

Selwyn District Plan

Section 42A Report

Private Plan Change 67

**Request by GW Wilfield Ltd to rezone approximately 33.4 hectares
of Rural Inner Plains to Living WM South Zone, Weedons Ross Road,
West Melton**

23 August 2021

Report prepared by

Liz White

Consultant Planner

1. Introduction

Qualifications and Experience

1. My full name is Elizabeth (Liz) Jane White. I am an independent self-employed planning consultant based in Christchurch. I hold a Master of Resource and Environmental Planning with First Class Honours from Massey University and a Bachelor of Arts with Honours from Canterbury University. I am a full member of the New Zealand Planning Institute.
2. I have 15 years' planning experience working in both local government and the private sector. My experience includes both regional and district plan development, including the preparation of plan provisions and accompanying s32 evaluation reports, and preparing and presenting s42A reports. I also have experience undertaking policy analysis and preparing submissions for clients on various RMA documents, and preparing and processing resource consent applications and notices of requirements for territorial authorities. I have been engaged by Selwyn District Council to prepare a s42A Report for Plan Change 67.
3. Although this is a Council hearing, I confirm that I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note and that I agree to comply with it. I confirm that I have considered all the material facts that I am aware of that might alter or detract from the opinions that I express, and that this evidence is within my area of expertise, except where I state that I am relying on the evidence of another person.

Evidence Scope

4. This report analyses the submissions received on Private Plan Change 67 (PC67) to the Selwyn District Plan (the Plan) and has been prepared in accordance with s42A of the Resource Management Act 1991 (RMA).
5. The purpose of this report is to assist the Hearing Commissioner in evaluating and deciding on submissions made on proposed PC67 and to assist submitters in understanding how their submission affects the planning process. This report includes recommendations on points made in submissions, and to make amendments to the Plan. For the avoidance of doubt, it should be emphasised that any conclusions reached or recommendations made in this report are not binding on the Hearing Commissioner. It should not be assumed that the Hearing Commissioner will reach the same conclusions or decisions having considered all the evidence to be brought before him by the submitters.
6. In preparing this report I have:
 - visited the site and the surrounding area;
 - reviewed the original plan change request, the further information received;
 - read and considered all the submissions received on the plan change request;
 - reviewed the statutory framework and other relevant planning documents; and
 - reviewed, and where necessary relied on, the evidence and peer reviews provided by other experts on this plan change.
7. This report effectively acts as an audit of the detailed information lodged with the plan change request prepared by Novo Group Ltd on behalf of GW Wilfield Ltd. A full copy of the plan change

request, submissions, summary of submissions and other relevant documentation can be found on the Selwyn District Council website at <https://www.selwyn.govt.nz/property-And-building/planning/strategies-and-plans/selwyn-district-plan/plan-changes/plan-change-67,-rezone-approximately-33.4-hectares-of-rural-zone,-to-living-wm-south-zone,-west-melton>.

8. As such, this report seeks to provide as little repetition as possible and accepts those parts of the application where referred to. If a matter is not specifically dealt with in this report, it can be assumed that there is no dispute with the position set out in the plan change application.

2. Background

9. At the time PC67 was lodged, the adjoining site was subject to Plan Change 59 (PC59), which sought to amend the zoning of that site from Living 2 and Living 2A, to Living WM (South) Zone. It was acknowledged in the PC67 application that the PC67 application was dependent on the adoption of PC59, more or less in its currently proposed format, with the density of development and Outline Development Plan (ODP) layout under PC67 intended to be consistent with that proposed under PC59.
10. PC59 was approved by the Council on 10 March 2021. Although the approval was subject to some modifications being made to the plan change, these do not affect the consistency of PC59 with what is proposed in PC67.

3. Proposal and Site Description

Site Description

11. PC67 relates to land on the eastern side of Weedons Ross Road, south of Kingsdowne Drive, as shown in the aerial photograph below, with the plan change area outlined in red.
12. The site is flat and contains some existing buildings, including buildings associated with a former chicken farm, as well as two dwellings – one located adjacent to the former chicken farm building and another at 91 Kingsdowne Drive. The application site also encompasses a small utility allotment at its northern edge, which contains a municipal water supply well. The site is accessed currently from both Weedons Ross Road and from Kingsdowne Drive.



Figure 1 – Aerial Photograph of the Plan Change Site (taken from Figure 1 of Attachment 3 to the PC67 application)

Surrounding Environment

13. The directly adjacent site to the north is zoned Living WM (South). Adjoining land to the east is zoned Rural Inner Plains, as is the land across Weedons Ross Road to the west of the application site. As shown in the operative Planning Map below, West Melton Township is intersected by State Highway 73, with land north of the Highway being zoned Living West Melton (North), Living 1, Living 1B and a small area zoned Business 1. The other part of the township is located south of the State Highway and to the south-east of the northern portion of the township. PC67 would essentially provide an extension to the southern portion of West Melton.

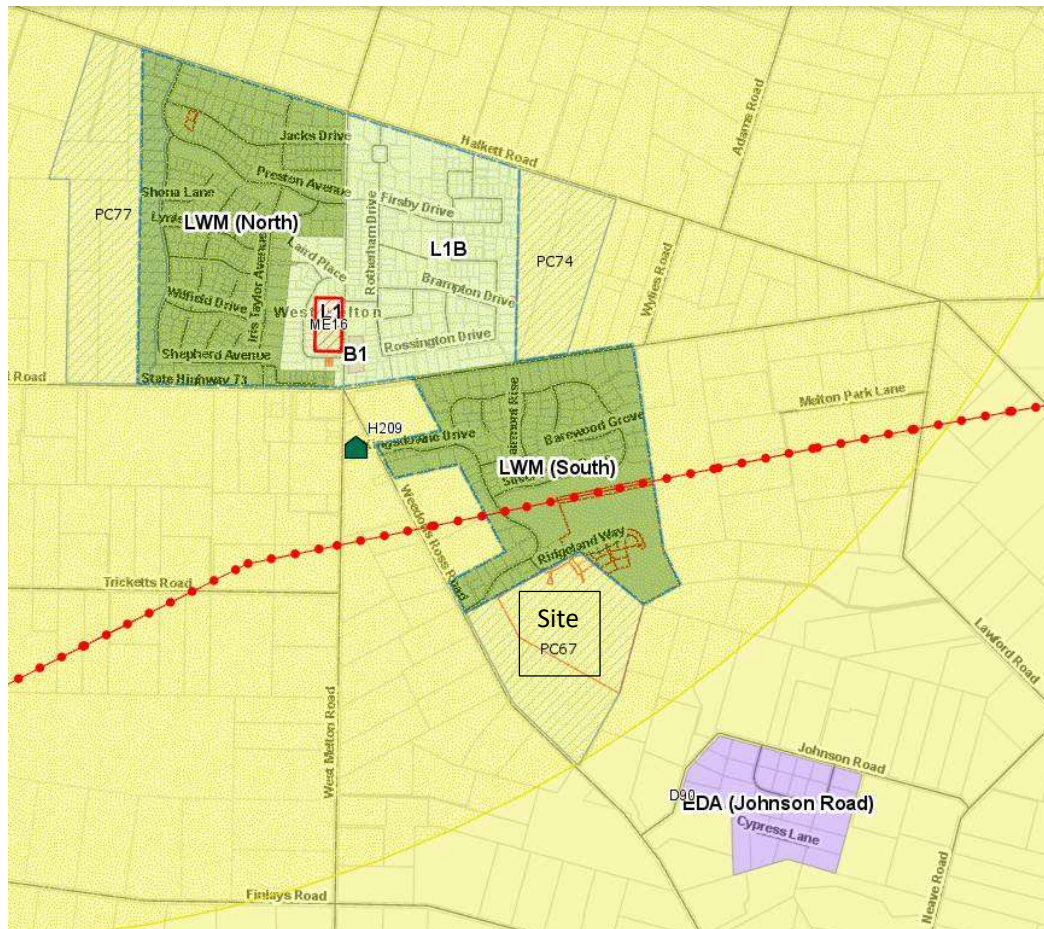


Figure 2 – Current Zoning of Site and Surrounding Area under the Operative District Plan

14. West Melton Township is located approximately 13.5km west of the western urban edge of Christchurch City, in Russley and approximately 10km north of Rolleston Township. West Melton is also located within the subregional area identified as Greater Christchurch.

Proposal

15. The request seeks to rezone the Plan Change site from Rural Inner Plains to Living West Melton (WM South) Zone. The density provided for under this zone will allow for lots with minimum and maximum lot areas of 1,100m² and 3,000m² respectively; except that in the area on the eastern edge of the site, a low density area is proposed with minimum and maximum lot areas of 3,000m² and 5,000m² respectively. In addition to the zone change, the request includes the insertion of a new Outline Development Plan (ODP) to guide development of the site. The plan change does not otherwise propose to amend the Living (WM South) Zone provisions as they would apply to the site under the proposed zoning.

4. Procedural Matters

16. The process for making a plan change request and how this is to be processed is set out in the 1st Schedule of the Act.

17. The request was formally received by Selwyn District Council on 15 October 2020. A request for further information was issued on 2 November 2020. Following the provision of requested further information, PC67 was accepted for notification at Council's meeting on 24 February 2021. The request was publicly notified on 10 March 2021, with submissions closing on 12 April 2021. The summary of submissions was notified on 2 June 2021 and further submissions closed on 17 June 2021.
18. PC67 has reached the point where a hearing is now required (Clause 8B of the First Schedule to the RMA). Following the hearing, the Council is required to give a decision on the plan change and the associated submissions (Clause 10 of the First Schedule to the RMA).

5. Statutory Framework

19. Section 73(2) of the RMA allows for any person to request that a change be made to the District Plan, in accordance with the process set out in Part 2 or Part 5 of Schedule 1. Part 5 of Schedule 1 is not relevant to this particular plan change application as it relates to the use of the 'streamlined planning process', which is not proposed in this instance.
20. Clause 21(2) of Part 2 of Schedule 1 requires that the plan change request: explain the purpose of, and reasons for, the proposed change and contain an evaluation report prepared in accordance with section 32 of the RMA; and where environmental effects are anticipated, describe those effects in such detail as corresponds with the scale and significance of the actual or potential environmental effects anticipated from the implementation of the change. The application considered the actual and potential effects of the plan change on the environment, and where relevant to matters raised in submission, I discuss these further in Section 6 of this report.
21. My understanding of the matters set out in the Part 2 of Schedule 1 are that PC67 requires assessment in terms of whether:
 - a. it is in accordance with the Council's functions (s74(1)(a));
 - b. it is in accordance with Part 2 of the RMA (s74(1)(b));
 - c. it will give effect to any national policy statement or operative regional policy statement (s75(3)(a) and (c));
 - d. the objectives of the proposal (in this case, being the stated purpose of the proposal) are the most appropriate way to achieve the purpose of the RMA (s32(1)(a));
 - e. the provisions in PC67 are the most appropriate way to achieve the objectives of the District Plan and the purpose of the proposal (s32(1)(b)).
22. In addition, assessment of PC67 must also have regard to:
 - a. any proposed regional policy statement, and management plans and strategies prepared under any other Acts (s74(2));
 - b. the extent to which the plan is consistent with the plans of adjacent territorial authorities (s74 (2)(c)); and

- c. in terms of any proposed rules, the actual or potential effect on the environment of activities including, in particular, any adverse effect.
- 23. These matters are considered in more detail in the Statutory Analysis section of this report. The following section sets out and discusses the matters raised in submissions, which are then in turn discussed in the Statutory Analysis section as they relate to the statutory requirements.
- 24. I also note that Selwyn District Council has notified a proposed District Plan. At the time of writing this report, the submission period on the proposed Plan has closed, but hearings are yet to be held. My understanding of the statutory context is that there is no specific requirement to consider PC67 against the PDP; however in my view the PDP is useful in understanding the current issues in the District in terms of the Council's obligations under s74(1) of the RMA.

6. Assessment of Issues Raised by Submitters

- 25. A total of 10 submissions were received on PC67, and 1 further submission.
- 26. In addition to the above, during the further submission period, a submission was received which did not reference any original submission and discussed topics that were not raised in any original submissions. The submission was considered to be a late original submission, rather than an on-time further submission. The Council recommended the late submission be rejected on the basis that accepting it would place an unfair burden on the proponent, due to the time and costs associated with summarising the submission and calling for further submissions on it. This recommendation was accepted by the Hearing Commissioner and therefore the submission has been rejected. This report therefore does not consider this submission.
- 27. A summary of the submissions is available at <https://extranet.selwyn.govt.nz/sites/consultation/PC67/SitePages/Report.aspx> and the full submissions can be viewed at <https://www.selwyn.govt.nz/property-And-building/planning/strategies-and-plans/selwyn-district-plan/plan-changes/plan-change-67,-rezone-approximately-33.4-hectares-of-rural-zone,-to-living-wm-south-zone,-west-melton>.
- 28. This section provides an assessment of the submission points received and a summary of the information included with the application and the expert evidence commissioned to inform the overall recommendations of this report and to make a determination on the relief sought by submitters.
- 29. I consider that the key matters either raised by submitters, or necessary to be considered in ensuring that the Council's statutory functions and responsibilities are fulfilled, are:
 - a. Traffic effects
 - b. Effects on Township Character
 - c. Density
 - d. Night Sky Darkness
 - e. Impacts on versatile soils

- f. Urban form
- g. Servicing
- h. Geotechnical and contaminated land

Traffic effects

Submissions

30. Wendy Beaven (PC67-0003), J. Manera (PC67-0004) and H. Stevenson (PC67-0007) raise concerns about the increase in traffic movements from the plan change given the existing traffic in the area, the narrow width of rural roads and the potential for upgrades required to impact on rates.
31. E. Anderson (PC67-0009) notes that the ITA identifies various roading improvements which will assist with the traffic network being able to accommodate the additional traffic generated from the plan change, but states that these improvements have not happened yet. She seeks that approval of the development should be subject to signalisation of SH73 and Weedons Ross Road; and widening along Weedons Ross Road being completed.
32. W. & K. Posthuma (PC67-0005) are concerned that the increased traffic resulting from the plan change will significantly adversely affect their property, because their driveway is located between the two entrances proposed for the subdivision. They consider that the plan change traffic will be slow moving and either accelerating or decelerating in both directions, making use of their driveway difficult and dangerous, as well as reducing their privacy. If the Plan Change is approved they seek that the road entrance to the site is moved a minimum of 20m from their entranceway.
33. CCC (PC67-0006) questions how the applicant has reached the conclusion that the greenhouse gas emissions will be neutral, given the increase in traffic anticipated from the plan change, and that the proposal does not include any additional employment opportunities in proximity to the development. It also has concerns that the proposal relies on a future public transport network which has not been planned or funded to provide connections. It further notes that *Our Space 2018-2038* includes direction for Selwyn District Council to consider development infrastructure and the downstream effects on the Greater Christchurch transport network. It considers that in absence of a funded and established public transport network to service the site, the development will likely impact on the ability of the Council to manage the downstream transport network.
34. CCC (PC67-0006), in relation to resilience to the likely current and future effects of climate change notes that the Christchurch City Council declared a climate emergency in May 2019, has set the target for Christchurch to be a carbon neutral city and considers that transport planning and infrastructure *"is a significant component of moving to a carbon neutral city and it is important that new urban growth areas occur in locations which align with this wider climate change objective"*. It considers that an increase in commuter traffic, as anticipated by the traffic assessment provided with the plan change application, will result in more people making trips, resulting in increased emissions, congestion and longer journey times. It considers that to reduce private motor vehicle dependency and reduce emissions, new urban growth areas and

development should be of a form which enables viable public transport services. As such, it seeks that a funded and implemented public transport system is provided to service the site, including connections to Christchurch City, prior to any residential development.

35. Waka Kotahi (PC67-0010) notes that PC59 resulted in a rule being included in the District Plan, to restrict development in the Living WM (South) Zone until completion of the signalisation of the State Highway 73 and Weedons Ross Road. On the understanding that this rule will similarly apply to the plan change site, it is comfortable that any traffic related effects of the plan change on this intersection will be addressed.
36. Environment Canterbury (PC67-0011) is concerned that the accommodation of additional traffic volumes is contingent on the planned signalisation of the intersection of Weedons Ross Road with SH73. It considers that any proposed or potential upgrades to the transport network should not be taken for granted or relied upon to demonstrate capacity. In their view, there is a need to strategically assess any development in West Melton in the context of the township, if not the district or Greater Christchurch, as a whole rather than considering the traffic effects of this plan change in isolation. They also note that the plan change site is not well serviced by public transport and state that development in this location does not provide for any integrated transport options and is therefore likely to be dependent on private motor vehicle use. They consider that the above factors lead to the proposal being inconsistent with various objectives and policies in the CRPS relating to transport, infrastructure and land use. In addition, they note that the NPS-UD also requires that the plan change is well-connected along transport corridors. They consider that this, along with other direction in the NPS-UD, signal the importance of considering the location of a proposed development in relation to other areas and amenities, relative accessibility and transport infrastructure and / or options, when assessing unplanned development proposals.

Analysis

37. I consider that the impacts of increased traffic resulting from the subdivision have been considered in the ITA.¹ This has been peer reviewed by Mr Smith.² The ITA, along with the peer review, demonstrate that additional traffic resulting from the plan change can be accommodated in the area, taking into account upgrades that are already planned for. As these are already planned, the plan change is not expected to result in additional upgrades being required that would be funded by ratepayers beyond those already budgeted for.
38. I note that the Site, if rezoned to Living WM South Zone as sought, would be subject to the following rule:

12.1.57A - No completion certificate shall be issued under section 224 of the Act within the Living WM South Zone (other than for a boundary adjustment or creation of an allotment solely for utility purposes), until such time as the State Highway 73/Weedons Ross Road intersection is signalised.
39. Waka Kotahi are satisfied that this is sufficient to appropriately address the effects of traffic arising from increased volumes at the State Highway 73 and Weedons Ross Road intersection.

¹ Appendix D to the Plan Change Request – Integrated Traffic Assessment.

² Dave Smith, 'Transport Comments on Plan Change 67 to the Selwyn District Plan', dated 18 August 2021.

Mr Smith also supports the application of this rule to the Site.³ I do not agree with Environment Canterbury that this planned upgrade cannot be relied on to demonstrate capacity in the roading network; it is common in my experience for such upgrades to be relied upon and for zone changes to be approved subject to controls limiting timing of development to such upgrades. While there is no specific rule linked to the widening along Weedons Ross Road being completed, I note that it is due to be completed in 2021/2022, which is prior to the scheduled completion of the SH73/Weedons Ross Road intersection in 2024/25.⁴ Mr Smith also confirms that this project is in the process of going out to tender for construction.⁵ Given the limitation on development prior to the later upgrade I do not consider an issue is likely to arise where development would occur prior to the planned Weedons Ross Road widening. I also note that the subdivision process would allow for consideration of whether any roading upgrades are necessitated by the Plan Change, for example, whether the formation of the intersection between the Site and Weedons Ross Road would require road widening and/or turning lanes, and such costs would be borne by the applicant.

40. I note that the proposed road into the Site from Weedons Ross Road has been proposed intentionally at the mid-point between the driveways at 557 and 581 Weedons Ross Road driveways, *"to allow flexibility for localised intersection provision and to minimise impacts on those driveways"*.⁶ Mr Smith has considered the capacity of the road corridor and concludes that even with the additional traffic generated by this Request, the overall traffic volumes are well within the capacity of the road corridor and would provide generous gaps to enter the traffic stream. He also considers that the location proposed for the road is an appropriate distance from the curve in Weedons Ross Road, in terms of providing appropriate sight distances.⁷ I therefore consider the current location to be most appropriate.
41. While I understand the desire of submitters to consider traffic associated with the plan change in the context of other plan changes lodged in the same area, as well as within the wider District, I consider there is some difficulty with this as in my view there is limited ability to consider the impact of other plan changes that were lodged subsequent to this plan change. In particular, both other plan changes currently lodged with the Council that relate to West Melton (PC74 and PC77) not yet been accepted for notification.
42. The ITA acknowledges that public transport is not well provided for in West Melton.⁸ While it states that the development may generate additional demand for public transport, with the proposal increasing demand and therefore potential viability of such a service,⁹ it also states that uptake by residents of the Site would likely be low, due to the walking distance to the village centre.¹⁰ While I generally accept that an increase in residents would assist in the potential for public transport to be more viable, there does not seem to be any evidence that this is a likelihood in this particular instance. As such, I do not consider it reasonable to assume that there will be a future public transport network. Given the limited employment opportunities in the area, and that beyond the construction phase the proposal would not

³ Mr Smith, at 18.

⁴ ITA, at 6.3 and 6.4.

⁵ Mr Smith, at 18.

⁶ ITA, at 7.2.

⁷ Mr Smith, at 49.

⁸ ITA, at 10.2.

⁹ ITA, at 10.2

¹⁰ ITA at 7.5.

create additional employment opportunities, I therefore tend to agree that the proposal will result in more people making car trips and increased emissions. Mr Smith also concludes that the Request will result in an increase in travel to, and a continued reliance on Christchurch as, a major source of employment, education and other trip destinations, albeit the effects of this will be dispersed across the transport network.¹¹ This relevance of this to the NPS-UD and the CRPS are discussed further in Section 7 of this report.

Effects on Township Character and Density

Submissions

43. J. Manera (PC67-0004), H. Stevenson (PC67-0007) and West Melton District Residents Association (WMDRA) (PC67-0008) are concerned that the plan change will alter the existing low density, rural-residential character, or 'country feel' of West Melton. WMDRA are further concerned that the proposal will result in demand for, and pressure on the shopping centre, parking, community centre facilities, school and churches, which were never designed for a larger population. WMDRA seek that PC67 is placed on hold to allow for a master plan to be produced for West Melton.
44. E. Anderson (PC67-0009) supports the low density nature of the development, including larger buffer lots adjoining rural land, as being consistent with the rural feel of the Township and its sense of community and space. J. & S. Owens (PC67-0002) also support the Plan Change as it will increase the supply of larger residential sections in the West Melton area.
45. W. & K. Posthuma (PC67-0005) accept that West Melton has and will continue to change, but have concerns that the plan change will adversely affect them. In particular, they have concerns that they will be adversely affected by increased noise and loss of privacy resulting from the development, but that their ability to use their own land for rural purposes will be restricted, because activities such as running farm machinery, riding dirtbikes and undertaking burn offs could lead to complaints from new neighbours who anticipate a more urban lifestyle. To address these concerns, they seek that their land is included in the zoning change, should the plan change be approved. If this is not possible, they seek that various mitigation measures are included in the plan change, including: building a bund on their side of the road; and requiring larger section sizes for lots adjoining the road and requiring that houses are set back 40m from the road boundary.
46. CCC (PC67-0006) states that the density proposed by PC67 of 3.9 households per hectare is less than the requirements outlined in Objective 6.3.7(5) of the CRPS of 10 households per hectare for greenfield development in Selwyn District. They note that the s32 report interprets Policy 8 of the NPS-UD as providing for inconsistency with this requirement. The submitter considers that the direction in the NPS-UD to provide for unanticipated development does not override the direction in the CRPS which the plan change is also required to give effect to. They consider that it is possible to reconcile the direction in the NPS- UD and the CRPS with regards to density. For this site, they consider that a minimum density requirement of 15 households/hectare should be applied, to better achieve efficiencies in coordination of land use and infrastructure, support mixed land use activities, support multi-modal transport systems and protect the productive rural land resource. They also note that the Greater Christchurch Partnership is

¹¹ Mr Smith, at 63.

currently reviewing densities and further seek that the recommendations of the report anticipated from the Partnership on this be included in the plan change.

Analysis

47. The submissions indicate that there is a divergence of views as to whether PC67 is in keeping with the current character of the township, or it if would detract from it. In general, any expansion to an urban area will alter people's experience of that area and in my view it is not reasonable to expect that townships remain static. I also note that the NPS-UD expressly anticipates that urban environments, including their amenity values, will develop and change over time.¹²
48. While I note that Policy 6.3.7 of the CRPS does refer to a requirement for density of 10 household units per hectare in greenfield areas in Selwyn, this relates to development in greenfield priority areas (GPA). The proposal is in any case contrary to the requirement to be located in a GPA. Within the Plan itself, low density development, consistent with that of the existing village is anticipated,¹³ with a primary focus for new residential development north of SH73 and south of Halkett Road, and *"only a limited extent of new low density residential development south of State Highway 73."*¹⁴ This is repeated in the explanation to Policy B4.3.99, which promotes a consolidated approach to future urban growth in West Melton. As such I consider the density proposed is consistent with the outcomes generally sought in this location.
49. In my view the submission from CCC does, however, highlight a key tension between higher level direction that anticipates development in identified areas and at a greater density; and the context of the location of this Plan Change, where from an urban form perspective, application of a higher density would not be consistent with the surrounding context, and, as identified by Mr Nicholson, would lead to a less consolidated urban form, a greater dependence on private vehicles and greater landscape and visual effects.¹⁵
50. While I also accept that the Township's current facilities may not have been designed for a larger population, there are many examples within the District where community facilities such as commercial areas, reserves and recreation facilities have been expanded to meet increased demand. As such I do not consider the current capacity of the facilities to be an impediment to the rezoning.
51. I also accept that the proposal may adversely affect neighbours, including potential for new residents to be sensitive to surrounding rural activities. However, residential zones adjoining rural zones is extremely common. In this case, the plan change simply alters the current location of the interface between such residential and rural activities. In my view there is nothing particular about either the Site or the surrounding rural uses that warrants particular mitigation over and above the general approach to managing activities at the rural/residential interface. With particular reference to the request for a bund, as noted by Mr Nicholson, while a bund would reduce potential reverse sensitivities between rural and residential land uses, the road

¹² Objective 4.

¹³ Policy B4.3.101 *"Promote new residential areas in West Melton that maintain the lower residential density of the existing village, where practical, whilst providing for the efficient and effective development of the Living WM North zone."*

¹⁴ Policy B4.3.98.

¹⁵ Evidence of Hugh Nicholson, at 9.4.

width and proposed edge treatment are generally considered to be acceptable solutions in other parts of Selwyn District.¹⁶

52. In terms of the rezoning sought by the Posthumas, I consider that there are difficulties with this request being outside the scope of the Plan Change, which sought the rezoning of particular parcels of land. Setting aside scope, the Request also included detailed assessments relating to servicing, landscape and visual effects, traffic, geotechnical matters and contamination, as well as an assessment of the rezoning under the requirements of the RMA. In my view, these assessments are not sufficient to rely on to assess the rezoning of the additional land. As such, I do not consider that this is the appropriate process to consider rezoning the submitter's land, nor is there sufficient information on which to assess it.

Night Sky Darkness

Submissions

53. W. Beaven (PC67-0003), J. Manera (PC67-0004) and H. Stevenson (PC67-0007) are concerned that the increased density of housing will negatively affect night sky darkness in the area, which is near an observatory. E. Anderson (PC67-0009) also states that the good night skies set West Melton apart and are an important part of West Melton's heritage. She notes that the ODP lacks any mechanism to protect the night sky and minimise light pollution and considers that this is necessary, given the site's location within the West Melton Lighting Observatory Area. As such, she seeks that ODP is amended to include provisions to protect the night sky and minimise light pollution and that consent notices are imposed on the titles of any new lots within the plan change area which require compliance with the requirements of the West Melton Lighting Observatory Area.

Analysis

54. The Site is located within the 'West Melton Observatory Zone'. The potential effects of increased lighting in the area on the West Melton Observatory Zone will therefore be managed under the current Plan framework applying within this Zone. This includes Policy B3.4.13, which directs that potential nightglow is reduced from outdoor lighting in the area around the West Melton Observatory. The related explanation indicates that it is not intended to prevent subdivision and residential development to achieve this, but rather than potential night glow can be reduced by designing subdivisions so that vehicular accessways are not directly opposite the observatory, to reduce the glow from car lights and through using a specific design for outdoor lights. A matter of discretion for subdivision (12.1.4.6) allows for consideration, within the Living WM Zone, or "*whether street lighting options will assist with mitigating any adverse effects on the operation of West Melton observatory whilst not compromising the safe and efficient operation of the road network.*" There are also restrictions on illuminated signage in the West Melton Observatory Lighting Area.¹⁷
55. Under the current zoning, Policy B3.4.12 (in the Rural Volume) applies to the site, which, similar to B3.4.13 of the Township volume, directs that potential nightglow is reduced from outdoor lighting in the area around the West Melton Observatory. The explanation to this policy refers

¹⁶ Evidence of Hugh Nicholson, at 9.7.

¹⁷ Rule 6.3.1.

to the matters above (subdivision design and specific design for outdoor lights) but also refers to maintaining lower density in the rural area, in accordance with the rural volume policies B4.1.1 and B4.1.2. These latter policies restrict residential density to 1 dwelling per 4 hectares. My understanding from discussions with Council officers, is that once land is zoned for residential use, it is accepted that it will have an impact on the night sky darkness and the Plan only seeks to control street lights, to minimise the impact. Where not zoned for residential use, the overall lower density of the rural area is also expected to minimise impacts on night sky darkness.

56. In my view, the impact of this Request on night sky darkness is an adverse effect arising from the rezoning, in that it would introduce additional lighting associated with increased density of development from that which is currently anticipated. However, the current controls of the Plan applying to residentially zoned land would then apply, in terms of street lighting, mitigating some of the effects. Overall, I consider the impact on night sky darkness is one cost to be weighed up against the benefits of the plan change; but in my view is not a sufficient reason on its own to decline the plan change.

Impacts on Versatile Soils

Submissions

57. CCC (PC67-0006) notes that the proposed National Policy Statement for Highly Productive Land (pNPS-HPL) is concerned with fragmentation of productive land and its availability for primary production now and into the future. It states that productive land in Canterbury holds substantial value, as it contributes to the sustainability of the region, including reduced transport costs. It further considers that protecting highly productive land in proximity to Christchurch City is essential for achieving Objective 8 of the NPS-US in terms of urban environments as being resilient to current and future effects of climate change. It seeks that a further more detailed assessment of the impact on versatile soils from development in this area is undertaken.
58. Environment Canterbury (PC67-0011) notes that the LUC Class 2 and 3 classification of the site means that that area would likely be identified as highly productive land under the pNPS-HPL. It notes that the purpose of the pNPS-HPL is to protect highly productive land for primary production. While noting the proposed status of the pNPS-HPL means it has no status under the RMA, the submitter consider that regard may be had to it. It also notes that Policy B1.1.8 of the District Plan directs that the rezoning of land for new business development is avoided, if it is appropriate for other activities and there are other areas adjoining the township that which are appropriate for new business development which do not contain versatile soils.

Analysis

59. The pNPS-HPL was released in 2019 by the Government for public consultation. The Council is required to give effect to an NPS within their District Plan, once it is gazetted. However, as a proposal, it has no legal weighting, and the final form of any NPS is as yet unknown.
60. I accept that the plan change site is located on soils identified as Class 2 and Class 3 under the Land Use Capability classification. However, as shown in the figure below, most of the existing West Melton urban area is located on Class 3 soils, and the northernmost portions on Class 2

soils. Under the pNPS-HPL, Class 1, 2 and 3 soils would be considered as highly productive by default until more detailed assessments are undertaken. Under the CRPS, only Class 1 and 2 soils are considered versatile.¹⁸ Applying the pNPS-HPL definition, any expansion of the residential area at West Melton into the immediately adjoining area would therefore extend into what would be considered to be highly productive soils. Under the CRPS definition, only the south-west part of the Site would include versatile soils; but similarly there would be other areas adjoining the current urban area where urban expansion would not expand into Class 2 soils. I also note that the pNPS-HPL does not take the position that urban expansion onto highly productive land is to be avoided in all instances; rather my understanding is that it seeks to elevate the consideration that highly productive land is given in the planning process. In particular, this is through specific consideration being required around the costs and benefits associated with impacts on highly productive soils and feasibility of alternatives. Consideration of the feasibility of alternatives will necessarily require consideration of other factors.

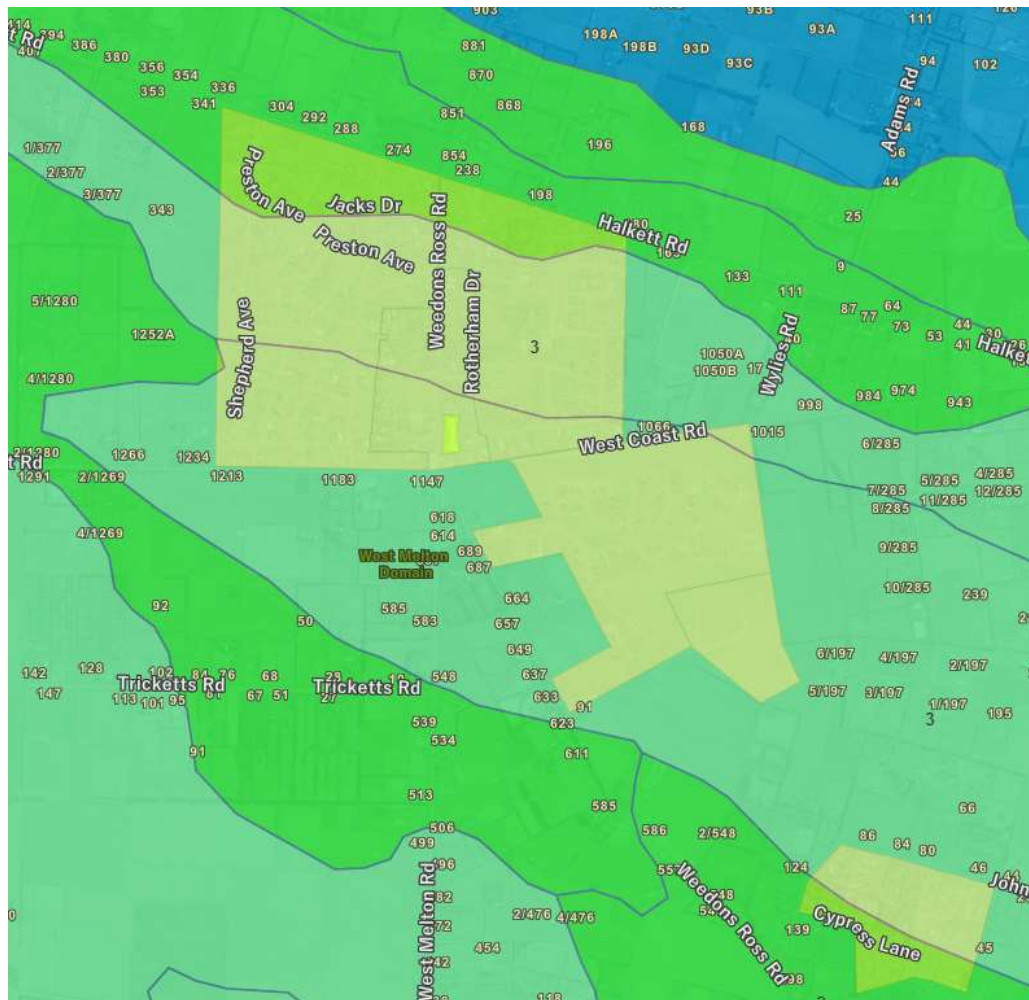


Figure 3: Canterbury Maps, NZLRI LUC Classes 1-3 Land Resource Inventory Layer

61. I also consider it important to note that Policy B1.1.8 of the District Plan explicitly directs that the rezoning of land for new residential development is avoided, if it is appropriate for other

¹⁸ As referred to in the 'Principal reasons and explanation' under Policy 5.3.12.

activities and there are other areas adjoining the township that which are appropriate for new residential development which do not contain versatile soils. This policy is identified in the section 32 evaluation report, but not commented on. In this case, there is nothing to indicate that the land is unsuitable for ongoing rural use. However, as noted above, any expansion of the residential area into the immediately adjoining area would include highly productive soils, if applying the pNPS-HPL definition. If applying the CRPS definition, there would however be opportunities for expansion of the Township into other areas containing only Class 3 soils.

62. Overall, I consider that expansion of the residential area onto Class 2 & 3 land is a relevant matter to consider in weighing up whether the plan change is the most appropriate way to achieve the objectives of the District Plan; but it is not the sole determining factor.

The Form of Urban Growth

Submissions

63. There are a range of concerns regarding the proposed location for the Plan Change, and in particular how it relates to the form of urban growth currently planned for, and the relevant directions on growth and urban form in other planning documents. In summary, these include:
- a. the Site is outside areas identified for growth in *Our Space 2018-2038*, and the CRPS and is therefore inconsistent with various growth-related provisions of the CRPS.¹⁹
 - b. no additional development areas in this location or in West Melton more broadly were identified as being necessary to meet future growth demands in the district or in Greater Christchurch in either the proposed Selwyn District Plan, nor in the recent proposed plan change to the CRPS to amend Map A to identify Future Development Areas.²⁰
 - c. land use and infrastructure planning over the last 15 years has been based on areas that have been identified for future development.²¹
 - d. the additional capacity provided by the plan change is in excess of what is needed to meet housing capacity needs in the medium and long term²² and could delay other growth and urban regeneration areas identified in *Our Space 2018-2038*.²³
 - e. questioning whether the proposal meets the test for providing significant development capacity, including whether the 'urban environment' against which this is interpreted should be the wider Greater Christchurch area, within which the medium term housing target is 32,300 households, given that West Melton township on its own would not meet the NPS-UD definition of an 'urban environment'.²⁴
 - f. the extent to which a development may fulfil an identified demand is also relevant in determining significance, but in the context of Greater Christchurch includes a trend

¹⁹ CCC (PC67-0006), Waka Kotahi (PC67-0010) Environment Canterbury (PC67-0011).

²⁰ CCC (PC67-0006), Environment Canterbury (PC67-0011), E. Anderson (PC67-0009).

²¹ Environment Canterbury (PC67-0011).

²² CCC (PC67-0006), Environment Canterbury (PC67-0011).

²³ CCC (PC67-0006).

²⁴ CCC (PC67-0006), Environment Canterbury (PC67-0011).

towards smaller household sizes and affordability constraints. The proposed lot sizes do not align well with these identified housing needs and gaps in housing supply and therefore do not add significantly to development capacity in this regard.²⁵

- g. equal weighting should be given to other provisions within the NPS-UD alongside Policy 8, such as infrastructure readiness, strategic planning and responsiveness to enable development capacity, as anticipated in Objective 6.²⁶
64. Because of the above, CCC (PC67-0006) seeks that the plan change be declined. Environment Canterbury (PC67-0011) considers that any reassessment of the desirability of growth at West Melton would be more appropriately considered through a comprehensive review of the settlement pattern and long-term strategic growth planning exercise for Greater Christchurch rather than ad-hoc and individual assessments prompted by private plan change requests.
65. Because PC67 is outside Future Development Areas identified within the proposed change to the CRPS, E. Anderson (PC67-0009) has concerns that approval of a large scale development in West Melton would result in Environment Court appeals and seeks that the Council puts the plan change process on hold until the CRPS process has been completed.

Analysis

66. The matters raised above relate to the inconsistency of the proposal with various statutory and non-statutory planning documents. Consideration of these is set in section 7 below where I have considered the proposal against various provisions in the NPS-UD, CRPS and *Our Space 2018-2038*.
67. In terms of the proposed District Plan, as referred to by submitters, this includes an 'Urban Growth' chapter, the overview to which outlines that the chapter is intended to assist in meeting demands for housing and business opportunities to support growing community needs. New urban areas have an underlying General Rural zoning, but are identified within an 'Urban Growth Overlay' (UGO). UG-P2 directs that the rezoning of land to establish new urban areas within the UGO is provided for; while UG-P3 directs the avoidance of zoning of land to establish new urban areas/township extensions outside this UGO. My understanding is that the UGO is intended to generally identify areas for future growth, while still requiring these areas go through more specific rezoning process before they can be developed for urban purposes. In West Melton, two parcels of land are identified within the UGO. As shown in the Figure below, these reflect those areas to the north of the site on Weedons Ross Road that are currently surrounded on three sides by residential development.

²⁵ Environment Canterbury (PC67-0011).

²⁶ CCC (PC67-0006).

whether sufficient supply will be available to service the development, given existing water supply issues in the area.

72. Environment Canterbury (PC67-0011) states that the application is inconsistent with Policy 6.3.5(2) of the CRPS, which seeks to ensure that the nature, timing and sequencing of new development is co-ordinated with the development, funding, implementation and operation of transport and other infrastructure; and with the NPS-UD requirement for local authority decisions on urban development that affect urban environments to be integrated with infrastructure planning and funding decisions, and strategic over the medium and long term. It notes that the Request identifies that water supply and waste services for West Melton are currently at capacity and that options for reticulated servicing for the proposed development need to be investigated further. The submitter considers that to align with CRPS Policy 6.3.5, any proposed or potential future upgrades to the Selwyn District Council's reticulated services network should not be relied upon, particularly in regard to any servicing requirements that will occur out of sequence. It also notes that there are other plan changes proposed within the West Melton area that will also require consideration of servicing, and submits that ad-hoc or out of sequence development would lead to a poor urban form and may result in a first in first served allocation of reticulated services, using up capacity and preventing the development of potentially more suitable locations. Overall, it submits that a strategic planning exercise is required to consider the most appropriate scale and direction of any growth for the township, including how infrastructure constraints can be addressed.

Analysis

73. Mr Bishop has provided an assessment of the Request in relation to water supply, wastewater and stormwater.²⁹ He considers that:
- a. Abstracting water from the bores associated with the West Melton water supply would have little to no effect on wells that draw water from a higher level.³⁰
 - b. While the West Melton water supply was at or approaching capacity at the time the Request was lodged, the applicant's infrastructure report provides a number of upgrade options to provide for the growth that would be enabled by the Plan Change, and consider that these upgrades are feasible and would provide the required additional capacity for this water supply.³¹
 - c. The additional measures identified by the applicant to provide the required additional capacity for the wastewater network to service development of the Site are feasible.³²
 - d. There are capacity upgrades planned and budgeted for in relation to the Pines Wastewater Treatment Plant which would be sufficient to accommodate the wastewater generated by development of the Site.³³

²⁹ Shane Bishop, 'Officer Comments of Shane Bishop', dated 19 August 2021.

³⁰ Mr Bishop, at 8.

³¹ Mr Bishop, at 20 and 21.

³² Mr Bishop, at 37.

³³ Mr Bishop, at 39 - 41.

- e. There is a viable means to dispose of stormwater for this plan change area.³⁴
74. As noted earlier, I do not agree with Environment Canterbury that planned upgrades cannot be relied on to demonstrate capacity in the water supply and wastewater network; it is common in my experience for such upgrades to be relied upon, provided that at the plan change level, there is sufficient evidence provided to demonstrate that feasible options are available. Mr Bishop confirms that this is the case. However, I consider that the overall appropriateness of the Request should take into account not simply whether the Site can be serviced or not. In this regard I agree with Environment Canterbury that there is a need to go beyond the application of a “first in first served” allocation of reticulated services, particular where doing so would use up capacity intended to service planned growth, or where it would prevent the development of potentially more suitable locations. However, Mr Bishop has not indicated that this will arise as a result of this proposal.

Geotechnical and Contaminated Land

75. The Request included a geotechnical assessment of the appropriateness of the land for residential development,³⁵ as well as a preliminary site investigation (PSI).³⁶
76. The geotechnical assessment has been peer reviewed by Mr Ian McCahon of Geotech Consulting Ltd and that review is attached as **Appendix 2** to this report. It states that having reviewed the report, he does not consider that there is any geotechnical issue that precludes the rezoning of the site for residential subdivision.
77. The PSI has also been reviewed by the contaminated land team at Environment Canterbury. They note that the PSI identifies two HAIL activities and agree with the recommendation for a detailed site investigation (DSI) to be undertaken to assess these HAIL activities. They also note that there was another HAIL activity on the site, but that it has been remediated and validated and no further investigation is required. Overall, they are satisfied the PSI identifies all known HAIL activities and agree that it is appropriate for the DSI to be undertaken at the subdivision stage.
78. On the basis of the technical reports and the conclusion of the peer reviews, I am satisfied that there are no geotechnical or contaminated land matters that preclude the rezoning of the site for residential purposes.

Other Matters

Submissions

79. H. Stevenson (PC67-0007) states that the Council and developers “*have a duty of care to balance the rights of existing residents, an overriding duty to care for the environment and not exploit it, against the financial wants of the developers.*”

³⁴ Mr Bishop, at 45.

³⁵ Appendix E to the Request.

³⁶ Appendix F to the Request.

Analysis

80. Both the Council and the Applicant have obligations under the RMA. They are set out further in this report and my analysis takes into account the specific requirements and whether they are met. Ultimately these stem back to ensuring that the sustainable management purpose of the RMA is achieved. This includes consideration of not only environmental effects but also social, cultural and economic well-being.

7. Statutory Analysis

Functions of Territorial Authorities

81. The functions of Council as set out in s31 of the RMA include the establishment, implementation and review of objectives, policies and methods to:
- a. achieve integrated management of the effects of the use, development and protection of land and associated natural and physical resources; and
 - b. control any actual or potential effects of the use, development or protection of land.
82. The application states that the plan change accords with these stated functions, providing for the use and development of land for residential activities as an extension of an existing residential area, and with only such amendments as are necessary to recognise the site and the proposed ODP. It states that the proposed ODP provides the methods for Council to manage potential effects of this activity and demonstrates an integrated management approach. I agree with this assessment.
83. I note that another of the Council's functions is to ensure that there is sufficient development capacity in respect of housing and business land to meet the expected demands of the district. As expanded on in Section 7 below, the rezoning of the Site is not considered to be necessary to provide sufficient housing development capacity and therefore is not necessary for the Council to meet this aspect of its functions under the RMA.

Part 2 Matters

84. Under s 74(1)(b), any changes to the District Plan must be in accordance with the provisions of Part 2 of the RMA. This sets out the purpose of the RMA (s5), matters of national importance that must be recognised and provided for (s6) and other matters that particular regard is to be had to (s7).
85. Notwithstanding that the Council has notified a proposed District Plan, I consider that the purpose of the Act is currently reflected in the settled objectives and policies of the District Plan which PC67 does not seek to change. Rather, PC67 seeks to change the Plan's zoning pattern. The appropriateness of the purpose of the plan change in achieving the purpose of the RMA is also a requirement under s32, which is considered below. I do not consider that any matter of national importance is relevant to PC67. In terms of other matters set out in s7 of the RMA, I consider that the efficient use and development of natural and physical resources (s7(b)), and the maintenance and enhancement of amenity values (s7(c)) and the quality of the environment (s7(f)) and the finite characteristics of natural and physical resources (s7(g)) are relevant to the

plan change. I consider these are matters that are ultimately considered in the effects assessment and submissions set out above.

Statutory Documents

86. As noted earlier, the District Plan (including as amended by any plan change) must give effect to any operative national policy statement (s75 (3)(a)) and any regional policy statement (s75 (3)(c)); have regard to any management plan or strategy prepared under other Acts (s74 (2)(b)(i)); take into account any relevant planning document recognised by an iwi authority and lodged with the territorial authority, to the extent that its content has a bearing on the resource management issues of the district (s75(2A)); and must not be inconsistent with any regional plan (s75(4)(b)). The content of these documents as they relate to PC67 is discussed in the application and set out further below.

National Policy Statement on Urban Development 2020 (NPS-UD)

87. The applicant has identified the provisions within the NPS-UD that they consider are relevant to this proposal, including Objective 1, Objective 4, Objective 6, Policy 1, Policy 2, Policy 6, Policy 8 and Policy 11.
88. The applicant notes³⁷ that West Melton in itself, is not large enough to not meet the definition of an urban environment under the NPS-UD, and instead have relied on the urban environment as being the Greater Christchurch Area. The application states that PC67 is generally consistent with the objectives and policies of the NPS-UD, as:
- a. the proposal will retain a relatively compact urban shape and well functioning urban environment, with an extension of an existing zone into an area;
 - b. the site is able to be serviced adequately;
 - c. the proposal will provide for a greater variety of housing typologies than the current very low density zoning allows for;
 - d. the site is within walking and cycling distance of West Melton school, shops and in particular the community facilities and West Melton Domain;
 - e. the plan change will enable additional residential allotments to come to the market, supporting competition within the housing market;
 - f. the proposal will be neutral in regard greenhouse gas emissions, as while there is currently limited or no public transport availability to West Melton that would assist with minimising private vehicle movements, an expansion of the township will better support the viability of future public transport services to the benefit of the wider West Melton community.
 - g. The proposal will improve housing affordability to the extent that enabling additional residential development to occur assists with meeting market demand generally, and demand in West Melton in particular, and the more housing demand is able to be met, the less the risk of rising house prices as a result of under supply.

³⁷ Paragraph 79 of the s32 report.

89. In addition to the above, I consider Objective 8 is also relevant, which seeks that urban environments support reductions in greenhouse gas emissions.
90. I note that Policy 6 directs that when making planning decisions that affect urban environments, decisions-makers must have regard to particular matters, including at (c), the benefits of urban development that are consistent with well-functioning urban environments (by reference back to Policy 1). I consider it important to note that Policy 1 sets out what constitutes (as a minimum), a well-functioning urban environment, and requires that planning decisions contribute to such environments. A well-functioning urban environment must meet all of the criteria in the policy, which includes, of particular relevance to this plan change, that they have or enable a variety of homes that meet the needs, in terms of type, price, and location, of different households; and have good accessibility for all people between housing, jobs, community services, natural spaces, and open spaces, including by way of public or active transport; and support reductions in greenhouse gas emissions.
91. I consider that the proposal will enable a variety of homes to meet the needs of different households. However, as noted by some submitters, I do not consider that the proposal will provide accessibility between the proposed housing area and jobs by way of public or active transport; this is simply because there are not enough employment opportunities within West Melton for the additional households created by the plan change; the distance to employment opportunities would mean active transport opportunities are not practicable; and it is acknowledged by the applicant that the area is not well-served by public transport. I also agree with concerns raised by submitters that the proposal will not support reductions in greenhouse gas emissions, because it will introduce additional households into an area that is dependent on private vehicle movements. As noted earlier, Mr Nicholson is also concerned that the Site is located outside a reasonable walking distance of the centre of West Melton.
92. There are also various directions in Part 3 of the NPSUD that I consider are also relevant. These include:
- a. Policy 3.2, which requires that “at least” sufficient development capacity is provided within the district to meet the expected demand for housing, in the short, medium and long terms. This is discussed further below.
 - b. Policy 3.5, which requires that local authorities be satisfied that additional infrastructure to service the development is likely to be available. Based on Mr Bishop’s advice, I consider that this direction is met.
 - c. Policy 3.8, which provides direction on how local authorities are to consider plan changes that provide significant development capacity that is not otherwise enabled in a plan or is not in sequence with planned land release. This requires that ‘particular regard’ is had to the development capacity provided if that capacity: would contribute to a well-functioning urban environment; is well-connected along transport corridors; and meets the criteria set in a regional policy statement for determining what is considered to add significantly to development capacity. This latter matter is not relevant to this plan change as there are as yet no criteria in the CRPS.
93. The application states that the proposal provides significant development capacity because:

- a) The plan change provides 17% growth in residential capacity within West Melton, and a significant improvement on the current growth capacity within the township; and
 - b) collectively PC59 and PC67 are provide an increased residential dwelling capacity within West Melton of 26%; and
 - c) there are existing market constraints for new sections/dwellings.
94. I note that the Council accepted PC67 for notification on the basis of the above argument put forward by the applicant, that it would provide a significant increase in development capacity at West Melton. The submission and hearing process enables further consideration of the significance of the development capacity. In this regard, I note the concerns of some submitters that West Melton is not considered an urban environment in its own right, but forms part of the urban environment that is Greater Christchurch. As such, they question the significance of the development capacity when it is considered in the broader Greater Christchurch context; rather than only in respect to West Melton. I accept that there is potential inconsistency with treating West Melton as part of Greater Christchurch in order to allow for it to be considered as part of the urban environment under the NPS-UD, but then considering the significance of the capacity in relation to West Melton only. Regardless, I note that Policy 3.8(2) of the NPS-UD explicitly requires that particular regard is had to the development capacity provided by the Plan Change. In my view, this allows for the extent of the significance of the capacity to be considered in not only the context of West Melton, but also the Selwyn District and Greater Christchurch context.
95. As noted above, if the development capacity is considered to be significant, particular regard must be had to this development capacity, if the capacity would also contribute to a well-functioning urban environment; and is well-connected along transport corridors. The application states that the site is within walking and cycling distance of West Melton school, shops, other community facilities and West Melton Domain. However, Mr Nicholson does not consider that the Site is located within a walkable catchment of the facilities located in the town centre at West Melton. In addition, and as noted above, the criterion also refers to providing accessibility between the proposed housing area *and jobs* by way of public or active transport. In addition, a well-functioning urban environment is similarly required to support reductions in greenhouse gas emissions and in my view this is not achieved by the proposal. As such, I have some concerns that the capacity provided by the plan change will not contribute to a well-functioning urban environment, as that is defined under the NPS-UD.
96. Based on the above, I consider that it is questionable whether particular regard must be given to the development capacity provided by the proposal. Notwithstanding this, if it is accepted that the proposal provides significant development capacity and would contribute to a well-functioning urban environment that is well-connected along transport corridors, my understanding of the NPS-UD is that the development capacity does not in itself act as a 'trump card' and automatically require approval of the plan change; rather the capacity provided needs to be weighed up against other matters.

Capacity

97. In considering the NPS-UD, I consider it important to consider the growth planning undertaken by the Council. This is outlined in more detail in the memorandum on 'Growth Planning in

Selwyn District’.³⁸ This outlines that various strategic documents prepared over the last 15 years have influenced growth in the District, and the identification of areas intended for growth, and contain wider objectives intended for such growth which are considered to be consistent across strategic growth documents and planning. This includes:

- a. The Urban Development Strategy (UDS), which included the intention to manage urban growth through consolidated settlement patterns through the application of an integrated approach between land use planning and the provision of efficient and cost-effective transport networks;
- b. The integration of the UDS into the CRPS and Selwyn District Plan;
- c. The development of Our Space, by the Greater Christchurch Partnership,³⁹ as a Future Development Strategy under the National Policy Statement on Urban Development Capacity 2016; and
- d. Selwyn 2031, a District Development Strategy that provides an overarching strategic framework for achieving sustainable growth across the district through to 2031, intended to guide the future development of the district and to inform Council’s capital investment decisions. It includes a Strategic Direction which seeks to ensure there is enough zoned land to accommodate projected household and business growth, while promoting the consolidation and intensification within existing townships.

98. I note that, in the view of Mr Nicholson, the Request would not result in consolidation of West Melton and therefore it would not align with the outcomes sought in the above documents in relation to this.

99. I further note, in relation to Our Space, that it is focused on how to best accommodate housing and business land needs in a way that integrates with transport and other infrastructure provision, builds greater community resilience, and contributes to a sustainable future for Greater Christchurch that meets the needs and aspirations of communities. It provides targets for housing for 30 years and outlines how any identified shortfall in capacity to meet these targets will be met, including through the identification of areas for housing growth. This planning was intended to promote *“a compact urban form, which provides for efficient transport and locates development in a manner that takes into account climate change and sea level rise.”*⁴⁰ This is reflected in additional capacity being directed to Rolleston, Rangiora and Kaiapoi in support of the public transport enhancement opportunities identified in Our Space.⁴¹ Subsequent changes to the CRPS were signalled in *Our Space* as being required to facilitate this and have since been reflected in a plan change to the CRPS. It is also indicated in *Our Space* that a further comprehensive review of the CRPS will be undertaken in 2022.

³⁸ Ben Baird, ‘Growth Planning in Selwyn District’, dated 19 August 2021.

³⁹ A partnership of Christchurch City Council, Environment Canterbury, Selwyn District Council, Waimakariri District Council, Te Rūnanga o Ngāi Tahu, New Zealand Transport Agency, Canterbury District Health Board and the Greater Christchurch Group of the Department of Prime Minister and Cabinet.

⁴⁰ Executive Summary.

⁴¹ Page 28.

100. Mr Baird also outlines current work programmes underway through the Greater Christchurch Partnership,⁴² or planned by the Council,⁴³ including:
- a. 'Greater Christchurch 2050', which is intended to set a vision for Greater Christchurch to achieve intergenerational wellbeing that also responds to climate change, and moving towards a zero-carbon economy. It is also intended to be based on partnership priorities that include enabling sustainable urban form that aligns and integrates with the transport system;
 - b. Investigation of Mass Rapid Transit opportunities;
 - c. Development of a Greater Christchurch Spatial Plan, intended to build on and replace the UDS and Our Space, integrate with the Mass Rapid Transit Business Case and ultimately inform Long Term Plans, the Regional Policy Statement, District Plans and the Regional Land Transport Plan; and
 - d. Development of a Structure Plan for West Melton.
101. Mr Baird also outlines how capacity within the District has been assessed, and how further capacity will be provided to meet projected demand, as well as why the proposed distribution of capacity - which does not include land in West Melton – has been preferred. This includes focusing growth into the main urban centre in the District (Rolleston) to improve self-sufficiency of the local economy; providing greater certainty to inform investment decisions; improving the amenity of the Rolleston Town Centre and efficient use of its social infrastructure; and promotion of the efficient use of infrastructure, including transport.⁴⁴
102. I have considered how the above relates to the NPS-UD. I firstly note that the NPS-UD only requires that sufficient capacity is provided; not that more is precluded. However, the rezoning of this land is not required in order to give effect to the minimum requirements of the NPS-UD; nor has it been considered necessary in more localised assessments of capacity and planning for growth. In my view, it is relevant to consider this alongside consideration of the significance of the development capacity provided by the Request. In this instance, the applicant argues that the contribution the rezoning will make to development capacity is significant because it provides additional residential capacity within the West Melton Township. As noted earlier, this significance is however reduced when considered in the context of the wider District and Greater Christchurch sub-region.

Canterbury Regional Policy Statement (CRPS)

103. The application contains a short assessment of the plan change provisions against the CRPS. In terms of Objective 6.2.1, the application states that the proposal will protect the environmental qualities set out in the objective.
104. In relation to broader matters within the CRPS, the application does not identify particular provisions within the CRPS and assess the proposal against these. Instead, it broadly states that the Site is not located in a sensitive landscape, nor will any sensitive indigenous vegetation be

⁴² Mr Baird, at 21.

⁴³ Mr Baird, at 35.

⁴⁴ Mr Baird, at 55.

affected; and that water quality can be maintained at the time of detailed design through engineering solutions and regional plan/discharge consent requirements. The application also acknowledges that the proposal will have some effect on rural character and amenity, but that this can be minimised. In relation to transport-related objectives and policies, the application states that the Plan Change site is well located relative to the roading network, with provision for pedestrian and cycle connections to the wider township. It states that it will not result in long travel distances to the township, noting that facilities such as the town's domain are relatively close the Plan Change site that the Transport Assessment has confirmed the suitability of the adjoining road network for the vehicle movements anticipated.

105. I note that the submission from Environment Canterbury provides more specific identification of, and assessment of the proposal against the provisions within the CRPS. For completeness, I have included within **Appendix 1** of this report an excerpt of provisions from the CRPS that I consider are relevant to PC67. I note, in particular, the following provisions:

- a. Objective 6.2.1(3) and Policy 6.3.1(4) which directs urban development to existing urban areas or greenfield priority areas for development.
- b. In terms of infrastructure provisions, Objective 6.2.1(9) and (11) seeks that the planning framework integrates land use development and infrastructure and optimises the use of existing infrastructure.
- c. Objective 6.2.2(5), which seeks to achieve a consolidated and intensified urban form, and avoid unplanned expansion of urban areas, by consolidation of the existing settlement of West Melton.
- d. Objective 6.2.4 which directs that transport infrastructure planning maximises integration within priority areas and new settlements patterns, while achieving a number of aims, including reducing dependency on private motor vehicles and promoting the use of active and public transport modes.
- e. Policy 6.3.4(2) which directs, in relation to the transport network, that new building projects support increased uptake of active and public transport, and provide opportunities for modal choice.
- f. Policy 6.3.5(2) which directs that land use development is integrated with infrastructure, by to ensure that the nature, timing and sequencing of new development is co-ordinated with the development, funding, implementation and operation of transport and other infrastructure, including in order to:
 - i. optimise the efficient and affordable provision of both the development and the infrastructure;
 - ii. maintain or enhance the operational effectiveness, viability and safety of existing and planned infrastructure; and
 - iii. protect investment in existing and planned infrastructure.

106. I note that ECan suggest that Policy 6.3.5(2) seeks to “*ensure that new development does not occur until provision for appropriate infrastructure is in place, meaning that any proposed or*

potential future upgrades to the Selwyn District Council's reticulated services network should not be relied upon." I do not agree that this is what the policy directs; rather my understanding is that the policy seeks to ensure integration between development and infrastructure.

107. I note that the Request acknowledges that the Plan Change is not consistent with those provisions in the CRPS that direct urban development to identified priority areas. I accept that the NPS-UD allows for the plan change to be considered regardless of this, with the inconsistency with growth not being planned for in this location, able to be balanced against the significance of the development capacity provided by the Plan Change.
108. However, the other provisions in the CRPS are still relevant, and, in my view, the requirement for the Request to give effect to these are not superceded by Policy 8 or 3.8 of the NPS-UD. This is because the other provisions in the CRPS extend beyond the location and timing of planned growth. In this regard I consider that the proposal does not give effect to Objective 6.2.2(5) because it will not result in a consolidated urban form. Policy 6.3.4(2) also requires that new building projects (which would be enabled by the rezoning) support increased uptake of active and public transport, and provide opportunities for modal choice. While I appreciate that the Site can be developed in a way that provides modal choice, and which could in future be serviced by public transport, it does not appear likely that the plan change on its own would lead to a change in public transport provision. Mr Nicholson also raises concerns that due to the distance of the Site from the Town Centre, it is unlikely to result in an uptake of walking. I also note the comments of Mr Smith that the Request will result in an increase in travel to and a continued reliance on Christchurch as a major source of employment, education and other trip destinations and therefore to the extent that the Request would provide modal choice for short trips, the majority of people living in the subdivision would still be dependent on car-based travel to employment.

Canterbury Land and Water Regional Plan (LWRP) and Canterbury Air Regional Plan (CARP)

109. Under s75(4)(b) of the RMA, the District Plan cannot be inconsistent with a regional plan, which in respect to this application include the LWRP and CARP. The establishment of activities within the plan change site will either need to meet the permitted activity conditions of these plans or be required to obtain a resource consent. In broad terms I consider that the effects associated with requirements under these regional plans can be considered at the time of detailed development, and note that there is nothing particular about the site or its proximity to other land uses that I would consider would impede the ability to appropriately mitigate effects such that consent could be obtained. I also note that Environment Canterbury, in their submission, did not raise any concerns with the incompatibility of the development of the site for residential purposes with the provisions of the LWRP or CARP.

Mahaanui Iwi Management Plan (IMP)

110. The Mahaanui Iwi Management Plan (IMP) is a planning document recognised by an iwi authority and lodged with the council, which includes content that relates to the district's resource management issues. Under s74(2A) of the RMA, the Council, in considering this plan change, must take into account the IMP. The application includes an assessment of the relevant provisions within the IMP⁴⁵ and I agree with the content and conclusions of that assessment.

⁴⁵ Paragraphs 91-98 of the Section 32 Evaluation.

Consistency with the plans of adjacent territorial authorities

111. Matters of cross-boundary interest are outlined in the District Plan (in Section A1.5 of the Township Volume). Of relevance to PC67, this includes effects on the strategic and arterial road network from people commuting between Selwyn and Christchurch. The methods state that this is identified as an effect of residential growth in the Plan and notes that CCC can submit in proposals to re-zone land for growth. In this instance, CCC have submitted on this plan change and identified concerns regarding cross-boundary effects arising from the proposal.

Consideration of alternatives, benefits and costs

112. Section 32 requires the consideration and evaluation of the extent to which the objectives of the proposal are the most appropriate way to achieve the purpose of the Act (s32(1)(a)); as well as an assessment of whether the provisions in the proposal are the most appropriate way to achieve the objectives (of both the proposal and the existing District Plan objectives), having regard to the efficiency and effectiveness of the provisions and having considered other reasonably practicable options (s32(1)(b)).

Extent to which the Objectives of the Proposal are the Most Appropriate Way to Achieve the Purpose of the Act

113. As set out in the plan change application, the proposal does not involve any new objectives, or any changes to the existing objectives within the District Plan. The assessment required under s32(1)(a) is therefore the extent to which the purpose of the proposal is the most appropriate way to achieve the purpose of the RMA. The stated purpose of the proposal is to provide for a new Living West Melton Zone as an extension of the adjoining existing residential zone.
114. Based on the evidence of Mr Nicholson, I consider that that the rezoning would not consolidate West Melton or contribute to a compact urban form for the township, and therefore would not be the best way of providing for the well-being of people and communities, nor would it appropriately avoid, remedy or mitigate adverse effects on the urban form of the township.
115. In considering the appropriateness of the proposal, I also consider it necessary to take into account whether the Request gives effect to the NPS-UD and CRPS, which have been prepared to give effect to the purpose of the RMA, and in particular, provide direction on how the use, development and protection of natural and physical resources are to be managed to achieve the RMA's purpose. As noted earlier, I consider that there is some conflict with both these documents, as:
- a. The development capacity provided by the Request is less significant when considered in the context of Greater Christchurch;
 - b. There are aspects of the Request that I consider are not consistent with the definition of a well-functioning urban environment under the NPS-UD, in particular, the Site is not located within a walkable catchment of the facilities located in the town centre at West Melton; does not provide accessibility between the proposed housing area and jobs by way of public or active transport; and is unlikely to support reductions in greenhouse gas emissions.

- c. For the above reasons I also consider the proposal is inconsistent with Objective 6.2.4 and Policy 6.3.4(2) of the CRPS.
116. I also consider that the existing direction in the Selwyn District Plan should be considered in assessing the appropriateness of the proposal at achieving the purpose of the RMA, given that the Plan has been prepared to give effect to the purpose of the RMA. I note the application also includes an assessment of the Request against the objectives and policies of the District Plan. That assessment identifies that the proposal will not achieve Objective B4.3.3 which seeks that within the Greater Christchurch area, new residential development is contained within existing zoned areas or priority areas identified within the Regional Policy Statement. The applicant considers that this inconsistency is overcome by NPS-UD. Similar to my earlier comments, I do consider that the direction in the NPS-UD automatically 'overcomes' the inconsistency, in the sense that I consider the inconsistency needs to be considered and balanced against the significance of the development capacity the proposal will provide.
117. I generally agree that the assessment has identified the relevant objectives, as well as a range of supporting policies. I agree with the assessment set out, except that, taking into account the evidence of Mr Smith and Mr Nicholson, my view is that:
- a. The Request would achieve that part of Objective B3.4.4 which seeks provision of variety of living environments and housing choices for residents, but would not achieve that part of the objective which seeks that townships have a compact urban form.
 - b. The Request, subject to the recommendations of Mr Smith, would meet Objective B3.4.5, in terms of the growth providing connectivity within the development and with adjoining land areas, but while providing access to a variety of forms of transport, the location of the site means that such access may not be suitable to encourage the use of walking or public transport as viable alternatives to private vehicle trips.
 - c. The Request would be contrary to Policy B2.1.13, which seeks to minimise the effects of increasing transport demand associated with areas identified for urban growth by promoting efficient and consolidated land use patterns that will reduce the demand for transport.
118. Despite the above, if the Hearings Commissioner considers the purpose of the proposal to be the most appropriate way to achieve the purpose of the RMA, then a further assessment is required of the appropriateness of the provisions in the proposal, which is set out below.

Whether the Provisions in the Proposal are the Most Appropriate way to Achieve the Objectives

119. The plan change request contains identification of other reasonably practicable options for achieving the purpose of the proposal, being: leaving the area zoned Rural; rezoning the site to Living WM South Zone; or applying for resource consent for subdivision and development under the current zoning. In my view there is a tension with these options given that the preferred option – Rezoning the site to Living WM South - is in effect the same as the stated purpose of the proposal - to provide for a new Living West Melton Zone. In my view, if the purpose of the proposal – the rezoning - is considered to be the most appropriate approach, consideration of the provisions should instead be more about what specific provisions should be applied to the Site, for example, whether the Living WM South provisions should be applied to the Site without change, and whether the ODP is appropriate or requires amendment.

120. In this regard, I agree with the application of the rule requiring the signalisation of SH73 / Weedons Ross intersection and associated works prior to the development of the Plan Change site (noting, for completeness, that no specific change is required in order to implement this, as the current rule would automatically apply under the proposed zoning). Based on the evidence of Mr Smith,⁴⁶ I also recommend that a rule is added to the Plan Change to require that a continuous shared path is provided along the east side of Weedons Ross Road, between the proposed new access intersection location and SH73, prior to the development of the Plan Change site.

8. Proposed Amendments to the District Plan

121. If the Hearings Commissioner is minded to approve Plan Change 67, then I consider that the proposed amendments to the District Plan set out in the application should be approved, subject to an additional rule requiring a continuous shared path is provided along the east side of Weedons Ross Road, as set out above.

9. Conclusions and Recommendation

122. As set out in Section 5, the statutory matters that must be considered in relation to a plan change require the assessment of sections 31, 32, 74 and 75, and regard must be had to the overall purpose and principles set out in Part 2 of the Act.
123. In my view, the rezoning is *not* the most appropriate way to achieve the purpose of the RMA, as the significance of the capacity provided is not sufficient to outweigh the other tensions arising between the Request and the NPS-UD, CRPS and the Plan that extend beyond the Site simply being outside a planned area for urban growth, as well as other wider outcomes sought in various strategic planning documents.
124. I therefore consider that the plan change should be declined.



Liz White

23 August 2021

⁴⁶ Mr Smith, at 64.

10. Appendix 1 – Relevant Objectives and Policies of the CRPS

Provision	Text
Objective 5.2.1 Location, Design and Function of Development (Entire Region)	<p><i>Development is located and designed so that it functions in a way that:</i></p> <ol style="list-style-type: none"> <i>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</i> <i>2. enables people and communities, including future generations, to provide for their social, economic and cultural well-being and health and safety; and which:...</i> <i>b. provides sufficient housing choice to meet the region's housing needs;...</i> <i>f. is compatible with, and will result in the continued safe, efficient and effective use of regionally significant infrastructure;</i>
Policy 5.3.7 Strategic land transport network and arterial roads (Entire Region)	<p><i>In relation to strategic land transport network and arterial roads, the avoidance of development which:</i></p> <ol style="list-style-type: none"> <i>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</i> <i>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.</i>
Objective 6.2.1 Recovery framework	<p><i>Recovery, rebuilding and development are enabled within Greater Christchurch through a land use and infrastructure framework that:</i></p> <ol style="list-style-type: none"> <i>1. identifies priority areas for urban development within Greater Christchurch; ...</i> <i>3. avoids urban development outside of existing urban areas or greenfield priority areas for development, unless expressly provided for in the CRPS;...</i> <i>6. maintains or improves the quantity and quality of water in groundwater aquifers and surface waterbodies, and quality of ambient air;</i> <i>7. maintains the character and amenity of rural areas and settlements; ...</i> <i>9. integrates strategic and other infrastructure and services with land use development;</i> <i>10. achieves development that does not adversely affect the efficient operation, use, development, appropriate upgrade, and future planning of strategic infrastructure and freight hubs;</i> <i>11. optimises use of existing infrastructure; ...</i>
Objective 6.2.2 Urban form and settlement pattern	<p><i>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 avoids unplanned expansion of urban areas, by: ...</i></p>

	<p>4. providing for the development of greenfield priority areas on the periphery of Christchurch's urban area, and surrounding towns at a rate and in locations that meet anticipated demand and enables the efficient provision and use of network infrastructure;</p> <p>5. encouraging sustainable and self-sufficient growth of the towns of Rangiora, Kaiapoi, Woodend, Lincoln, Rolleston and Prebbleton and consolidation of the existing settlement of West Melton;</p>
Objective 6.2.4 Integration of transport infrastructure and land use	<p>Prioritise the planning of transport infrastructure so that it maximises integration with the priority areas and new settlement patterns and facilitates the movement of people and goods and provision of services in Greater Christchurch, while:</p> <ol style="list-style-type: none"> 1. managing network congestion; 2. reducing dependency on private motor vehicles; 3. reducing emission of contaminants to air and energy use; 4. promoting the use of active and public transport modes; 5. optimising use of existing capacity within the network; and 6. enhancing transport safety.
Policy 6.3.1 Development within the Greater Christchurch area	<p>In relation to recovery and rebuilding for Greater Christchurch:</p> <ol style="list-style-type: none"> 1. give effect to the urban form identified in Map A, which identifies the location and extent of urban development that will support recovery, rebuilding and planning for future growth and infrastructure delivery; 2. give effect to the urban form identified in Map A (page 6-27) by identifying the location and extent of the indicated Key Activity Centres; 3. enable development of existing urban areas and greenfield priority areas, including intensification in appropriate locations, where it supports the recovery of Greater Christchurch; 4. ensure new urban activities only occur within existing urban areas or identified greenfield priority areas as shown on Map A, unless they are otherwise expressly provided for in the CRPS;
Policy 6.3.4 Transport effectiveness	<p>Ensure that an efficient and effective transport network that supports business and residential recovery is restored, protected and enhanced so that it maintains and improves movement of people and goods around Greater Christchurch by:</p> <ol style="list-style-type: none"> 1. avoiding development that will overload strategic freight routes; 2. providing patterns of development that optimise use of existing network capacity and ensuring that, where possible, new building projects support increased uptake of active and public transport, and provide opportunities for modal choice; 3. providing opportunities for travel demand management; 4. requiring integrated transport assessment for substantial developments; and 5. improving road user safety.

<p>Policy 6.3.5 Integration of land use and infrastructure</p>	<p><i>Recovery of Greater Christchurch is to be assisted by the integration of land use development with infrastructure by:</i></p> <ol style="list-style-type: none"> <i>1. Identifying priority areas for development to enable reliable forward planning for infrastructure development and delivery;</i> <i>2. Ensuring that the nature, timing and sequencing of new development are co-ordinated with the development, funding, implementation and operation of transport and other infrastructure in order to:</i> <ol style="list-style-type: none"> <i>a. optimise the efficient and affordable provision of both the development and the infrastructure;</i> <i>b. maintain or enhance the operational effectiveness, viability and safety of existing and planned infrastructure;</i> <i>c. protect investment in existing and planned infrastructure;...</i> <i>e. ensure new development does not occur until provision for appropriate infrastructure is in place;</i> <i>3. Providing that the efficient and effective functioning of infrastructure, including transport corridors, is maintained, and the ability to maintain and upgrade that infrastructure is retained;...</i> <i>5. Managing the effects of land use activities on infrastructure, including avoiding activities that have the potential to limit the efficient and effective, provision, operation, maintenance or upgrade of strategic infrastructure and freight hubs.</i>
<p>Policy 6.3.7 Residential location, yield and intensification</p>	<ol style="list-style-type: none"> <i>1. In relation to residential development opportunities in Greater Christchurch:</i> <i>2. Subject to Policy 5.3.4, residential greenfield priority area development shall occur in accordance with Map A. These areas are sufficient for both growth and residential relocation through to 2028...</i> <i>4. Intensification developments and development in greenfield priority areas shall achieve at least the following residential net densities averaged over the whole of an ODP area (except where subject to an existing operative ODP with specific density provisions):</i> <i>5. 10 household units per hectare in greenfield areas in Selwyn and Waimakariri District;...</i>

11. Appendix 2 – Geotechnical Report Peer Review

4415
15 July 2021

Selwyn District Council
PO Box 90
Rolleston

Attention: Rachel Carruthers



Dear Ms Carruthers,

**RE: Plan Change 67
GW Wilfield
586 Weedons Ross Road, West Melton
Geotechnical Report Peer Review**

Geotech Consulting has been asked to carry out a peer review on the geotechnical reports for the proposed plan change of 32 hectares of land on the south side of West Melton (Lots 163 & 707 DP 508829, Lots 708 & 709 DP 531293 and Rural Section 10802 Blk XI). In particular the peer review is to ensure compliance with the MBIE guidelines for the geotechnical assessment of subdivisions. The geotechnical report is by Miyamoto International NZ Ltd, dated 20 November 2020, for GW Wilfield and titled *Geotechnical Report for Proposed Plan Change, Wilfield Subdivision Proposed Southern Extension*.

The site is essentially level but with an overall fall of 3 – 4m from west to east and a probable old terrace riser through the middle. The report includes data from 5 hand auger bores which all stopped on the gravel at between about 0.3m and 2.3m, 9 test pits to between 0.7m and 1.8m and 14 associated scala penetrometer tests. Test pit data from the adjacent land to the north and five deep Ecan well logs have also been referenced.

The site is essentially underlain with topsoil over a sandy silt sand to between 0.3m and 1.8m depth overlying gravel to many tens of metres depth. The deep Ecan well logs show the gravels extending to the maximum well depth of 60m. The water table is indicated at being at about 20m depth, although fluctuations could raise it to about 12m depth. Saturated water was noted in HA01 at 2.2m depth and in a test pit on the neighbouring land at 3.5m. No comment is made on this but similar shallow water has been reported elsewhere in the area attributed to perched water tables from leaking water pipes or water races.

The liquefaction hazard is assessed as being low, given the gravel soils and the 20m depth to water table. The site is equivalent Foundation Technical Category TC1. Natural hazards have been considered but the site is unlikely to be subject to any of them. Our interpretation of the test results is that the majority of the site should fulfill the requirements of “good ground” as defined in NZS3604, at depths below 0.6m or less.

Dr. Mark Yetton E-mail myetton@geotech.co.nz
Nick Traylen E-mail ntraylen@geotech.co.nz
Ian McCahon E-mail mccahon@geotech.co.nz

Tel (03) 9822 538
Fax (03) 3257 555
PO Box 130 122
4 / 6 Raycroft Street
Christchurch 8141 New Zealand

GEOLOGICAL & ENGINEERING SERVICES

We agree that there is minimal to no liquefaction potential at the site. The extent of work reported complies with the intent of the MBIE Subdivision Guidance for a site subject to plan change, in our opinion, given the consistency of the ground conditions identified. The site would be equivalent to TC1 Technical land classification.

On the basis of the report as reviewed, we do not consider that there is any geotechnical issue that precludes the rezoning of the site for residential subdivision.

Yours faithfully

Geotech Consulting Limited

A handwritten signature in dark ink, appearing to read 'I. McCahon'.

Ian McCahon