

BEFORE THE SELWYN DISTRICT COUNCIL HEARINGS PANEL

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of Plan Change 63

BRIEF OF EVIDENCE OF PAULINE FIONA ASTON

9 July 2021

QUALIFICATIONS AND EXPERIENCE

1. My name is Pauline Fiona Aston (MA Cambridge University, England; M.Phil Town Planning, University College London; MNZPI; MRMLA). I have 37 years resource management and planning experience.
2. I am Principal of Aston Consultants Resource Management and Planning, and have operated my own consultancy practice, based in Christchurch, since 1995.
3. Aston works extensively in the Selwyn and wider Canterbury area, with numerous clients with interests in land development, subdivision and land use planning matters. I am very familiar with the Operative and Proposed Selwyn District Plans, as we work extensively in the District, including preparing at total of 25 submissions on the Proposed Selwyn District Plan. Aston has been engaged to provide planning services for Plan Change 63 (PC 63), including preparation of the Change. We also submitted on the Draft Malvern Area Plan (2016), on behalf of Matthew Reed, supporting the identification of the PC63 land as a preferred residential growth area (Darfield Area 7).
4. I confirm that I have prepared this evidence in accordance with the Code of Conduct for Expert Witnesses. Code of Conduct for Expert Witnesses contained in Part 7 of the Environment Court Practice Note 2014. The issues addressed in this statement of evidence are within my area of expertise except where I state that I am relying on the evidence or advice of another person. The data, information, facts and assumptions I have considered in forming my opinions are set out in the part of the evidence in which I express my opinions. I have not omitted to consider material facts known to me that might alter or detract from the opinions I have expressed.
5. The key documents which I have relied upon in preparing my evidence are the following:
 - a) the Canterbury Regional Policy Statement (CRPS)
 - b) the Operative and Proposed Selwyn District Plans (OSDP, PSDP);
 - c) the Resource Management Act 1991 (RMA);
 - d) the Malvern 2031 Area Plan 2016 (MAP)
6. I have read the section 42A Report by Rachael Carruthers and refer to and comment on it through my evidence.

SCOPE

9. My evidence addresses the following:-
- a) The key features of the Plan Change, including post notification amendments.
 - b) Contextual background, including the Malvern Area Plan.
 - c) The key planning issues, including environmental effects that in my opinion are relevant.
 - d) The relevant statutory planning documents, including the Canterbury Regional Policy Statement (CRPS), the Malvern Area Plan and Operative and Proposed Selwyn District Plans;
 - e) Section 32 evaluation, and Section 31 matters;
 - f) Other matters raised in submissions not otherwise addressed; and
 - g) Conclusion

I have kept my evidence as brief as possible by avoiding unnecessary repetition of information contained in the application and Section 42A Report.

EXECUTIVE SUMMARY OF EVIDENCE

10. Private Plan Change 63 is a request made under clause 21 of Part 2 of the First Schedule of the Resource Management Act 1991 ("RMA"). The application was lodged on 4 December 2019 and publicly notified on 20 July 2020.
11. The Proposed Plan Change seeks to rezone approximately 60 ha of rural zoned land for urban residential purposes (the 'Site' – refer to **Figure 1** for the Site's location and proposed zoning. Land closest to Kimberley Road (14.6 ha) is proposed to be zoned Living 1(L1) and the balance land (45.9977 ha) Living 1 (Deferred). Development will be in accordance with an Outlined Development Plan (ODP) which will be inserted as **Appendix E41B** in the Selwyn District Plan (SDP). The area covered by the proposed ODP shown in **Appendix 1** and includes existing L1 land on the north side of Horndon Street.



Figure 1 Location and Zoning

12. Since lodging the request, the applicant has become aware of a decision by the Council to fund a reticulated wastewater system that will connect Darfield to an outfall in Rolleston. I note that in her Section 42A Report Ms Carruthers recommends, if the application is approved, the deferment should be removed from the larger block, and I concur with that recommendation.

13. The 14.6ha proposed L1 development will yield approximately 90 standard residential density lots, 13 medium density lots, and a retirement village. The balance 46ha (currently proposed L1 Deferred zone) will yield approximately 283 standard residential lots, approximately 56 lower density lots (minimum average density 1000m²) lots, and

approximately eight medium density lots. In total the development will provide an additional 450 residential allotments plus a retirement village catering for 110 residents.

14. The Site adjoins the existing residential area on two sides, contributing to a consolidated urban form. Its proximity to local employment, commercial and community services and open space makes the Site well located for urban residential development. It is also well located for access to any future strategic public transit system that might eventuate on the long-term connecting Darfield with Rolleston and Christchurch. The proposed linkages provided for in the Outline Development Plan will provide access to these opportunities. Given these attributes, unsurprisingly the Site is recognised as a 'preferred future development area' in the Malvern Area Plan 2031 (adopted in 2016) and identified as Area 7 (DAR A7) for standard to low density residential development. The land is also in an Urban Growth Overlay in the Proposed Selwyn District Plan.
15. All subdivision, development and activity standards for the Site will adopt those in the L1 Zone in the Operative SDP which helps maintain the integrity and simplicity of that document. No new activities or standards are proposed, except with respect to wastewater servicing, and the proposed retirement village. There are proposed minor amendments to the SDP, including a new definition, to recognise the characteristics of the retirement village.
16. There are no areas with indigenous vegetation remnants on the Site, nor any watercourses, natural springs or riparian features. There will be no net loss of biodiversity as a result of this development and there are no features or values of significance to Rūnanga raised by Mahaanui Kurataiao in their assessment of the proposed Plan Change.
17. A number of submitters refer to the amount of land already zoned and available around Darfield. This matter is briefly discussed by Ms Carruthers in the Section 42A report and appears to be the only reason why she has recommended that the Plan Change not be approved. I discuss this in more detail below.
18. Many of the other points raised in the submissions concern site specific matters such as section size, building height, effects on traffic safety, flooding and loss of rural outlook. There are ways these effects can be mitigated which I discuss later. But I accept that there will be permanent environmental changes, including those affecting adjoining residents, if residential development proceeds. The submissions do not, however, raise

any compelling matters which, in my opinion preclude granting approval to the Plan Change.

19. Ms Carruthers has raised several matters she has invited me to comment on and I will do this as appropriate through my evidence. This includes a matter concerning flooding where information has been received after the Plan Change was submitted.
20. In my opinion the proposed rezoning;
 - a) is in accordance with and supports the growth direction for Darfield set down in the Malvern Area Plan 2031) and Proposed Selwyn District Plan¹;
 - b) promotes the social economic and cultural well-being of current and future residents of Darfield;
 - c) is in accordance with, and supports the objectives and policies of the relevant planning documents;
 - d) is the most appropriate planning outcome for the using the land in a manner the promotes the purpose and principles of the RMA;
 - e) supports the Council in carrying out its functions under Section 31 of the Act.

OVERVIEW OF REQUEST

Zoning Change

21. Plan Change 63 is a privately initiated Plan Change seeking to rezone 60 ha of land from Rural Outer to Living 1 and Living 1 Deferred to enable a range of urban residential developments, including a retirement village, in accordance with a proposed Outline Development Plan.
22. There are no proposed substantive changes to the standards for the Living 1 Zone ie the proposed zones have adopted existing development and activity standards. There are however some consequential amendments related to the proposed community wastewater treatment plant and retirement village. In Appendix 7 to her Section 42A Report, Ms Carruthers has identified several amendments which will ensure better integration with the existing operative plan provisions most of which I agree with.

¹ I acknowledge that little weight can be assigned to the provisions of the Proposed District Plan at its current stage in the statutory process.

23. I note that Ms Carruthers raised a matter concerning the area defined by the Plan Change and I confirm that she has assumed correctly that the land denoted as yellow in Figure 1 in her report is not part of the Plan Change. That land was set aside for the community wastewater facility, which now looks unlikely to be needed.

Deferred L1 Zone

24. Under Plan Change 63 as notified the Rural Outer Plains standards will apply to the L1 Deferred zone until such time as an approved community or Council reticulated wastewater scheme is available to service this land. Discharge consents have been granted by ECAN (in July 2020) for the community wastewater treatment plant which will service the initial L1 stage ie air discharge, storage of contaminants, discharge of wastewater to land.
25. The Deferred Zone was provided for in the notified Plan Change request prior to the Council's inclusion of a reticulated wastewater scheme for Darfield in its Long Term Plan. Having regard to Mr England's evidence, and that of Ms Carruthers the deferment appears to be unnecessary now. I agree with Ms Carruthers that if the Plan Change is approved, the entire site should be zoned Living 1.

Outline Development Plan

26. Subdivision and development will be in accordance with the proposed ODP to be included in the District Plan as Appendix E41B.
27. The design, scope, content and style of the ODP was prepared with significant urban design input. It is based on and consistent with usual practice for preparing these instruments ie the internal integration of the development, as well as external integration with the surrounding environment (see copy attached as **Appendix 1 to my evidence**). It includes Overlays that provide for a Retirement Village and adjoining Medium Density housing.
28. The ODP includes a requirement for rural residential style fencing along the Kimberley Road frontage of the proposed Living 1 zone (i.e. within 4m of the Kimberley Road frontage); and specifies a *minimum average* lot size of 1000m² around the periphery of the development area. I note Ms Carruthers has recommended this standard be amended to being a *minimum* lot size, and I can see the benefits of that in terms of

simplicity and outcomes. This provision will retain an open space character along the Kimberley Road frontage, and open space and landscaping rather than buildings. The minimum lot size at the Site's fringe will also help mitigate potential reverse sensitivity effects involving rural activities and future business development on the proposed DAR A8 land to the East. It will also soften the visual impact of development on adjoining residents.

29. The ODP provides for future road connections to the land north and east of the ODP area ensuring the potential for integration of local connections to future development. An off-road connection is proposed in the south-western corner of the ODP, which will provide a direct route for walking and cycling trips to the town centre, domain and schools. I have made further comments on active transport linkages below in response to the submission by Waka Kotahi – NZ Transport Agency.
30. I do not consider any amendments to the ODP are required following new information received on flood hazards because the very small High Hazard Area is manmade and can be addressed at the time of subdivision. Mr Reed refers to this in his statement.

New Policy

31. A new policy B4.3.28A is also proposed to Chapter B4 Growth of Townships to specifically recognise the proposed community wastewater facility and deferred development.
32. Ms Carruthers has recommended that this proposed policy be rejected on the grounds that the community wastewater facility and deferment will not be required and I agree with her recommendation.

Residential Density

33. The ODP shows three 'medium density' areas. These do not provide for the same form of intensification one might find in the Christchurch City medium density zones but are more akin to small lot subdivision in a suburban area i.e 450m². These areas have been placed around the retirement village and the main reserve. This placement will minimise the impact of this denser form of housing on the overall character of the development and also maximise the opportunity to utilise the amenity of and access to, the reserve.

34. The main intent however of the medium density areas is to increase the choice of housing typology, and affordability in close proximity to the Darfield main services and employment areas. This is consistent with the following statement in the MAP (p22)

There may be opportunities to provide for medium density and comprehensive type developments, with a preference that the majority of this is located in close proximity to the town centre. Provision for medium density residential development is seen as a means to respond to an ageing population, provide more housing diversity and assist in addressing affordability issues.

35. The proposed subdivision will meet the minimum average allotment size for the L1 zone (650m²). While this may contrast with the density of housing across much of Darfield, it reflects the Site's favourable location for a higher than usual density, and is consistent with the L1 zoning of the inner part of Darfield. Lower density lots (700-800m² +) have been more prevalent at Darfield to date due to the need to have site sizes large enough for onsite disposal of effluent. There are also substantial existing areas of lower density lots in the 5000m² – 2 ha size range.

Retirement Village

36. The ODP includes provision for a retirement village overlay as a restricted discretionary activity catering for approximately 135 residents. Matters of control are restricted to incorporation of Crime Prevention Through Environmental Design (CPTED) principles, residential amenity for neighbours, and creation of visual quality and interest through the separation of buildings, variety in building form, and other details.
37. The retirement village will provide 60 care beds and 50 independent units, and will accommodate high care needs including dementia, home-care and hospital care. As far as I am aware there are no other similar facilities available in Darfield with the Westmar Senior Care Centre (a family owned and managed 29 bed rest home) the only other option currently available locally. The retirement village and principal area of medium density housing have been co-located together and with adjoining reserves (to the north and southeast). They are in the south west part of the Site, close to and with ready access to the existing town centre.

38. The applicant intends to establish the retirement village at an early stage in the development and I would endorse that approach. Establishing that part of the development early would help with integrating it into the wider setting. Mr Mervyn Todd, the landowner proposing the Retirement Village addresses this in his statement.
39. In her report, Ms Carruthers considers the proposed provisions for the retirement village could create consequential amendments that would be beyond the scope of the plan change and notes that retirement villages are embodied in the definition of comprehensive development. I deal with this matter below in my response to the Section 42A Report.

PROPOSED SELWYN DISTRICT PLAN

40. The site is within the Urban Growth Overlay in the Proposed Selwyn District Plan. The applicants have lodged a submission (No192) on the Selwyn District Plan Review (publicly notified after the request for this Plan Change was lodged) seeking rezoning for residential purposes.
41. Given that the Proposed Plan has not yet reached the hearings stage, little if any weight should be given to it. However the site loc within Overlay does suggest that the Plan Change being promoted, at this stage, continues to be congruent with the Council's thinking.

THE SITE AND THE EXISTING ENVIRONMENT

42. Darfield is a rural service town approximately 25 km from Rolleston and 45km west of Christchurch. The township straddles SH 73 and the Main Trunk railway both connecting Greater Christchurch to the West Coast. As at 2021 there were 3374 people living in the township and 1219 people employed there². According to the District Development Strategy Darfield is one of four service townships along with Leeston, West Melton and Prebbleton (Page 32). Its primary function is stated as being to service the surrounding rural area and whilst this is an important function, this description underscores the significance of its tourism potential in relation to the Canterbury ski fields and other alpine recreation areas.

² Selwyn District Council Growth and Demand Document, Population, Households and Dwelling Projections, March 2021.

43. The Site comprises three land parcels totalling 60.5 ha abutting the northeastern urban boundary to the east of Kimberley Road and north of Horndon Road (**Figure 1**). Residential properties are situated along the southern boundary of the Site (L1 Zone). The topography within the Site is generally flat, with slight undulations in the land surface. The Site is currently vegetated with paddock grass and crops.
44. The Site is currently zoned Rural Outer Plains in the operative Selwyn District Plan. Land immediately to the west (opposite side of Kimberley Road) is zone L2 Deferred. Land immediately to the north and east of the Site is zoned Rural Outer Plains. The Site has been farmed so the vegetative cover is wholly exotic pasture; some winterfeed crops have been grown so part of the Site has been cultivated. There is no significant indigenous vegetation, outstanding tree specimens, and no sites known to be of significance to iwi.
45. The Site is identified in the MAP at page 28 as a “preferred future development area”, and is denoted as Area 7 (DAR7) for standard to low density residential development. I discuss the statutory significance and other features of the MAP in relation to the proposed Change further on in my evidence.

KEY ISSUES

46. In my opinion the key resource management issues for this proposed development are:
- a) Land use / Infrastructure Integration;
 - b) Effects on local amenity;
 - c) Effects on the Strategic Transport network;
 - d) Avoidance of natural hazards;
 - e) Current and projected land supply.

Land use / Infrastructure Integration

47. There is currently no existing reticulated stormwater network on or close to the Site, so stormwater has to be managed by naturalised methods such as onsite soakage. A separate resource consent will be required for roading before development commences to ensure volumes can be retained under certain storm events, and facilities are designed to filter out contaminants. Lot owners will apply for individual consents for discharge to ground at the time of building consents.

48. There is currently no reticulated wastewater network in Darfield. I understand that the Council has now secured Government funding to progress a reticulated system that is gravity fed, or pumped, through to Rolleston for new development in Darfield. The current Council position is set out in the 9 June meeting agenda (Decision 3)³. The indication is that the system will be operational by 2023/24, which should be in time for the completion of initial housing on the Site. This will negate the need for the proposed privately owned communal package treatment plant and effluent disposal area on adjoining farmland. As mentioned above it also negates the need for the deferment of the larger proposed residential block. Ms Carruthers has suggested an amendment to the subdivision rules to the effect that, should the zone be approved, dwellings would be required to connect to the reticulated system and I agree with that amendment.
49. Development of the Site needs careful integration with connections (including for active transport) to the town centre, current and potential employment areas, and community facilities. This is achieved through development being in accordance with the ODP.

Effects on local amenity

50. The conversion of rural environments into urban ones inevitably affect neighbouring residents and changes the character of an area. In this instance the proposed extension has been signalled in an Area Plan that was fully consulted on so this proposal should not come as a complete surprise to adjoining property owners 52. Larger lot sizes (minimum 1700m²) and low fencing along the Kimberley Road frontage opposite the existing L2 zone on the opposite (west) side of Kimberley Road are required to provide a transition of larger sites with a more open character here, at the L1/L2 interface. No specific land use controls are proposed at the southern boundary with the Dundee Close or Horndon Street L1 properties which will lose their current rural outlook to the north when development proceeds. The proposed L1 zoning is entirely compatible with the existing L1 zoning and no mitigation is either necessary or appropriate.
51. Construction effects are raised as a concern in some submissions. They will be addressed at the time of subdivision and earthworks consents, and are likely to include

³ https://www.selwyn.govt.nz/__data/assets/pdf_file/0020/440255/PUBLIC-Council-9-June-2021.pdf

compliance with construction noise standards, dust mitigation measures and limits on hours of operation during the construction period.

Effects on strategic transport infrastructure

52. There are two strategic transport routes potentially impacted on by this Plan Change: State Highway 73; and the Main Trunk (Midland) Railway insofar as level crossings. Two issues have been raised in submissions: the need for a level crossing safety assessment; and effects of the increased volume of traffic on the operation of the existing intersections are considered appropriately.
53. Waka Katohi / New Zealand Transport Agency states correctly in my view that the proposed development will lead to the demand for services, which is a positive outcome for the town. The submission also points to an increase in traffic crossing State Highway 73 to access particular services, and the effects have not been properly assessed. I note that Mr Smith has dealt with this in his addendum to the Officers' Report.
54. The relevant policy in the CRPS is (in my view) Policy 5.3.7. This states:
- 5.3.7 Strategic land transport network and arterial roads (Entire Region)
- In relation to strategic land transport network and arterial roads, the avoidance of development which:
1. adversely affects the safe efficient and effective functioning of this network and these roads, including the ability of this infrastructure to support freight and passenger transport services; and
2. in relation to the strategic land transport network and arterial roads, to avoid development which forecloses the opportunity for the development of this network and these roads to meet future strategic transport requirements.
55. I consider that both Mr Smith's report and Ms Williams's evidence demonstrate that the proposed Plan Change gives effect to this policy.
56. The submission goes on to say that the proposal should be considered in the context of the updated UDS and Canterbury Regional Policy Statement (Chapter 6 presumably). But there is no statutory basis for this part of the submission. Planning for settlements outside of the UDS area are expressly provided for through Chapter 5 of the CRPS.

57. It also asserts that the ODP does not support multi modal transport options. Policy B42.10 (Subdivision of Land in Townships) details what is expected at the subdivision stage for new development:

Ensure that new residential blocks are small in scale, easily navigable and convenient to public transport services and community infrastructure such as schools, shops, sports fields and medical facilities, particularly for pedestrians and cyclists.

58. The policy narrative describes in detail the kinds of measures that would help achieve this policy. ODPs are listed a method of implementing this policy along with district plan rules and (less relevant) Subdivision Design Guide. Policy B2.1.5 states

Ensure the development of new roads is:

- integrated with existing and future transport networks and land uses; and
- 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.

59. In my opinion the role of an ODP, as opposed to a masterplan, isn't to get to the level of detail sought by Waka Kotahi, and the ODP for this Plan Change provides an adequate framework for providing connectivity and permeability for pedestrian and cycle movement through the development. Further opportunities for linkages (or amendments) are likely to arise once the blue network is confirmed at the subdivision stage.
60. The Council's transport adviser, Mr Smith has thoroughly assessed the submission by Waka Kotahi and other parties who submitted on transport related matters. His assessment in relation to the ODP and other land use/transport integration matters are generally consistent with my comments above. In his conclusion, he supports this plan change application from a transport perspective subject to the following matters being addressed as matters of discretion within an Integrated Transportation Assessment for any future subdivision consent application in the Plan Change area:
- a. Safety for all modes at existing level-crossings in the Darfield urban area.
 - b. Operation of State Highway 73 intersections with Matthias Street and McMillan Street

59. I accept Mr Smith's advice as above, and accordingly, agree with the additional subdivision matters relating to the above transport matters which have been recommended by Ms Carruthers.
60. Waka Kotahi / NZTA have advised that they will not be presenting evidence or attending the hearing.

Current land supply

61. This is 'key question' according to the Section 42A Report. In essence Ms Carruthers is saying that this additional zoning is contrary to Objective B4.3.4 and Policy B4.3.23. It is being suggested (in summary) that the Plan Change would delay the development of existing zoned land and constitutes inefficient use of natural and physical resources. Also the Plan Change is not necessary to give effect to the National Policy Statement on Urban Development (NPS-UD) if that document is indeed relevant (which I discuss below).
62. The data relied upon by Ms Carruthers doesn't in my opinion take full consideration of several important factors:
 - I. Expectations for development over the Plan Period. I agree with Ms Carruthers that the appropriate plan period is 30 years as used in the Selwyn District Growth and Demand document.⁴ This is the appropriate forecasting period because (a) it aligns with the Council's Infrastructure planning period, and (b) it is what the National Policy Statement on Urban Development uses, and this could be a guide. However it would seem strange, if not misleading, if the MAP (and Proposed Plan) identified future growth areas unless it was thought they would be reasonably necessary for development in the 30 year plan period. There is also the question of when, and through which mechanism, this land and other future growth areas will be zoned to enable rezoning; whether their merits would be assessed in comparative terms with other candidates; what the criteria would be used to assess the areas; and what the trigger would be for rezoning. It would seem unfair and costly if the Applicant has to submit another privately requested plan change in the future.

⁴ Selwyn District Council March 2021

- II. Projected increase in future household growth within Darfield. The Growth and Demand document referred to above forecasts an additional 1142 dwellings over the next 30 years (around 38 dwellings per annum) which is somewhat greater than the historic annual take up of 24.8 dwellings (see Appendix 4 of the Growth document). This projected increase may be to do with the increasing affordability of Darfield relative to other areas closer to Christchurch, the new reticulated wastewater facility coming into operation, and continuing growth in the rural economy both from the benefits of irrigation, and aforementioned proximity to popular recreation and tourism opportunities. These are all factors that are likely to increase the demand for housing over the plan period. Property Brokers have prepared an up to date analysis of land sales within the last 12 months for the Darfield and Kirwee. This shows a recent substantial upsurge in sales since the end of 2020 following sluggish numbers over the 2017-19 period. Sales data from the Real Estate Institute of New Zealand is set out in **Appendix 4** and summarised below.

Year	Suburban Residential	Large Lot	Total
2016	13	25	38
2017	18	12	30
2018	10	6	16
2019	11	2	13
2020	35	3	38
2021	67	19	86
Total	154	67	221

Table 1: Summary of recent Darfield section sales (based on REINZ data)

Note Suburban Residential are typically 700-1000m² lots and have been classified as 1200m² lots.

This table shows that land take up for the last two years, 'particularly for suburban size sections' is occurring faster than projected in the Selwyn District Growth

forecasts at around 3 ha per annum, based on 12hh/ha or 4 ha pa based on 10 hh/ha. The sales figures show that so far this year alone i.e. 6 months, around 6 hectares has been taken up (or soon will be depending on how many building consents have already been issued), in addition to low density development. This suggests to me that care needs to be taken when relying on documents such as the MAP for drawing conclusions on land needs.

- III. How that projected growth will be accommodated or allocated. For example if all the future growth is the standard greenfields development at 12 hh/ha (as now required in the Greater Christchurch portion of the District), the rate of land take up will be 3ha per annum on average (38 dwellings/12 hh/ha), or 90 ha over the 30 year planning horizon, which is just short of all the vacant land that currently exists (see paragraphs 64 et seq below). However, we don't know the proportion of development that will occur through intensification or in the large lot zones. Nor do we know if 12hh/ha will be achieved over all of the greenfields developments. (This is not a requirement under either the Operative or Proposed District Plan outside the Greater Christchurch area). The Darfield L1 and LX zones are zoned Low Density Residential in the Proposed Plan. The minimum average lot size is 750m². The recent sales data shows the sections being sold are of sizes closer to 10 per ha or less which puts the take up rate at 4 ha per annum/120 ha over 30 years. Under this more realistic scenario, the medium and long term enabled capacity is significantly reduced. The feasibility of undertaking intensification on existing land is likely to make that form of development less popular with developers and most L1 development will in all likelihood occur in the greenfields areas.
- IV. Development timeframes and processes are not static. Land is continually being taken up during the period when plan changes and plan reviews are occurring. Just as importantly, zoning does not instantly produce houses – there could be a delay of anywhere between 12 months to three years or more while subdivision consent is obtained, earthworks carried out, building consents issued, and houses built and finally marketed and occupied. These are important considerations when deciding when a zoning change (by review or plan change) should be initiated.
- V. Zoned land doesn't equate to available land. There are several blocks in Darfield that have been zoned for a long time but have not been developed, as explained

in the Property Brokers advice. This includes a considerable amount of land in the Living 1 and Living X Deferred Zone (appx 50.44 ha⁵) which has been in the possession of the same landowner for many years with no attempt to develop or in case of the LX land, remove the deferral. The availability of the Church land in the vicinity of south of Cardale Street and between Darfield high and primary schools (appx 7.3 ha) is likewise questionable. I understand that school and Church land would have been excluded in the Council's most recent land supply data (a further appx 10.5 ha) but it is unclear how that land was treated in the Malvern Area Plan relied on by Ms Carruthers.

- VI. I agree with Ms Carruthers regarding the proposal to remove the deferred status from the LX Deferred land in the Proposed District Plan. This has been supported by Cressy Properties Ltd, an existing Darfield developer who also holds LX Deferred land to the west of the Gillanders land (40.13 ha). However Waka Kotahi/NZTA has lodged a further submission in opposition on the grounds that a full assessment of effects on the wider network is required. Given that the lifting of the Deferral has been challenged on traffic grounds, I would suggest (in my opinion as a planner), little weight should be given to the Proposed Plan in this instance.
- VII. With untaxed capital gains on land there is a high propensity for some landowners to take a long term position with their land holdings. The New Zealand Planning Institute raised the issue of land banking in its submission on the National Policy statement – Urban Development Capacity 2016 on NPS UD 2016:

***"Land banking** The CBA contains advice which is of considerable concern. S.8.2.2.3 states, "analysis suggests that there may be large differences between plan-enabled capacity or market-feasible capacity and the development that actually occurs" (emphasis not added), and suggests, "it appears necessary to provide plan-enabled capacity for three to ten dwellings in order to enable a single dwelling to be developed over a ten year period."*

- VIII. The NPS-UD requires a 20 per cent short and medium term 'competitive margin' in Councils' housing capacity assessments to account for land banking. This means close to 110 -145 hectares of L1- standard land (depending on the

⁵ Comprising appx 14.04 ha L1 land and appx 36.4 ha LX Deferred land using google map measurement tool

density) should be considered as the minimum needed over the next thirty years. In the case of Darfield, there is a case for a higher 'competition margin' given the extent of land banking. Where land banking is occurring, bringing additional development opportunities to the market is in my opinion consistent with promoting the purpose and principles of the Resource Management Act, particularly where there is agreement from the District and Regional Council that land supports urban form policies.

- IX. As discussed above the rate of take up is sensitive to density assumptions, and yield per hectare in greenfields areas. The lower the density the greater the rate of take up and vice versa.
63. Data received from Council planning staff (**see Appendix 2**) suggests that there is sufficient vacant land in all the residential zones in Darfield to provide for around 590 additional dwellings. This excludes the Living X (758) which add a significant potential capacity if and the deferment is removed in the Proposed District Plan.
64. The current capacity of the L1 Zone is 361 dwellings and this increases to around 1060 if the Living X (deferred) zoning is added. In round terms this is equivalent to 100 ha available L1 capacity assuming an average net density of 10 dwellings per ha⁶. Referring back to paragraph 62 (III) above, under the assumptions I am making, L1 land will become in short supply well before the end of the 30 year planning period ie 10ha remaining. If the Gillanders land is removed (51 ha), the available supply reduces by more than half.
65. In summary, the 2021-2051 growth projections are forecasting a significant increase in dwelling numbers and by implication land take up. This appears to be confirmed by current residential sales figures. The completion of the Darfield wastewater reticulation project, competitive house prices relative to other settlements, and population ageing are factors that are likely increase the rate of take-up of L1 land in Darfield. Consequently, the take up of L1 greenfields land could well be 4ha+ per annum, depending on how many houses are delivered either through infill, what greenfield densities are achieved and the proportion of new dwellings on the larger lots further from the town centre. Theoretically this equates to 20-25 years supply (assuming the Living X Deferment is

⁶ I have assumed an average of 10 hh/ha for this calculation because the Council has used an average yield of around 10 hh / ha for the LX deferred zone.

removed) but when all the factors above are considered, the availability and choice of housing sites on the market will diminish far sooner than that.

66. The tenor of the NPS-UD is for Councils to ensure there are minimum impediments to the market functioning competitively. This means (providing there are no significant adverse effects) erring on the side of oversupply rather than undersupply, enabling development in a range of appropriate locations, and providing opportunities for different housing typologies. My opinion would be different if the additional zoning was on difficult ground, could not be serviced, or had other constraints. But this is not the case here.
67. Another reason for making the land available now is to diversify the future housing stock. Data from the Selwyn District Council shows a current and future demographic profile skewed towards an older population compared to other centres⁷. The densities being provided through this Plan Change, including the proposed retirement village, will provide for this need and are likely to increase the rate of take up in this L1 Zone, considering its favourable location.
68. The proposed Retirement Village is a point of difference between this Request, and other zoned residential land. The landowner intends to develop the Retirement early in the development stage and needs a Living Zone to do that. Without that zoning becoming available now the Retirement Village is unlikely to proceed.

Loss of productive land

69. The proposed Plan Change will convert approximately 60ha of farmland to residential use. While the land does not comprise versatile soils (it is LUC 3) it does constitute a loss of productive land as recognised in Policy 5.3.12 of the CRPS. However, the change in land use will not have any material impact on the Region's rural production and nor will it create a situation where the rural productive use of adjacent rural land will be compromised through reverse sensitivity.
70. Moreover, we have to assume that the cumulative effects of future urban development on rural production around Darfield were factored into the identification of preferred future development areas identified in the MAP. As I stated above, the land has been committed for urban development so the likelihood of rural production being maintained

⁷ Selwyn District Growth and Demand page 13

in the long term appears low. In the case of the Reed land, which is farmed as part of a larger farm block, the land to be rezoned can be developed for residential purposes, without affecting the viability of the overall farming operation.

71. A benefit of the rezoning of the Reed land, is that it will enable Matthew Reed to pay down debt incurred as a result of investing in the Central Plains Irrigation Scheme and assist with farm succession for his children. It will also enable him to continue to pursue more environmentally sustainable farming options, rather than maximise economic returns by converting to dairy.

OTHER MATTERS RAISED IN SUBMISSIONS.

72. Full details of the matters submissions and further submissions are contained in the Section 42A Report. Other matters raised but not covered above are the retirement village and effects on biodiversity and I agree with points made by Ms Carruthers on these matters.
73. The issue concerning flood levels, and giving effect to Chapter 11 are covered off in the next section

MATTERS RAISED IN THE SECTION 42A REPORT

74. I have covered of most of the substantive matters raised in the Section 42A report but there are two outstanding ones relating to the policy framework:
- (i) Assessment of the proposal against Objectives B4.3.2 and B4.3.4 and Policies B4.3.4 and B4.3.23
 - (ii) Giving effect to Chapter 11 of the CRPS.

Objectives B4.3.2 and B4.3.4 and Policies B4.3.4 B4.3 23

75. Assessment against Policies B4.3.4 and 4.3.23 was not included in the Application as they were not considered relevant – Ms Carruthers says they are and that PC63 is contrary to them. Mc Carruthers considers that PC63 is inconsistent with Objective B4.3.4.

76. Objective B4.3.2 states:

‘For townships outside the Greater Christchurch area, new residential or business development adjoins existing townships at compatible urban densities or at a low density around townships to achieve a compact township shape which is consistent with the preferred growth direction for townships and other provisions of the Plan.’

77. Objective B4.3.4 states:

‘New areas for residential or business development support the timely, efficient and integrated provision of infrastructure, including appropriate transport and movement networks through a coordinated and phased development approach’.

78. Policy B4.3.23 and Explanation is (for Darfield):

‘Encourage new residential and business development on sites in existing Living and Business zones if such sites are available and appropriate for the proposed activity’.

There are large areas of land zoned Living at Darfield that have not been subdivided or developed for residential purposes. There are also vacant sites in the existing Business 1 zones along North and South Terrace. This policy is consistent with the Town Form Policy B4.3.4.

79. Policy B4.3.4. and Explanation states

Policy B4.3.4

Encourage new residential or business development to occur on vacant land in existing Living or Business zones, if that land is available and appropriate for the proposed activity. (my underlining)

Many townships in Selwyn District have sites within existing Living or Business zones that may be able to be used for new residential or business activities. The Council encourages use of sites, in existing zones, in the first instance, to encourage a consolidated township area. Consolidated Living or Business areas may have the following benefits:

- Reduced potential ‘reverse sensitivity’ issues with activities in the Rural Zone by reducing the ‘interface’ of the zones.
- More efficient utilisation of infrastructure, especially reticulated utilities.
- Fostering of a ‘village’ atmosphere.

80. Policy B4.3.4 also recognises that sites in existing zones may not always be available for new activities. In addition they may not be available at an appropriate price, or be suitable for the proposed activity.

81. The first point I note is that the policy does not naturally flow from Objective 4.3.4, depending on what is meant by a coordinated and phased development approach. To me, it seems to be referring to the need to ensure development happens across all the settlements in the District in a manner that ensures it can be serviced in a timely way, and is integrated with transport and infrastructure spending programs. As there are no servicing constraints to the proposed development, irrespective of when the reticulated wastewater system becomes available, the proposed Plan Change in my opinion supports the objective now that the reticulated wastewater facility has been programmed.

82. The Explanation for Objective B4.3.4 notes that one of the purposes of structure plans and ODPs is to ensure an integrated and coordinated approach to development, as is the case for PC63:

Objective B4.3.4 recognises that the structure plan and subsequent Outline Development Plan and Plan Change processes provide a reliable mechanism for integrating future and anticipated urban development with infrastructure requirements. They also provide the mechanism for achieving the intensity, type and form of development necessary to accommodate urban growth in a sustainable way. In addition, ODPs provide certainty for the community, developers, network utility providers and territorial authorities that all constraints associated with the development of an area are investigated, addressed, protected and provided for at the time of initial urban zoning.

83. Objective B4.3.2 anticipates urban expansion at township edge locations, where it achieves a compact township shape and is consistent with the preferred township growth direction for the township and other provisions of the Plan.

84. PC63 is identified as preferred location for residential growth in the Malvern Area Plan. Ms Carruthers is concerned that it will not achieve a compact township shape. I disagree.

85. The PC63 land is a similar distance, or closer, to the town centre than parts of the existing L1 zone, and closer than the Deferred LX zone. It has been identified for urban development over many decades. The urban zoning was only removed in response to an opposing submission by the then Selwyn Plantation Board (SPB) at the time of the 1995 Selwyn District Plan Review on reverse sensitivity grounds. The SPB land has since been purchased by Mr Todd, the trees removed some years ago, and the land is now part of PC63. Clearly, the previous reserve sensitivity concern no longer applies. The PC63 land remains as a significant gap in the otherwise concentric zoning pattern of the existing living zones at Darfield.

86. Ms Carruthers seems to be implying that requiring existing zoned areas to be developed first, before allowing any further township edge growth, will better achieve a compact township shape. This assumes all existing L1 land that is 'closer' to the township centre is available for development. That is clearly not the case, as discussed elsewhere in my evidence (including under 'Land supply and demand'). 14.04 ha of the Gillanders land holdings is zoned L1 and appears to be 'land banked'. In addition, it is not clear whether the Council's analysis of available L1 land includes church and school properties, totally a further appx 10.5 ha.
87. Policies B4.3.3 and B4.3.23 'encourage' township growth to occur on existing living zoned vacant land where this is available and suitable for the proposed activity. These policies were not interpreted in notified PC63 as precluding township edge growth, or being relevant to the assessment of township edge growth proposals. In a Darfield context, if interpreted as requiring existing zoned land to be used first, the outcomes would be perverse and contrary to the Plan's strong emphasis on consolidated growth and achieving a compact urban form. The PC63 is far closer to the existing town centre than much of the existing living zoned land at Darfield, as illustrated on the planning map below.

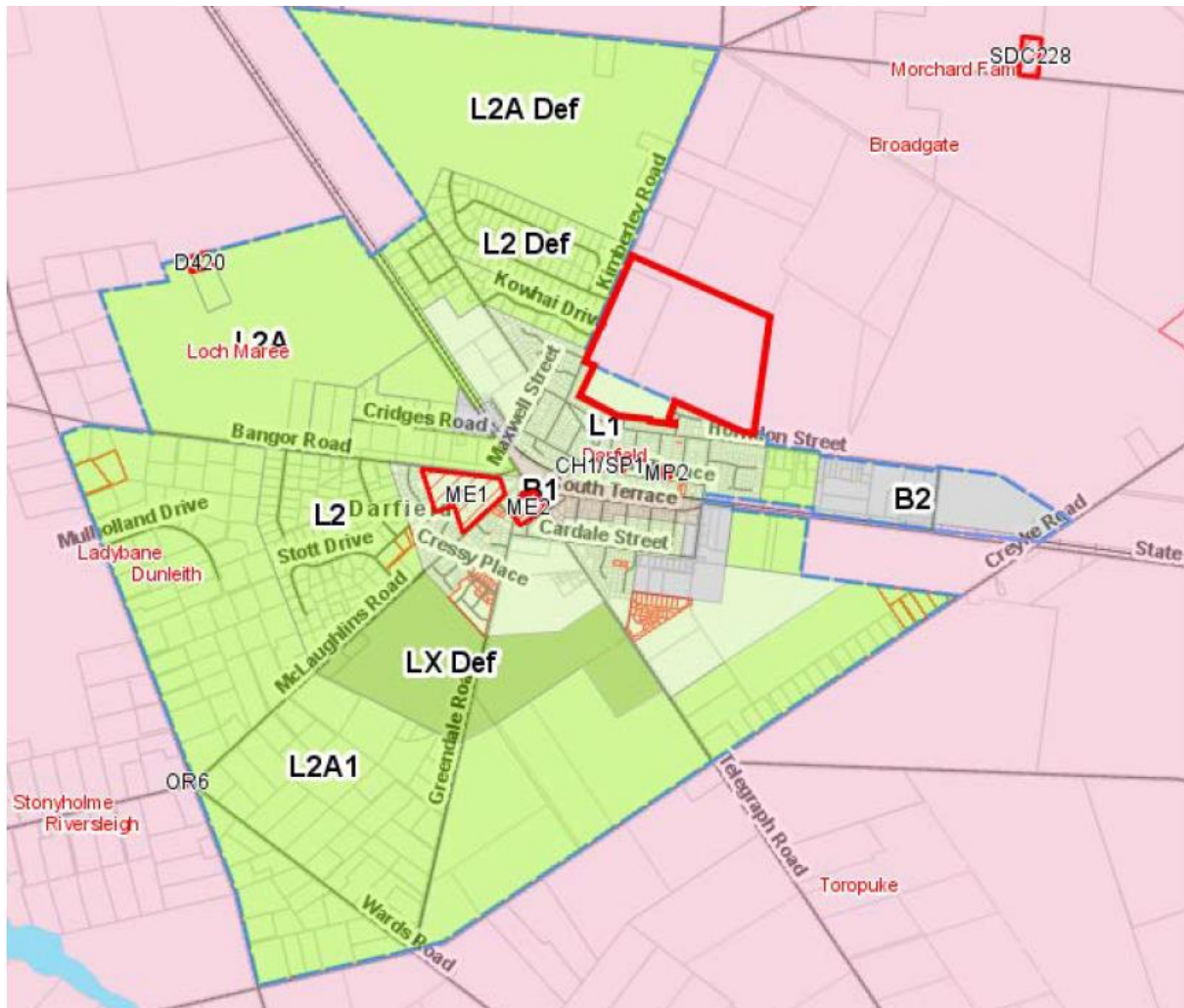


Fig. 2: Operative District Plan zoning at Darfield. PC63 site outlined in red.

88. Such an interpretation in the context of PC63 would amount to rejecting the PC on trade competition grounds and be contrary to s74 (3) of the RMA. This is because there are simply no sound planning reasons for rejecting PC63.
89. The reason for Policy B4.3.4 is stated as to encourage a consolidated township area which may have the benefits of
 - Reduced potential 'reverse sensitivity' issues with activities in the Rural zone by reducing the 'interface' of the zones.
 - More efficient utilisation of infrastructure, especially reticulated utilities.
 - Fostering of a 'village' atmosphere
90. Developing the PC63 land does not give rise to potential new reverse sensitivity effects (the current rural/urban boundary is just repositioned, with mitigation measures provided at the new interface); the Site can be serviced just as efficiently as existing L1 and LX

sites; and the Site is as close to the town centre as much of the L1 zone (within ½ - 1km), and closer than the LX zone, and readily accessible by active transport modes to the town centre facilities. It is not clear what is intended by 'village atmosphere' but smaller walkable communities with easy access to services and facilities are more village like in character than more distant 'car dependent' suburban areas.

91. The allocative approach to urban growth which Ms Carruthers favours is not supported in the Operative District Plan and is contrary to the intent of the NPS-UD to support competitive land and development markets.
92. The policies are to encourage' rather than 'to require' and 'ensure' or words to that effect. Encouraging use of existing land could be undertaken in numerous ways including for example Council-led intensification plans and design guides or using the Rating Act to incentivise building on existing vacant land. These methods can be more effective and direct in achieving the desired outcome than simply rationing land. The Policies do not preclude other sites from being considered on their merits. It is not a case 'one or the other'.
93. I also note the proviso for Policy B4.3.4 is that land is appropriate and available. Much of the current zoned land, particularly the low-density residential land, was zoned through previous district plans / district schemes. Given the attention that urban form is now receiving in relation to climate change and transport energy, I would question the appropriateness of some of this land in today's context. Further, it is clear substantial areas of the L1/Deferred LX zoned land is being land banked and/or in the ownership of one or two large landowners who are highly unlikely to develop at scale and 'flood the market' (Frew 40 ha Gillanders appx 51 ha).
94. Appendix 7 to the Section 42A Report contains recommendations on the proposed amendments sought through the Plan Change. I have examined the recommendations and agree with most of the suggested changes. I thank Ms Carruthers for her helpful input on these matters. The only matters where I disagree with Ms Carruthers are as below (differences highlighted):
 - Rule 4.2.3 Any Fencing in the Living 3 Zone, the Living 2A zone in Darfield, as identified in Appendix 47, the Living 1 Zone at Darfield as identified at Appendix 41B where located within 4m of the Kimberley Road frontage....
 - Retain Rule 4.19 Darfield – Retirement Village but amended

Within the L1 zone at Darfield a retirement village shall be a restricted activity in the location shown on Appendix E41B Outline Development Plan provided it complies with Rules 4.1-4.5 and 4.7-4.9.

95. I also note that a consequential amendment to the Objective and Policy B4.1.1 is required as below.

Objective B4.1.1

A range of living environments is provided for in townships, while maintaining the overall 'spacious' character of Living zones, except within Medium Density areas identified in an Outline Development Plan and the Retirement Village shown in Appendix E41B Outline Development Plan where a high quality, medium density of development is anticipated.

Policy B4.1.1

(a) Provide for a variety of allotment sizes for erecting dwellings in Living 1 Zones, while maintaining average section size similar to that for existing residential areas in townships, except within the Living Z Zone, including any Medium Density area identified in an Outline Development Plan or the Retirement Village shown in Appendix E41B Outline Development Plan where a higher density of development is anticipated.

96. The second matter I would like to raise is Ms Carruthers's comments on the proposed retirement village. She has accepted the bespoke definition of Retirement Village (i.e. the National Planning Standards definition) subject to a minor amendment I agree with. The Definition (which has been used in the Proposed Plan) includes provision for a hospital, which is an ancillary facility most retirement villages have to service the residents. The Retirement Village is a Restricted Discretionary Activity with bespoke Matters of Discretion mainly around urban design matters. The built form standards link to other residential zones. Ms Carruthers is concerned that the PC63 proposal will require consequential changes to other District Plan rules, which are outside scope (including for hospitals, hospices, more than dwellings per site and comprehensive residential development). I disagree. Where an activity may be captured by more than one District activity category, the category which best fits the nature of the activity shall apply, which in this case is clearly 'RV'.
97. Ms Carruthers sought a Section 32 assessment for the Retirement Village, and although I question the need for one. I have attached it as **Appendix 3**. I have concluded that the most efficient and effective means to achieve the purpose of PC63 is to make specific

provision for a Retirement Village as an overlay on the PC63 ODP, with restricted discretionary status in relation to specified urban design matters and where compliance is achieved with relevant District Plan bulk and location and other standards, and for all of the Site to be zoned L1.

Canterbury Regional Policy Statement (CPRS)

98. A full assessment against the provisions of the CRPS is contained in Annexure 4 (Table 1) of the application. Without wishing to dilute the importance of the other provisions I consider that, in the context of Darfield, the proposal positively promotes the following provisions:

Objective 5.2.1: Location, design and function of development (Entire Region)

Development is located and designed so that it functions in a way that:

1. achieves consolidated, well designed and sustainable growth in and around existing urban areas as the primary focus for accommodating the region's growth; and
2. enables people and communities, including future generations, to provide for their social, economic and cultural well-being and health and safety; and which:
 - a. maintains, and where appropriate, enhances the overall quality of the natural environment of the Canterbury region;
 - b. provides sufficient housing choice to meet the region's housing needs.

Policy 5.3.1 Regional growth (Wider Region)

To provide, as the primary focus for meeting the wider region's growth needs, sustainable development patterns that:

1. ensure that any
 - a. urban growth; and
 - b. limited rural residential developmentoccurs in a form that concentrates, or is attached to, existing urban areas and promotes a coordinated pattern of development.
2. encourage within urban areas, housing choice, recreation and community facilities, and business opportunities of a character and form that supports urban consolidation.
3. maintain and enhance the sense of identity and character of the region's urban areas; and
4. encourage high quality urban design, including the maintenance and enhancement of amenity values.

Policy 5.3.7 Strategic land transport network and arterial roads (Entire Region)

In relation to strategic land transport network and arterial roads, the avoidance of development which: 1. adversely affects the safe efficient and effective functioning of this network and these roads, including the ability of this infrastructure to support freight and passenger transport services;

Policy 5.3.8 (Wider Region)

Integrate land use and transport planning in a way:

1. that promotes:

- (a) the use of transport modes which have low adverse effects;
- (b) the safe, efficient and effective use of transport infrastructure, and reduces where appropriate the demand for transport.

In my opinion the Plan Change gives effect to these CRPS objectives and policies as set out in Attachment 4 of the Application and I refer you to the summary assessment following Table 1.

Chapter 11

99. As noted by Ms Carruthers, recent modelling has shown a small portion of the Site north of Dundee Close as subject to flooding greater than 1m deep in a 500-year ARI (0.2% AEP) flood event, and therefore a high hazard area. Development is to be avoided in such areas. Policy 11.3.1 requires the avoidance of new subdivision use and development in high hazard areas, unless, in the event of a natural hazard occurrence, the subdivision use or development is not likely to:
- result in loss of life or serious injury; and
 - result in significant damage or loss; and
 - require new or upgraded hazard mitigation works to mitigate or avoid the natural hazard; and
 - exacerbate the effects of the natural hazard
100. The applicant only became aware of the modelling results after the application was submitted. The presence of the high hazard area, as I understand it, does not stem from natural contours but rather from swales put in place as part of the adjacent Broadgate subdivision. This matter can either be addressed as part of the earthworks at the subdivision stage, or if necessary (which I don't consider is the case) slightly amending

the ODP. Either way, I do not consider this to be something that brings the proposed development into conflict with Chapter 11. Parts of the Site are also affected by the 0.5 AEP design flood level (the 200-year ARI flood level) and development is required under Policy 11.3.2 to be set at appropriate floor levels. Ms Carruthers has helpfully drafted appropriate provisions which she has included in her Appendix 7.

Selwyn District Plan (SDP)

101. An assessment of the operative Selwyn District Plan was provided in the notified application (Annexure 4, Table 2) and again I refer you to the Summary Assessment that follows Table 2.

102. Objective B4 (Growth of Townships) and subsequent policies is directly relevant to this Plan Change and I highlight the following matters that are reflected in the District Plan provisions:

- Darfield has a higher proportion of retired people than the average for Selwyn District, but with very limited provision for retirement housing, and no existing medium density housing areas or zones in the township. The proposed rezoning and ODP recognises these unmet local housing needs, including enabling retired people to remain living locally, close to family.
- The Site is not at risk from liquefaction, contains no sites with special ecological, cultural, heritage or landscape values, nor any existing trees, bush, or other natural features that should be retained. There are no water courses or bodies that need to be incorporated into the new development.
- There is a very small portion of the Site identified as a High flood hazard area (north of Dundee Close) but this is manmade swale not a natural feature. Alternative stormwater disposal methods for the adjoining Broadgate subdivision at the time of subdivision of this part of the PC63 land.
- The Site can be serviced with a reticulated public water supply, effluent disposal to a reticulated outfall, and stormwater disposal to ground within the Site. The development has been staged to leave options open for the choice of wastewater disposal method, although as mentioned above this no longer seems necessary.
- The overall planning takes an integrated approach to land use and transport planning to ensure the safe and efficient operation of the District's roads through the proposed ODP, adoption of existing road hierarchies for roads within the Site, and promotion of safe active transport modes through the ODP.

- Measures have been inserted into the ODP that will help mitigate the effects of change on the amenity and character of the northern part of Darfield.

Malvern Area Plan 2031 ('MAP')

103. The Malvern Area Plan was formally adopted by the Council on 14 September 2016 following a consultation process. It is described as 'a key project that will identify initiatives to assist in the delivery of the Selwyn 2031: District Development Strategy (Selwyn 2031) vision'⁸. In my opinion it is a strategy that the Council must 'have regard to' under Section 74(b) (i) when preparing or changing its district plan.
104. The applicants lodged a submission on the Selwyn District Plan Review Consultation Document 'Are we on track' in October 2018. That submission supported identification of DAR 7 as a preferred development area in the Malvern Area Plan (MAP) but noted that it should be identified as a mixed density residential area. The also submitted on the MAP in support of it's status as DAR 7.
105. The MAP in my opinion is an important document in shaping settlement growth in this part of Selwyn District. This Area Plan does not rezone land, but indicates a range of issues and opportunities that will inform the ongoing strategic planning and management of growth for each township through to 2031. While the Area Plan is non-statutory, it will help to inform the District Plan Review⁹. Proposed Plan Change 63 will implement a segment of the MAP, specifically DAR A7. It is one of the preferred growth areas identified in the MAP (Refer to **Figure 3**).
106. As stated in the Officers' report a key question is not 'if' DAR A7 is rezoned but 'when'. The Area Plan does not consider that there is a need for the Council to rezone any over the 2016-31 but does not preclude additional land being rezoned through privately requested plan changes¹⁰. It signals that there is considered to be sufficient capacity within the townships to accommodate growth through to 2031 without the need for the Council to proactively zone additional land through the District Plan Review.

⁸ Executive Summary.

⁹ Executive Summary.

¹⁰ Malvern Area Plan p16.

107. The MAP notes that there are some disadvantages to developing DAR 7¹¹:

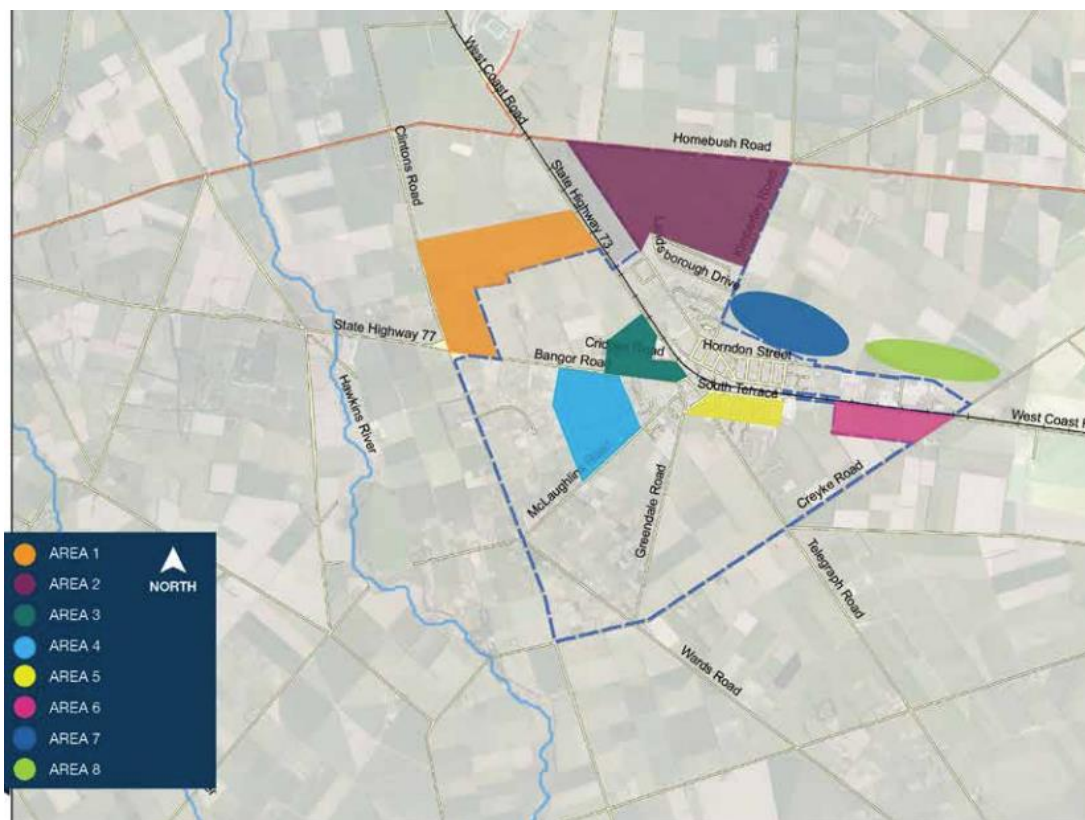
Suitable setbacks or interface treatments will be required to avoid any adverse reverse sensitivity effects with the Business 2 land to the south-east and if any greenfield industrial Business 2 areas were to establish in Area 8 to the east.

The land is comprised of Class III versatile soils, which are valued for their productive capacity.

In the adjoining Living 1 zone there is the potential for adverse impacts on existing residents who have become accustomed to the character of the area

108. These matters have all been considered and/or addressed in the ODP and my evidence.

109. Whilst the MAP provides an integrated and enduring spatial framework for settlement planning, the data on which it relies for its recommendations is somewhat dated. From my understanding the MAP relies on data and other information in Selwyn 2031, the District Development Strategy ('DDS') which itself uses projections based on the 2013 Census¹². (I note however that the 2015 population is referred to.)



¹¹ Malvern Area Plan p30

¹² Selwyn 2031 p14.

Figure 3 Preferred Future Development Areas (Source: Malvern Area Plan Figure 9)¹³

110. The MAP notes, and I agree, that there is insufficient supply of more intensive residential development less than the standard Living 1 zone (average not less than 650m²)' and there is a significant oversupply of undeveloped low-density Living 2 zoned land exists, which gives rise to a dispersed settlement pattern.¹⁴ This confirms my assessment above and recognises the imbalance in the overall land availability situation in Darfield and, in my view, the global capacity hides the true picture.

111. Proposed Plan Change 63 helps to address this imbalance by providing some medium density development together with a retirement village. It is well located and is the only future development area in the MAP shown as 'an *obvious growth node*'. See **Figure 4**

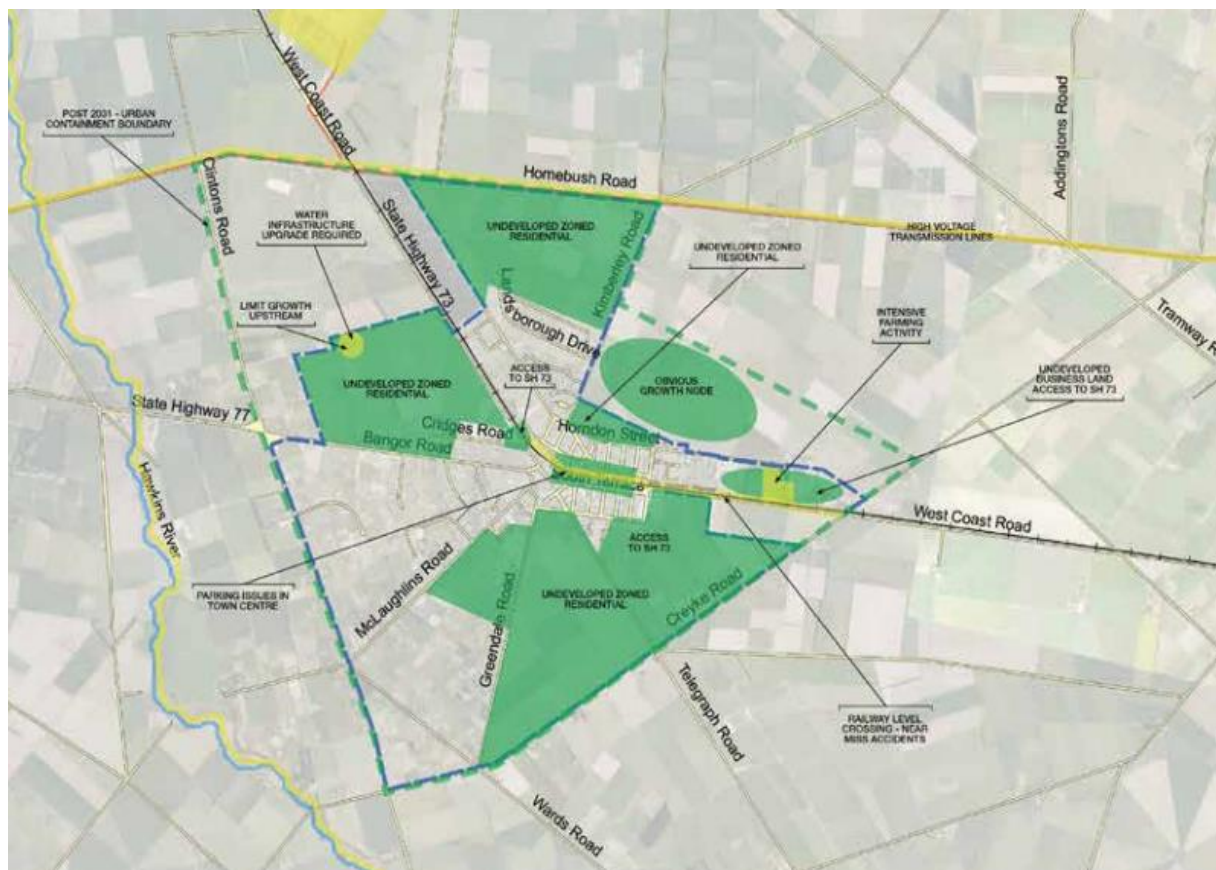


Figure 4. Opportunities and Issues, Darfield (Source: Malvern Area Plan Figure 8)

Section 32 Evaluation

¹³ https://www.selwyn.govt.nz/_data/assets/pdf_file/0008/202859/20160905-Malvern-Area-Plan-FINAL.pdf

¹⁴ Malvern Area Plan p25

112. An evaluation of the proposed plan change as required under Section 32 of the RMA was submitted within the application in Annexure 5 to the Application. Further information on the costs and benefits associated with the proposed rezoning was submitted in response to the Council's request for further information.
113. Four alternative options were evaluated:
- Option 1: status quo/do nothing: Do not rezone the application Site from Rural Outer Plains to Living 1 and Living 1 Deferred.
 - Option 2: rezone the whole 60ha Site for residential use: Seek to rezone the whole Site for staged residential use, being Living 1 and Living 1 Deferred
 - Option 3: rezone only the 14.6ha site adjoining Kimberley Road as Living 1 and retain the existing Rural Outer Plains zoning on the balance 45.4 ha of land
 - Option 4: resource consent: land use and subdivision consent for the retirement village, and subdivision of the application Site through a non-complying subdivision and land use consent for residential use.
114. In light of the Council's decision to proceed with a reticulated wastewater scheme at Darfield in the immediate future, a variation on Option 2 is now the most appropriate i.e. re-zone all the PC area L1 (60 ha). This is most appropriate given:
- a) the L1 Zone is adopting an existing District Plan zone, and development and activity standards, notwithstanding the need for specific provision for the aged care facility, which is a new land use for the Plan. This ensures continuity of District Plan anticipated environmental outcomes and urban amenity for Darfield and adjoining residential areas;
 - b) it will be consistent with and give effect to the District Plan and Regional Policy Statement objectives and policies;
 - c) it is a logical extension to the developed and developing residential land adjoining the Site while achieving a compact, efficient urban form that removes pressure on isolated rural land elsewhere in the Rural Outer Plains Zone;
 - d) there is no additional cost to the Council in re-zoning the Site land in this Plan Change application as there is capacity in the town water supply, and wastewater system to service the land.
 - e) the proposed retirement village provides for a local need in the form of elderly persons housing not presently available in the town; and

- f) the proposed ODP provides certainty of the final form and disposition of the re-zoned area including its proposals for reserves, roading, future linkages for pedestrian and vehicular traffic. Density and site coverage rules have been drafted to ensure that little additional subdivision will be permitted within the existing developed parts of the Living 2 Zone area, to protect the amenity of existing residents in the area;

115. Overall, the inclusion of the L1 zone for all of the Site in the Plan Change is considered to be appropriate to achieve the long-term sustainable development and certainty for Darfield. The economic, social and environmental benefits of the Proposed Plan Change outweigh the potential costs the proposed rezoning is the most appropriate, efficient and effective means of achieving the purpose of the Resource Management Act 1991.

Section 31- Integrated Management of Effects

116. There are several dimensions to this issue including: spatial integration with transport, stormwater disposal areas local facilities; the capacities of respective networks and system to handle the additional loads; integration with other policy documents and the and programming of development to match the future anticipated infrastructure provision and consenting. The Proposed Plan Change will enable the Council to fulfil its functions under the Act (integrated management of the effect of the use and development of this land) though:

- the spatial integration provided through the ODP; and
- integrating the timing of land use with key infrastructure programs through integration with expenditure programs

117. I note that one of the functions of district councils is the establishment, implementation, and review of objectives, policies, and methods to ensure that there is sufficient development capacity in respect of housing and business land to meet the expected demands of the district (Section 31(1)(aa). The NPS-UD, to the extent it is relevant to this Plan Change, explains what sufficient development capacity means. In the absence of a full Housing Assessment including feasibility and availability, in this instance I consider that a proactive approach be taken to ensuring there is sufficient enabled development capacity available over the next thirty years.

CONCLUSION

118. In my opinion there is no sound resource management reason to postpone (indefinitely) land rezonings where, as in this case, planning studies have already identified land that is highly suited to residential development and environmental effects can be avoided or mitigated. As noted by Ms Carruthers in her report, the subject land has been favourably considered for development since 1995 and Ecan in its submission recognises the suitability of the land in terms of urban form.
119. The Plan Change is consistent with the growth-related District Plan objectives and policies for Selwyn townships generally, and Darfield specifically. The question mark as to whether the proposal is consistent or not with one policy is, in my opinion, not a reason to conclude it does not promote the Act's purpose reading the Plan as a whole.
120. The proposal gives effect to all the relevant objectives and policies in the Canterbury Regional Policy Statement other than possibly Chapter 11 Natural Hazards. However, as the reporting planner states in her report, this is not a compelling reason to decline the Plan Change.
121. Urban zoning for the Site is anticipated in the Proposed District Plan Review. There could be an opportunity cost through some lost rural production, and this appears to be one of the concerns of Ms Carruthers when she (indirectly) refers in her conclusion to the proposed development not being in accordance with Section 7(b) of the Act: having particular regard to the efficient use of natural and physical resources. But there is little incentive for landowners to invest in rural activities if they know land is committed for urban development. It is a more efficient use of natural and physical resources in this instance to rezone the land now to create more certainty for the future use and development of this resource. Of course, it doesn't preclude the on-going use of the resource until the land is ready for urban subdivision.
122. In my opinion the Plan Change achieves the purpose of the Act and has properly addressed all the key policy matters and is consistent and / or gives effect to them. I reach that view because
- a. The Plan Change will broaden the choice of housing in Darfield, including aged care, in a manner that is consistent with and gives effect to relevant policy documents and the enabling provisions of the Act.
 - b. The proposal is consistent with and will promote the housing affordability aims of the Government.
 - c. The Site can be serviced and privately funded.

- d. Environmental effects of the development can be avoided or mitigated.
- e. Through the ODP the Plan Change will provide the framework for an integrated development with appropriate internal and external road and active transport connections, and connections to future developments.

Attached are the following Appendices:

- 1. Proposed Outline Development Plan
- 2. Land Availability and Take-up for Darfield
- 3. Section 32 for Retirement Village Provisions (Requested by the Reporting Officer)
- 4. Recent Residential Sales Figures for Darfield
- 5. Property Brokers Report