- 4.2 A comprehensive regime governing decision-making by local authorities is included in Part 6 of the LGA. Sections 76 — 80 are of particular importance.
- 4.3 Of note, the purpose of local government changed in December 2012 to:
- a. to enable democratic local decision-making and action by, and on behalf of, communities; and
 - b. to meet the current and future needs of communities for *good-quality* local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses¹⁰.
- 4.4 Good-quality in relation to local infrastructure, local public services, and performance of regulatory functions, means infrastructure, services, and performance that are *efficient, effective and appropriate to present and anticipated future circumstances*.
- 4.5 Section 77 requires the Council to, in the course of decision-making;
- a. seek to identify all reasonably practicable options for achieving the objective of a decision; and
 - b. assess those options by considering matters such as:
 - i. the benefits and costs of each option in terms of the present and future interests of the district or region; and
 - ii. the extent to which community outcomes would be promoted or achieved in an integrated and efficient manner by each option; and
 - iii. the impact of each option on the Council's capacity to meet present and future needs in relation to any statutory responsibility of the local authority; and
- 4.6 The Council must give consideration to the views and preferences of persons likely to be affected by, or to have an interest in, the matter¹¹.

¹⁰ Local Government Act 2002, section 10.

¹¹ Local Government Act 2002, section 78.

- 4.7 When making a decision, the Council must have regard to the extent to which the nature and circumstances of a decision (including the extent to which the requirements for such decision-making are prescribed in or under any other enactment (for example, the RMA)) give the local authority scope and opportunity to consider a range of options or the views and preferences of other persons¹². This is particularly important as any subsequent rural residential development will need to go through an RMA process and it is not necessary to duplicate processes.
- 4.8 Section 82 sets out the principles for consultation. Of relevance, the views of a submitter should be received by the Council with an open mind and should be given due consideration¹³. This requires the local authority to not predetermine matters on which they are consulting. There must be a genuine willingness to listen.

5. CANTERBURY REGIONAL POLICY STATEMENT

- 5.1 The regional policy framework identified in the LURP is contained in Chapter 6 of the RPS, and includes a range of policies and methods to manage rural residential development which is addressed in detail in the evidence of Ms Fiona Aston.

- 5.2 Issue 6.1.5 relates to rural residential impacts, it states:

Issue 6.1.5 – Rural residential impacts

Rural residential development, if unconstrained, has the potential to change the character of rural areas and to create adverse effects on established rural, farming (including agricultural research farms) and quarrying activities through reverse sensitivity. It also can result in dispersed settlement patterns, and inefficient forms of development and provision of services.

- 5.3 The explanation provided states:

Explanation

Many of the rural western areas of Greater Christchurch remained undamaged during the earthquakes and are also located out of the area identified as being prone to liquefaction, making them more desirable locations to live. However, rural residential development is associated with reverse sensitivity effects and can give rise to requests for the extension of urban services and exacerbates dispersed settlement patterns, leading to inefficient use of infrastructure and impacts on rural production. **This can lead to pressures for future urbanisation, which is difficult to achieve in**

¹² Local Government Act 2002, section 79(2) and (3).

¹³ Local Government Act 2002, section 82(1)(e).

an effective manner given that the land use pattern has been established for a different purpose.

5.4 Objective 6.2.2 states:

Objective 6.2.2 – Urban form and settlement pattern: The urban form and settlement pattern in Greater Christchurch is managed to provide sufficient land for rebuilding and recovery needs and set a foundation for future growth, with an urban form that achieves consolidation and intensification of urban areas, and:

(6) Managing rural residential development **outside of existing urban and priority areas. (emphasis added)**

5.5 Policy 6.3.9 is the key policy for rural residential development. It includes a wide range of criteria. A holistic approach to evaluating the policy framework will be necessary when considering any subsequent RMA proposal under the RPS. In every case there will be policies having greater relevance than others. Not every policy needs to be considered when *giving effect to* an RPS provided a decision is well reasoned and all material factors have been considered.¹⁴

5.6 For the purposes of legal submissions on the RRS we have focussed our analysis on Policy 6.3.9(6) and (7) as the Reporting Officer and considers these provisions problematic.

5.7 Relevantly, Policy 6.3.9 (6) and (7) states:

Policy 6.3.9 – Rural residential development

In Greater Christchurch, rural residential development further to areas already zoned in district plans as at 1st January 2013 can only be provided for by territorial authorities in accordance with an adopted rural residential development strategy prepared in accordance with the Local Government Act 2002, subject to the following:

...

(6) An outline development plan is prepared which sets out an integrated design for subdivision and land use, and provides for the long-term maintenance of rural residential character.

(7) A rural residential development area **shall not be regarded as in transition to full urban development. (emphasis added)**

5.8 The phrase "in transition" is not defined in the RPS. On an ordinary reading of this phrase, this suggests an active process of change.

5.9 The word "transition" is defined in the Collins Concise Dictionary as "*change or passage from one state or stage to another*" or "*the period of time during which something changes*"¹⁵; in the online Oxford

¹⁴ *Environmental Defence Society Incorporated & Sustain Our Sounds v The New Zealand King Salmon Company Limited* [2013] NZHC 1992, at paragraph [150]. Note, this decision stands pending a Supreme Court decision on the matter.

¹⁵ 4TH ed, HarperCollins, Glasgow, 2000, page 1582.

Dictionary as "the process or a period of changing from one state or condition to another"¹⁶; and in the online Merriam-Webster Dictionary "a change from one state or condition to another"¹⁷.

5.10 The correct approach to the interpretation of the provisions of a district plan has been considered by the Court of Appeal in *Powell v Dunedin City Council*¹⁸. We submit that a similar approach would apply to the RPS.

5.11 The starting point is that words used in the district plan should be used in their plain ordinary sense, as an ordinary, reasonable member of the public would understand them. If this is clear, there is no need to go further.¹⁹

5.12 In *Powell* the Court held at paragraph 35:

While we accept it is appropriate to see the plain meaning of a rule from the words themselves, it is not appropriate to undertake that exercise in a vacuum. As this Court made clear in *Rattray*, regard must be had to the immediate context (which in this case would include the objectives and policies and methods...) and, where any obscurity or ambiguity arises, it may be necessary to refer to the other sections of the Plan and the objectives and policies of the Plan itself. Interpreting a Plan by a rigid adherence to the wording of the particular rule itself would not, in our view, be consistent with the judgment of this Court in *Rattray* or the requirements of the Interpretation Act.

5.13 The Court of Appeal accepted the approach of the High Court in *Powell*²⁰ where it held:

The language used in the plan must be given its plain ordinary meaning, the test being 'what would an ordinary reasonable member of the public examining the plan, have taken from the planning documents'.

5.14 It follows that the meaning of the relevant plan provisions must be taken from the text, in the light of the purpose, and with regard to the immediate context.

5.15 Planning sensibly for the possibility of future urban development by ensuring that such opportunities are not precluded through poor design or failure to identify suitable areas for rural residential development does not equate to an area being regarded as in transition to full urban development. It is not presumed that areas developed for rural residential purposes on the edge of urban limits

¹⁶ Oxford Dictionaries Language Matters, www.oxforddictionaries.com (20 March 2014).

¹⁷ Merriam-Webster, www.merriam-webster.com (20 March 2014).

¹⁸ [2002] NZRMA 174 (CA)

¹⁹ *MacKenzie District Council v Glacier and Southern Helicopters* C83/97

²⁰ *Powell v Dunedin City Council* [2004] NZRMA 49

will immediately become part of a future urban growth path (over other areas, for example).

- 5.16 In this instance, the Dryden Trust land will remain zoned Inner Plains. The Rural Residential Strategy will not change this. A merits-based assessment would still need to be undertaken prior to any rezoning occurring via a private plan change for rural-residential purposes. Even if rezoning to Living 3 were successful, there are further actions required before the land could then be made available for urban development.
- 5.17 The RPS applies until 2028, and the site is not identified within the existing urban form. Growth paths have been recognised in the form of Greenfield Priority Areas, and the Site is not within such an area. This is consistent with Objective 6.2.2. The LURP and RPS otherwise does not cater for outside this time period, and consideration of Rural Residential development areas must be interpreted in this context. This is supported by the definition of Rural Residential activities, which is simply defined as being outside of Greenfield Priority Areas:

Rural residential activities: means residential units outside the identified Greenfield Priority Areas at an average density of between 1 and 2 households per hectare.

- 5.18 The rural residential issues section refers to rural residential development having the potential to give rise to the extension of urban services, and that this can lead to pressures for future urbanisation, which is difficult to achieve in an effective manner *given that the land use pattern has been established for a different purpose*. This issue would not arise here as the rural residential development enables potential future development should that ever occur.

6. DRAFT RURAL RESIDENTIAL STRATEGY

- 6.1 The RRS states that the District Plan identifies that the single most significant resource management issue affecting the Plains is the demand for small allotments less than 4ha in size for residential development²¹. The RRS also expressly recognises that some land owners purchase 4ha parcels for lifestyle purposes in the absence of

²¹ Rural Residential Strategy, at 3.25.

affordable low-density living environments²². The lack of direction and control as to the form and location of rural residential development in the current District Plan makes the management of residential activity associated with incremental change to the rural environment and growth of Townships difficult to manage. Yet, at a strategic level, the Council recognises that consolidated urban settlements are a more sustainable typology and that peri-urban nodes can take advantage of definitive boundaries to manage growth and reduce the risk of urban sprawl, with appropriate location selection enabling long term residential growth paths to be preserved.²³

- 6.2 The RRS states that the identification of rural residential areas is not only a statutory requirement under the LURP, but is also important because it provides direction to the community, development sector, service providers and land owners in respect to where rural residential development is anticipated within the UDS area of the District for the next 10 to 15 years - or sooner depending on housing uptake and monitoring reviews²⁴. That is a key point.
- 6.3 The Rolleston Structure Plan and recent amendments to the District Plan set out the strategic planning direction for the township. Rolleston is identified as a Key Activity Centre under the LURP and Chapter 6 of the CRPS. It is the primary growth area within the District, with capacity to support a significant population in the coming years.
- 6.4 Ultimately the optimal form, function and character of rural residential development nodes need to be determined using a comprehensive analysis of any given site's context within its wider surroundings, as the Submitter has done here. The evidence before you today will demonstrate that the proposal satisfies all the relevant pre-requisites.
- 6.5 Not surprisingly, existing Council plan processes and documents appear to have informed the RRS. These processes and documents are included in the evidence of Ms Aston and include Proposed Plan Change 32, and the Rolleston Structure Plan. The rationale behind the Council including other preliminary locations appears to be on plan

²² Rural Residential Strategy, at 3.26.

²³ Rural Residential Strategy, at 5.20.

²⁴ Rural Residential Strategy, 6.3.

change requests about to be in. There is a real risk that the RRS could have shortcomings if the Council simply transfers those areas previously investigated to this process, does not consider other appropriate sites.

- 6.6 Ms Lauenstein refers to two types of growth patterns: gradual expansion with organic infill; and directed and large-scale greenfield development. Her evidence highlights shortcomings with sterilising land in indicative urban growth paths for directed and planned large-scale greenfield development sometime in the future. Ms Lauenstein considers that through the RRS the Council has the opportunity to look further into the relationship between the peri-urban land and natural urban growth patterns and the necessity to control urban sprawl. Her concern is that identifying a few parcels to be developed as Peri-Urban rural residential will not solve the tension existing in Rolleston. Ms Lauenstein suggests that using Peri Urban Rural Residential strategically around the perimeter of rural townships where appropriate to future proof growth paths or constrain urban expansion makes far more sense.
- 6.7 It is submitted the proposed inclusion of the Site in the RRS does not undermine the urban consolidation and intensification principles of the LURP or Chapter 6 of the CRPS – if anything, the future proofing element is entirely consistent with such principles of good planning.

7. FUTURE PROOFING IS GOOD PLANNING

- 7.1 It is prudent, and good urban planning and design practice, to future proof indicated future growth paths to ensure that any development occurring on these sites allows for future infill and intensification should this be required - whether or not they will actually develop into urban environments.
- 7.2 A medium density urban environment requires a higher level of connectivity, a variety of public open spaces, a network of services with sufficient capacity as well as a denser lot layout. The core structures of such a medium density built environment are different to the core rural qualities and structures and it is therefore not possible to transform from one to the other without compromise unless this

intensification has been considered as part of the rural residential layout.

7.3 In the context of the urban form and growth pattern of Rolleston the proposal to future proof the Site has the following clear advantages identified in evidence:

- a. Locates peri-urban rural residential in an appropriate location for it to connect and integrate well with the existing urban fabric;
- b. Avoids retrofitting of services, roading resulting in difficult and inefficient layouts;
- c. Implements the key elements of a structure plan at an early stage and enables the site to grow at a natural pace and in a more natural pattern avoiding large greenfield developments;
- d. Creates an appropriate Rural Residential environment with strong links to the Rolleston township;
- e. Provides a solution to a 'systemic problem' and timing issues created by the LURP, RSP, and RRS when applied together, without undermining their respective intended outcomes.

7.4 Legal mechanisms during the plan change process or at the subdivision consenting stage can ensure that designated areas are protected, but that there is no expectation of development. For example, covenants can protect spaces needed to be vested with council in the future for service provision, identify building platforms for both rural residential dwellings and possible future urban dwellings, and require that any development can only occur when rezoning of the area for urban densities occurs. Instruments such as easements in gross in favour of Council can be provided for the upgrade or installation of services in the future as part of intensification.

8. OFFICER'S REPORT

8.1 The Planning Officer acknowledges that there are some benefits to the concept of future proofing, but considers future proofed development gives rise to issues that are likely to impede future intensive and

consolidated residential development. Mr Bengé, Ms Aston and Ms Lauenstein have comprehensively addressed the concerns raised in the Officer's Report in their evidence.

8.2 In particular, the following matters are noted:

- a. Developing the Site for Rural Residential activities would not create a "relatively isolated node". Ms Lauenstein is an expert urban designer and considers that a site proximate to a swimming pool, existing medium density development, the commercial centre, schools, parks and potential workplaces is not a relatively isolated node (as suggested by the Officer's Report). The Site would develop logically in stages from existing connections to the west and north. The Council is also currently advancing ODP11, which will bring the urban fabric right to the Site's doorstep.
- b. There are no impediments to development from a servicing perspective. Mr Bengé's evidence considers, contrary to suggestions otherwise in the Officer's Report, that:
 - i. ODPs do provide sufficient surety in how, where and when residential development occurs from a servicing perspective;
 - ii. The Submitter's site can be economically serviced for a "future proofed" rural residential development.
 - iii. While there are some constraints around high pressure water and wastewater reticulation, economic solutions can be achieved once surrounding developments are progressed; and
 - iv. appropriate value added engineering design will limit additional future proofing costs.
- c. Amenity conflicts and future rural residential landowners expectations can be easily managed; and
- d. Development can achieve the form, function and character outcomes sought for rural residential development under the RRS, as will be demonstrated by the Submitter's evidence.

9. CONCLUSION

- 9.1 The site meets the relevant criteria in the RRS, is within urban infrastructure limits, and has been designed to stand on its own merits as a rural residential development.
- 9.2 It has been carefully considered in the context of its surrounds, is well designed and there are no servicing constraints. Future proofing is entirely consistent with the overarching purpose of the Recovery Strategy, the RPS and is enabling of people and communities.
- 9.3 To not include the Site in the RRS is an opportunity lost for Rolleston township and the Council.



J M Crawford
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