

BEFORE THE SELWYN DISTRICT COUNCIL

UNDER the Resource Management Act 1991

AND

IN THE MATTER of Private Plan Change 71: Gould Developments Ltd & Four Stars Development Limited

EVIDENCE OF PAULINE FIONA ASTON

24 January 2022

Anthony Harper

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A handwritten signature in dark ink, reading "Anthony Harper". The signature is written in a cursive, flowing style with a large initial 'A' and 'H'.

QUALIFICATIONS AND EXPERIENCE

1. My name is Pauline Fiona Aston (MA Cambridge University, England; M.Phil Town Planning, University College London; MNZPI; MRMLA). I have 37 years resource management and planning experience.
2. I am Principal of Aston Consultants Resource Management and Planning, and have operated my own consultancy practice, based in Christchurch, since 1995.
3. Aston works extensively in the Selwyn and wider Canterbury area, with numerous clients with interests in land development, subdivision and land use planning matters.
4. I am familiar with the Operative and Proposed Selwyn District Plans, as we work extensively in the District, including preparing a total of 25 submissions on the Proposed Selwyn District Plan. Aston has been engaged to provide planning services for Plan Change 71 (PC 71), including preparation of the Change.
5. I confirm that I have prepared this evidence in accordance with the Code of Conduct for Expert Witnesses contained in Part 7 of the Environment Court Practice Note 2014. The issues addressed in this statement of evidence are within my area of expertise except where I state that I am relying on the evidence or advice of another person. The data, information, facts and assumptions I have considered in forming my opinions are set out in the part of the evidence in which I express my opinions. I have not omitted to consider material facts known to me that might alter or detract from the opinions I have expressed.
6. The key documents which I have relied upon in preparing my evidence are the following:
 - a) the Canterbury Regional Policy Statement (CRPS)
 - b) the Operative and Proposed Selwyn District Plans (OSDP, PSDP);
 - c) the National Policy Statement on Urban Development 2020 (NPS-UD);
and
 - d) the Rolleston Structure Plan.
7. I have read the section 42A Report by Liz White and refer to and comment on it through my evidence.

SCOPE

7. My evidence addresses the following:-

- a) The key features of the Plan Change, including post notification amendments;
- b) Contextual background;
- c) The relevant statutory planning documents, including the Canterbury Regional Policy Statement (CRPS), the Rolleston Structure Plan and Operative and Proposed Selwyn District Plans;
- d) The key planning issues raised in submissions, including environmental effects that in my opinion are relevant;
- e) Other issues;
- f) Section 32 evaluation, and Section 31 matters; and
- g) Conclusion.

8. I have kept my evidence as brief as possible by avoiding unnecessary repetition of information contained in the application and Section 42A Report. I have relied on the evidence of various technical experts engaged by the Applicant to help me draw my conclusions on the merits of the Application. These are:

- Victor Mthamo – Soil productivity, flood risk and water supply
- John Ballingall – Economics
- Nicole Lauenstein- Urban Design
- William Salmond-Servicing
- Lisa Williams – Transport

SUMMARY OF EVIDENCE

9. PC 71 seeks to rezone 53.88 ha of rural zoned land for urban residential purposes, providing a yield of approximately 660 residential units. The specific changes requested to the Operative District Plan are as follows:

- a) Amend the District Planning Maps to rezone and identify the 53ha Site Living Z and Living Z Deferred in the locations shown in Figure 3 below;
- b) Add 'Rolleston Outline Development Plan (ODP) Area 5' and supporting narrative attached as Appendix 1A;
- c) Add an additional rule to the Operative Selwyn District Plan (SDP) which states that the Deferred LZ status of land currently under the Christchurch International Airport (CIAL) 50 dBA Ldn noise contour as shown on Rolleston Outline Development Plan Area 5 in Appendix 1 no longer applies to part of the land;
- d) Amend ODP Rolleston Area 4 in Appendix 1B by:

- Showing a link to Broadlands Drive from the west of Lincoln-Rolleston Road through ODP Area 4 and across proposed ODP Area 5 to the proposed District Reserve;
 - Deleting the Large Lots notation on the boundary with proposed ODP Rolleston Area 5; and
 - Amending the supporting narrative for ODP Area 4.
- e) Any consequential, further or alternative amendments to the SDP to be consistent with and give effect to the intent of this plan change application and the interests of the applicant.
10. The general location of the Site is shown in **Figure 1** and extent of the current 50 Ldn Noise Contour is shown in **Figure 2**. For convenience I have attached the combined ODP areas 4 and 5 at **Appendix 1C** of my evidence..

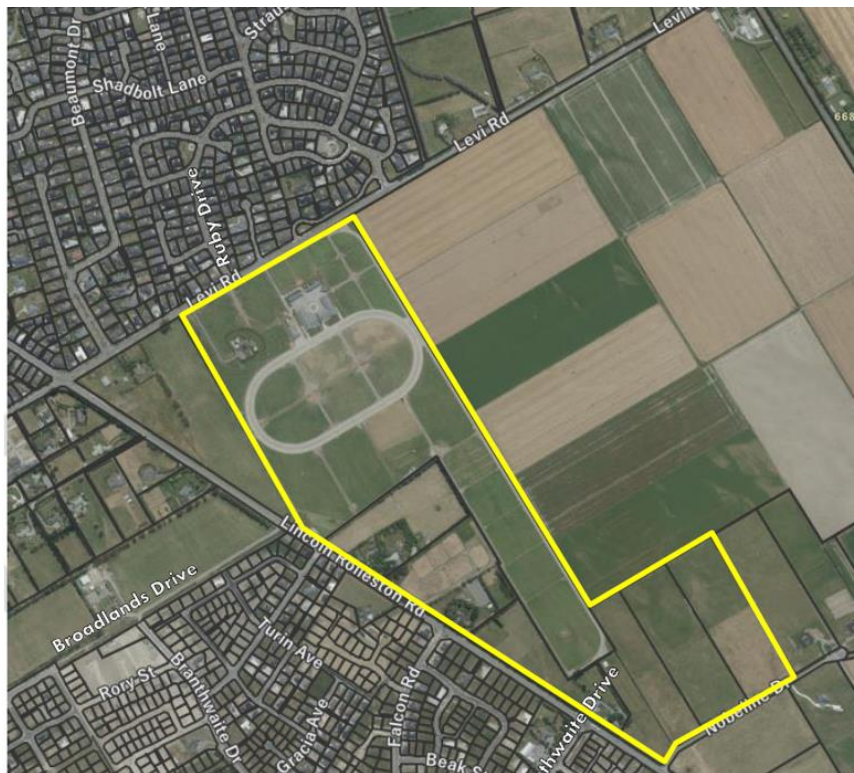


Figure 1: Site location (Site outlined in yellow)

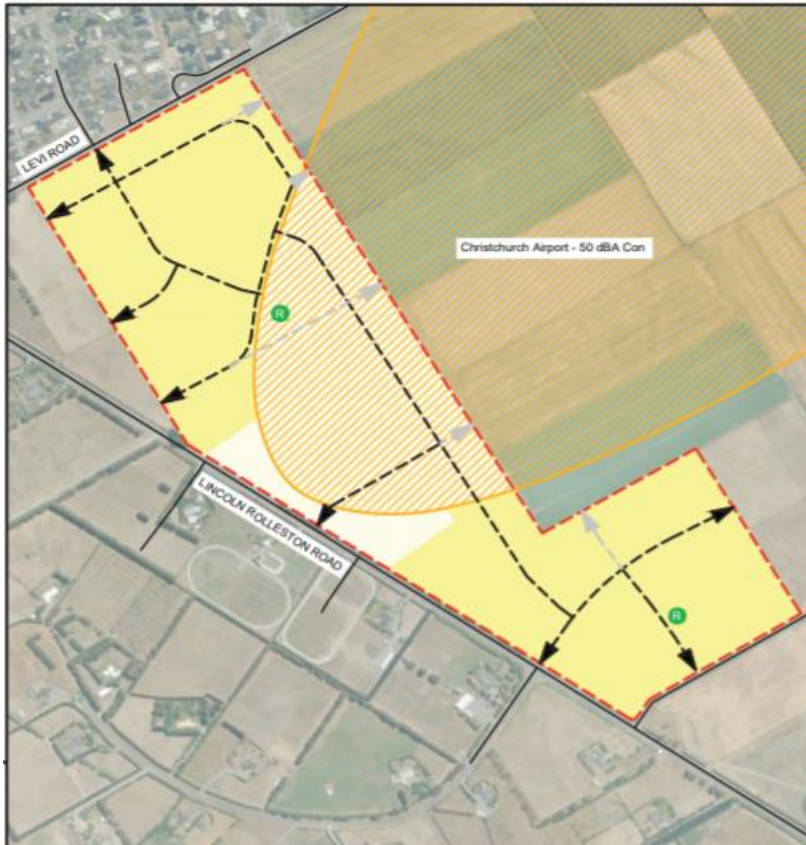


Figure 2. Extract from proposed Rolleston ODP Area 5 showing the extent of area affected by 50 Ldn noise contour (source Urban Design Statement, Appendix 3 to the Application).

11. The current zoning in the OSDP is Rural Inner Plains, and General Rural Zone –Specific Control Area RD1 Inner Plains in the Proposed Selwyn District Plan (PSDP). Part of the Site to the south east is within the Urban Growth Overlay in the PSDP and in the Future Development Area (FDA) identified on Map A in Chapter 6 of the Canterbury Regional Policy Statement (CRPS). The northern part of the Site adjoins PSDP DEV-RO1 (adjoining to the west). The eastern boundary adjoins a proposed District Park in the Rolleston Structure Plan (see **Figure 6** below). If the land was not within the 50Ldn air noise contour, the entire Site would constitute urban infill, and in my opinion, would have likely been included in the FDA. My opinion is supported by the Council’s Urban Design expert, Hugh Nicholson¹.
12. Both my evidence, and the Section 42A Report prepared by Ms White conclude that the Site is well located in terms of urban form to provide housing but Ms White considers the presence of the noise contour (and to a lesser extent accessing a potable water supply source) are potential impediments to rezoning a significant part of the Site for residential purposes.

¹ Urban design and Landscape Hearing Report – Hugh Nicholson

13. CIAL has recently undertaken a remodelling of the noise contours based on the ultimate capacity of Christchurch Airport. Two alternative scenarios were modelled for the contours, the location of which are shown in **Figures 5A & 5B**. Under both scenarios the contours will be removed from the Site. Whilst I accept that the reviewed contours are not yet reflected in planning documents, and are currently in the peer review stage. The remodelled contours are the product of in-depth, up to date, expert technical analysis based on the ultimate capacity (200,000 passenger air movements) of Christchurch Airport being achieved within approximately 50 years. In my view it is inevitable that in the near future the Site will cease to be affected by the 50 dBA Ldn Noise Contour.
14. Given these circumstances, and in context of a 'responsive planning framework', the enabling provisions of the Resource Management Act (the Act), and an acute shortage of sections in Rolleston in my opinion it is untenable to delay the process to initiate residential rezoning of the Site, including a deferred zone for the contour affected land. It could take many years before the new contours are confirmed in a review of the CRPS and incorporated into subordinate district plans. A plan change would also need to be obtained for the area affected by the contour and, if approved, a further one to two years required to complete the consenting processes (subdivision and building). In my view, contingency planning for this area is appropriate now to enable the market to respond expeditiously to the change in circumstances.
15. The Plan Change as notified proposes a deferred zone over the land affected by the 50Ldn air noise contour. While I do not necessarily disagree with Ms White that deferred zonings can in some circumstances raise Plan administration issues, generally speaking these are likely to be trivial. I note the National Planning Standards provide for a Future Urban Zone applicable to "*areas suitable for urbanisation in the future*"², which to all intents and purposes is a deferred zone.
16. As an alternative to deferred zoning, the land could be zoned Living Z with the inclusion of a rule that makes erecting a residential unit or establishing any other sensitive land use activity a non-complying activity until the reviewed contours are inserted into the appropriate planning document. Non-complying activity status is accepted in the district plans of the Selwyn, Christchurch and Waimakariri District Plans as an appropriate rule to give effect to policies

² National Planning Standards p38

seeking the avoidance of noise sensitive activities in all zones affected by the 50 dBA Ldn Noise Contour.

17. Either of the above options would enable development planning to begin with greater certainty and facilitate a more integrated approach to future subdivision.
18. The Site contains the All Stars standard bred horse training facility at 139 Levi Road, and several lifestyle blocks fronting Lincoln-Rolleston Road and Nobeline Drive. The owners of the All Stars facility are finding it increasingly challenging to operate due to reverse sensitivity effects (referred to as 'interface issues' in the Section 42A Report) and other issues stemming from nearby residential development (Refer to **Appendix 22** of the Application for a statement regarding this matter).
19. Eleven submissions have been received in response to Plan Change 71 and three further submissions. The Summary of Submissions has identified the following broad issues which I consider in the main body of my evidence:
 - a) Conflicts or inconsistencies with statutory resource management documents;
 - b) Specific matters relating to the National Policy Statement on Urban Development;
 - c) Specific issues concerning the Christchurch International Airport 50Ldn air noise contour;
 - d) Adverse effects on amenity;
 - e) Adverse effects on water supply (private well);
 - f) Adverse effects on the transport network;
 - g) Adverse effects on utilities, community facilities and social infrastructure;
 - h) Loss of versatile soils;
 - i) Potential reverse sensitivity effects on potential land use activities; and
 - j) Residential density, social and affordable housing.
20. Ms White has prepared a comprehensive assessment of the submissions in her Report, and I generally concur with most of her analyses and conclusions. The only substantive matter where I disagree with Ms White is her recommendation to retain the current rural zoning on that part of the Site that is located within the 50Ldn as I have already discussed above. There are some other mainly minor matters in the Report where I slightly differ from Ms White and I elaborate on these in my evidence.

21. In my opinion, the proposed rezoning promotes a well-functioning urban environment. It contributes to a consolidated urban form and enables people to reside in an area that is accessible to a range of services and facilities. The Plan Change is in accordance with and supports the objectives and policies of the relevant planning documents, apart from those related to the current positioning of the 50 Ldn air noise contour; and provisions which are 'out of step' and inconsistent with the National Policy Statement – Urban Development (NPS-UD), the higher order planning document, which carries greatest weight. Finally, approving the Change will expeditiously add to the stock of sections and housing thereby assisting to meet the current and future demand for housing in Rolleston.

THE SITE AND THE EXISTING ENVIRONMENT

22. Both Ms Lauenstein and Ms White have provided a comprehensive description of the Site and surrounding environment, including surrounding character and amenity. In summary, the Site is a 53.88 ha block of land ('the Site') bounded by Levi and Lincoln Rolleston Roads, and Nobeline Lane, Rolleston and is held in eight titles. **(Figure 1)**. Potential access to the Site is available from all three roads. Levi Road and Lincoln Rolleston Road are classified as Arterial Roads in the operative District Plan.
23. The Site boundaries are clearly defined by these roads and with the boundary it shares with the large block of land to the east of the Site owned by the Council and anticipated to be developed as a District Park (and identified as such in the Rolleston Structure Plan). Rolleston Town Centre is about 1km to the north-west.
24. The Site contains the All Stars standard bred horse training facility at 139 Levi Road, and several lifestyle blocks fronting Lincoln-Rolleston Road and Nobeline Lane. The All Stars training facility has been a significant enterprise supporting the most successful standard bred training partnership in New Zealand (11 premierships in the past 13 years). However, existing and planned urban development on and around the site has created reverse sensitivity issues which is affecting the viability of the current land use.
25. I note that the Reporting Officer considers that this an interface issue rather than one of reverse sensitivity because *"it concerns the effects of urban development on the ongoing operation of the horse training establishment; not from the effects of the horse training establishment on urban development."* Reverse sensitivity is explained in the Operative Selwyn District Plan (OSDP) as:³

³ Section B3.4 *Quality of the Environment - Issues*

Reverse Sensitivity is jargon to describe the situation where a new activity locates close to an existing activity and the new activity is sensitive to effects from the existing activity. As a result, the new activity tries to restrict or stop the existing activity, to reduce the effects. Reverse sensitivity is one of the major resource management issues in the rural area. It occurs principally between residential activities and activities associated with primary production or rural industries.

Reverse sensitivity issues arise when:

- *Subdivision of rural land and erecting houses occurs in the vicinity of established activities;*
- *Houses and other activities are located side by side, and the effects of the other activity alter.*

26. Whether, strictly speaking, the adverse effect in this case is an interface or reverse sensitivity effect, is in my opinion, immaterial. The important point is that urban residential development has already, and is continuing, to occur in close proximity to the All Stars operation and is not compatible with All Stars. An alternative more compatible use for the All Stars land is required.
27. The Site is part of Rolleston's urban environment in terms of urban form and structure. I agree with the comments by Mr Nicholson when he states that the *"proposed plan change area is an appropriate location for urban growth linking Rolleston with the proposed district-wide reserve to the east, and rezoning a block of rural land which has existing residential land to the north and west."*(Paragraph 95 in Ms White's Report).

OVERVIEW OF REQUEST

Zoning Change (as notified)

28. Plan Change 71 (PC 71) is a privately initiated Plan Change seeking to rezone *approximately* 53 hectares of land ('the Site') at Rolleston, bounded by Levi and Lincoln Rolleston Roads and Nobeline Lane. Part of the Site (approx. 11 ha) falls under the Christchurch International Airport 50 dBA Ldn airport noise contour.
29. Under PC71 as notified, the land under the Christchurch International Airport (CIAL) noise contour will adopt a deferred zoning reflecting that it is anticipated the contour will shift off the Site, or otherwise contract in the immediate future (by 2023). As discussed below in my assessment of Policy 6.3.5 of the CRPS, further information on the Airport noise contours has become available since notification of the Plan Change. As a result of this

updated information, I am suggesting a possible alternative approach from that notified that provides an interim restriction to avoid development of noise sensitive activities in the affected area until the relocation of the 50 Ldn contour is confirmed in statutory planning documents (para 26 c) below).

30. Details of the Proposed change as notified are:

- a) Amend the District Planning Maps to rezone and identify the 53ha Site Living Z and Living Z Deferred in the locations shown in Figure 3;
- b) Add Rolleston Outline Development Plan Area 5 and supporting narrative attached in Appendix 1B (of the notified Application) for the Site to ensure a coordinated and consistent approach to land development;
- c) Add an additional rule to the Operative Selwyn District Plan which states that the Deferred LZ status of land currently under the Christchurch International Airport (CIAL) 50 dBA Ldn noise contour as shown on Rolleston Outline Development Plan Area 5 in Appendix 1 shall no longer apply if and when the CIAL airport noise contours are revised and become publicly available and no longer apply to this land. As outlined above, a suggested alternative for this area would be rezoning of the land now and inclusion of a rule making noise sensitive development a non-complying activity until such time as the contour is removed.
- d) Amend ODP Rolleston Area 4 in Appendix 1A by:
 - Showing a link to Broadlands Drive from the west of Lincoln-Rolleston Road through ODP Area 4 and across proposed ODP Area 5 to the proposed District Reserve;
 - Delete the large lot notation on the boundary with proposed ODP Rolleston Area 5;
 - Amend the supporting narrative for ODP Area 4 and remove the medium density area on ODP Area 4's eastern boundary. The overall density of ODP Area 4 will remain at 10hh/ha. The amended ODP Area 4 adjoins the proposed ODP Area 5 Site along the western boundary of ODP Area 5
- e) Any consequential, further or alternative amendments to the Operative Selwyn District Plan to be consistent with and give effect to the intent of this plan change application and the interests of the applicant.

26. The Plan Change application, Appendix 2, includes a yield assessment which estimates a total potential yield of 688 lots across three blocks based on a mix of low density (489), small lot medium density (108) and comprehensive medium density (91) households.

(e) its obligation to have particular regard to an evaluation report prepared in accordance with section 32; and

(ea) a national policy statement, a New Zealand coastal policy statement, and a national planning standard;

2. In addition to the requirements of section 75(3) and (4), when preparing or changing a district plan, a territorial authority shall have regard to—

(b) :

(i) management plans and strategies prepared under other Acts; and

(c) the extent to which the district plan needs to be consistent with the plans or proposed plans of adjacent territorial authorities.

(2A) A territorial authority, when preparing or changing a district plan, must 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.

(3) In preparing or changing any district plan, a territorial authority must not have regard to trade competition or the effects of trade competition

Under Section 75

(3) A district plan must give effect to—

(a) any national policy statement; and

(ba) a national planning standard; and

(c) any regional policy statement.

29. The functions of Council are set out in Section 31 of the Act. These 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 (s31(1)(a)).

b. To ensure that there is sufficient development capacity in respect of housing and business land to meet the expected demands of the district (s31(1)(aa)).

c. Control any actual or potential effects of the use, development, or protection of land, including for the purpose of—

(i) the avoidance or mitigation of natural hazards; and

(iia) the prevention or mitigation of any adverse effects of the development, subdivision, or use of contaminated land;

(iii) the maintenance of indigenous biological diversity;

30. For completeness, I have also considered the Resource Management Enabling Housing Supply Amendment Act 2021.

STATUORY PLANNING DOCUMENTS

National Policy Statement on Urban Development

31. An assessment of the Plan Change against the NPS-UD 2020 is included in the Application. The NPS-UD 2020 recognises the national significance of:
- a) having well-functioning urban environments that enable all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future
 - b) providing at least sufficient feasible development capacity to meet the different needs of people and communities in the short, medium and long term.
32. In summary, this outcome is to be achieved through the following objectives:
- a) Planning decisions improving housing affordability by supporting competitive land and development markets
 - b) Regional policy statements and district plans enabling more people to live in areas of urban environments near centres or areas with employment opportunities, areas well serviced by public transport or a high demand for housing in the area.
 - c) Urban environments developing and changing over time in response to diverse and changing needs of people, communities and future generations
 - d) Local authority decisions on urban development being integrated with infrastructure planning and strategic over the medium term and long term
 - e) Local authority decisions on urban development are responsive particularly for proposals supplying significant development capacity.
 - f) New Zealand's urban environments support reductions in greenhouse gas emissions and are resilient to the current and future effects of climate change.
33. I consider that PC71 gives effect to the NPS-UD. It will help provide a variety of homes to meet estimated market demand for feasible development capacity within the medium-term timeframe provided in the CRPS. In addition, PC71 will support the competitive operation of land and development markets, both within Selwyn District and the Greater Christchurch sub-region.
34. Consideration needs to be given to whether the scale of the proposed development will deliver 'significant development capacity' under Policy 8 of

the NPS-2020. The PC71 site is in part identified as a Future Development area (FDA) where Council and the community has provided for urban growth based on the spatial plans and statutory instruments in place to facilitate its development. The request is therefore, in part, not considered to be 'unanticipated' or 'out of sequence' development in the context of Policy 8. The identification of some of the land in an FDA in the CRPS and Our Space confirm that the PC71 site is part of the responsive planning undertaken within the Greater Christchurch sub-region to add development capacity and contribute to a well-functioning urban environment.

35. My evidence does not rely entirely on Policy 8, notwithstanding in my opinion PC 71 meets both requirements of the Policy i.e. it promotes a well-functioning urban environment and will provide significant development capacity. It is well-connected along transport corridors,⁴ with frontage to Levi Road, an arterial road which links to the SH1/Weedons Ross Road intersection, just over 1.5km from the Site (at its closest point). I note Mr Ballingall states in his evidence that the number of houses that PC 71 will deliver is significant in the context of the current shortage of residential land and escalating section prices, and I consider that there is strength in that argument. I discuss this further below in response to the Christchurch City Council Submission.
36. Equally important however, in my opinion PC71 contributes to a 'well-functioning urban environment' as it will be able to satisfy the NPS-UD Policy 1 criteria and Policy 6, including by:
 - a) enabling a variety of homes that meet the needs of different households at densities that are in excess of the 10hh/ha minimum densities required in the CRPS and OSDP, including a mix of standard, small lot medium density and comprehensive medium density housing;
 - b) supporting, and limiting as much as possible adverse impacts on, the competitive operation of land and development markets;
 - c) having good accessibility for all people between housing, jobs, community services, natural spaces, and open spaces, including by way of public or active transport (the Site is within acceptable walking and cycling distance to the Rolleston Town centre and accessible to the Council's park n ride facility); and
 - d) supporting reductions in greenhouse gas emissions through current and future Council and Greater Christchurch Partnership transport

⁴ Under NPS-UD Clause 3.8(2)(b), local authorities must have particular regard to development capacity to be provided if it would contribute to a well-functioning urban environment; and is well connected along transport corridors; and meets the subclause 3 criteria i.e. regional policy statement criteria for determining what plan changes will be treated, for the purpose of implementing Policy 8, as adding significant development capacity.

initiatives and investment; and relative to other potential urban growth locations, being in close proximity and readily accessible in particular, to the Rolleston District Centre, and also, neighbouring Key Activity Centres at Christchurch City and Lincoln;

- e) being resilient to the likely current and future effects of climate change. The Site is inland location and not subject to natural hazard risks associated with sea level rise arising from climate change; or flood risks which cannot be managed through detailed engineering design (as confirmed in the evidence of Mr Victor Mthamo).

- 37. Objective 6 and Policy 1 of the NPS-UD require that decisions made by local authorities which affect urban environments be integrated with infrastructure planning and funding decisions to respond to proposals providing significant housing capacity. The provision of an ODP, alignment of the request with Council's infrastructure planning and the report by Mr. England confirm that there is sufficient capacity in the reticulated wastewater networks, and feasible options to manage stormwater. Mr England has raised an issue regarding the availability of potable water for part of the Site, and this matter is discussed by Mr Mthamo in his evidence. I understand there is a solution satisfactory to the Council and accordingly, I consider that PC71 is consistent with these aspects of Objective 6 and Policy 1.
- 38. Policy 2 requires Tier 1, 2, and 3 local authorities, *at all times*, provide *at least sufficient development capacity* to meet expected demand for housing and for business land over the *short term, medium term, and long term*. (My emphasis in italics). Mr Ballingall prefers a demand and capacity ranges approach for assessing development capacity, which accounts for the inherent uncertainty associated with these assessments. He notes that for Selwyn District, even the census high population projections have been consistently conservative (over last 20 years) i.e. underestimated actual growth.
- 39. Mr Ballingall also recommends a 'least regrets approach', whereby it is better to have a surplus of appropriately zoned land for housing than a deficit. This is consistent with the NPS-UD which requires Councils to provide "*at least*" sufficient development capacity. The costs to the community of undersupply are clearly evident at the current time, with 'run away' price escalation, contrary to the NPS-UD intent of improving housing affordability by supporting competitive land and development markets. The situation is aptly summarised by Mr Sellars in his evidence for PC78:

The current land market in Rolleston exhibits a dysfunctional market where there is virtually no current supply or choice with uncompetitive market

practises being adopted by vendors and extreme price escalation. The only solution to this is an immediate increase in supply. ⁵

40. Additional development capacity must meet the other requirements of the NPS-UD, including contributing to well-functioning urban environments, integrated with infrastructure planning and funding and strategic. This ensures there will be minimal, if any, adverse effects associated with oversupply. The only potential cost is the lost opportunity cost for alternative rural based use of the land i.e. farming. This can continue in the interim in any cast until urban development proceeds. In my experience, most land at the urban/rural boundary (including the PC71 land) has very limited potential for high value production due to reverse sensitivity effects, land fragmentation, and in the case of the PC71, lack of irrigation water.
41. Mr Ballingall's opinion is that Selwyn will face a shortfall of between 2,089 and 6,920 dwellings by 2031 if the Rolleston FDAs are not zoned. However if the high demand, low capacity scenario is adopted, there will be a shortfall of 1213 dwellings (based on 15 hh/ha). Significant shortfalls are projected in the longer-term, with demand projected to outstrip capacity by between 8,498 and 19,369 dwellings by 2051.
42. When assessing capacity, it is important to note that the NPS-UD development capacity requirements apply at 'all times'. This means that each year additional land for housing will be required, as existing supply is taken up. For the medium term there must at all times be a 10 year supply of plan enabled, infrastructure ready and feasible and reasonably expected to be realised development capacity⁶.
43. The following implementation directions in Part 3 of the NPS-UD are also relevant to the consideration of PC71:
 - Policy 3.2 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. The granting of the request will provide additional plan enabled development capacity within Rolleston and the Greater Christchurch sub-region to meet the projected medium-term shortfalls.
 - Clause 3.5 requires that local authorities be satisfied that additional infrastructure to service the development is likely to be available. Mr. England's evidence confirms that there are no infrastructure servicing

⁵ Evidence of Gary Sellars for PC78 at [9.5]

⁶ NPS – UD Clause 3.2

constraints apart from water supply. Mr. Mthamo confirms that there are a number of feasible options available for supplying water to that part of the Site outside the FDA area. Accordingly, this is not a constraint to rezoning.

- Clause 3.8 provides direction on how local authorities consider plan change requests that provide significant development capacity that is not otherwise enabled in a plan or is not in sequence with planned land release:

Every local authority must have particular regard to the development capacity provided by the plan change if that development capacity: a) would contribute to a well-functioning urban environment; and b) is well-connected along transport corridors; and c) meets the criteria set under subclause (3); and...

44. PC 71 is consistent with this clause and as I stated above, I do not consider PC71 is entirely 'unanticipated' nor 'out of sequence' urban development. On the basis of the above I consider that PC71 will positively promote the objectives and policies of the NPS-UD.

Canterbury Regional Policy Statement (CRPS)

45. The relevant provisions of the CRPS against which this Plan Change should be assessed are contained in Chapter 6, although there are also relevant provisions in Chapters 5 and 11. A full assessment of the Plan Change against these provisions was submitted with the Application, and I have attached it to my evidence at **Appendix 3** but updated to reflect the now approved Change 1 CRPS provisions (relating to Future Development Areas for Greater Christchurch).
46. The south part of the Site is within a Future Development Area (FDA) as depicted on Map A. The remainder of the Site is not within a FDA and therefore urban residential zoning would be contrary to Policy 6.3.1.3 of the CRPS which is to "avoid urban development outside of existing urban areas or greenfield priority areas for development, unless expressly provided for in the CRPS". Policy 6.3.12 enables urban development in FDAs shown on Map A in specified circumstances, as discussed below.
47. An important question in the overall context of PC 71 is why the FDA and Projected Infrastructure Boundary (PIB), also shown on Map A, were positioned where they are, given they extend out to Weedons Road to the northeast of the Site and infilling all the land from the Lincoln -Rolleston Road? It would seem logical in terms of urban form for the urban area to extend to Levi Road. The sole and obvious reason it doesn't is to avoid enabling noise sensitive activities inside the 50Ldn Airport Noise Contour.

48. Without this contour, it would have made sense from an integrated planning perspective to include all of the Site within the PIB. This view is shared by the Councils' Urban Design Advice, Mr Nicholson where he says the *"proposed plan change area is an appropriate location for urban growth linking Rolleston with the proposed district-wide reserve to the east and rezoning a block of rural land which has existing residential land to the north and west."*⁷
49. It is also unclear as to why the northern part of the Site outside of the 50 Ldn contour has been excluded from the PIB. In some parts of Greater Christchurch the PIB aligns with the 50 Ldn but in this case it appears that cadastral boundaries were a factor in locating the urban boundary⁸. Whatever the reason, the outcome is a gap on the Planning Map which appears to be based solely on the CRPS's policy approach towards the avoidance of noise sensitive activities under the 50Ldn contour (Policy 6.3.5.4)⁹.
50. I accept, and support, in principle, the need to protect the operations of Christchurch International Airport from encroachment by noise sensitive activities, which is the intent of Policy 6.3.5.4. However, the question, in my mind, is what restrictions are necessary to provide an appropriate level of protection? There are opportunity costs to landowners associated with this protection, and I consider that these costs need to be factored into resource management decisions. If there is a way to avoid or reduce these costs, without any increase in risk to Airport operations, then that opportunity should be taken in terms of promoting the purpose of the Act.
51. The Plan Change includes provisions to ensure that no residential development is to be undertaken on that part of the Site affected by the existing 50 Ldn contour until this particular constraint is removed. In my view there is no fundamental conflict between the Plan Change and Policy 6.3.5.4 because the proposal is *'not providing for new development'* while the noise contour is affecting the Site. This issue is discussed in further detail below.

⁷ Section 42A Report paragraph 95

⁸ For example the GPAs on the north west edge of Christchurch City

⁹ Policy 6.3.5.4

Recovery of Greater Christchurch is to be assisted by the integration of land use development with infrastructure by:

5. Only providing for new development that does not affect the efficient operation, use, development, appropriate upgrading and safety of existing strategic infrastructure, including by avoiding noise sensitive activities within the 50dBA Ldn airport noise contour for Christchurch International Airport, unless the activity is within an existing residentially zoned urban area, residential greenfield area identified for Kaiapoi, or residential greenfield priority area identified in Map A (page 6-28) and enabling commercial film or video production activities within the noise contours as a compatible use of this land;

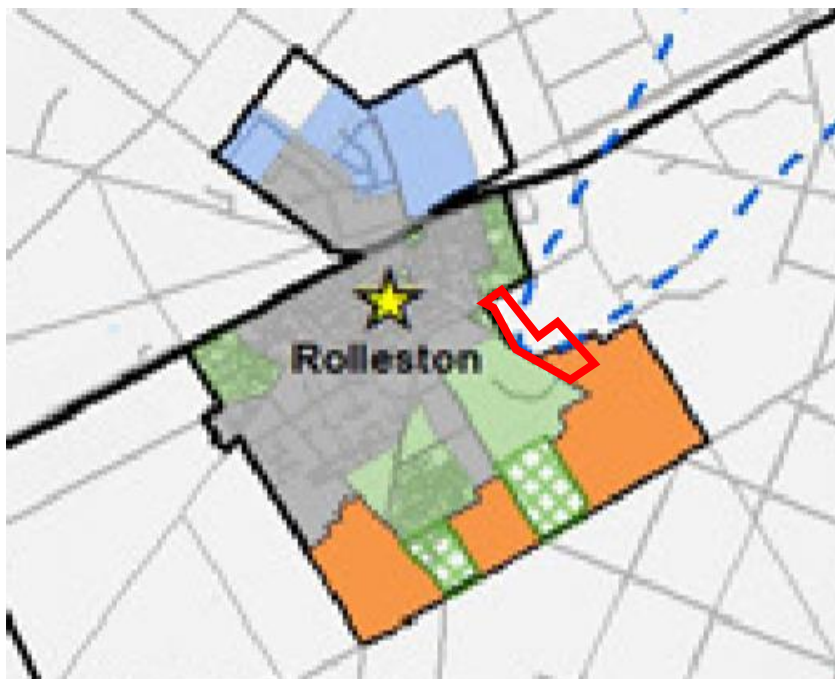


Figure 4:- Approximate location of Site on CRPS Map A:

Future Development Areas – orange; Residential Greenfield Priority Areas – green; Existing urban area – grey; Housing Accord Areas – hatched green; Project Infrastructure Boundary – black line.

52. In my opinion therefore, the Plan Change gives effect to the urban growth policies and objectives in Chapter 6 of the CRPS (Refer to Appendix 3) other than Policy 6.3.1.3 with respect to the non FDA land.
53. Both the district and sub-regional urban growth strategies seek a consolidated urban form that is achieved through achieving a particular balance between intensification of the existing urban centres, and greenfield developments.
54. Specifically the proposal gives effect to the following relevant provisions that are promoting urban consolidation:

Objective 5.2.1: Location, design and function of development (Entire Region) Development is located and designed so that it functions in a way that:

1. *achieves consolidated, well designed and sustainable growth in and around existing urban areas as the primary focus for accommodating the region's growth; and*

Assessment

55. Part of the Site is in an FDA and adjoins the existing urban area to the west. To the north is a proposed district park which provides a defensible boundary to further urban spread if necessary. As Ms Lauenstein states in her evidence *"within this urban (Rolleston Structure Plan) context I consider that the proposed development will further consolidate the urban form of the township and ensure a well-functioning urban environment is achieved"*¹⁰.

Objective 6.2.2 Urban form and settlement pattern

The urban form and settlement pattern in Greater Christchurch is managed to provide sufficient land for rebuilding and recovery needs and set a foundation for future growth, with an urban form that achieves consolidation and intensification of urban areas, and avoids unplanned expansion of urban areas, by

- (4) *Providing for the development of greenfield priority areas, and of land within Future Development Areas where the circumstances set out in Policy 6.3.12 are met, 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;*

Assessment

56. There is no sound resource management reason why, if and when the noise contours move, the entire Site should not be recognised as an FDA in the Greater Christchurch Spatial Plan. I provide an assessment of the proposal against Policy 6.3.12 below.

6.3.1 Development within the Greater Christchurch area

In relation to recovery and rebuilding for 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;*

Assessment

57. Policy 6.3.1 is in my opinion both outdated (by referring to recovery and rebuilding) and contrary to the NPS-UD through promoting a rigid urban limit that is not responsive to new proposals. The NPS-UD requires Ecan to incorporate criteria into the CRPS to provide a more flexible and nuanced

¹⁰ Evidence of Ms Lauenstein para 24
20

approach to urban growth management. This has not happened yet despite this obligation being in place since August 2020.

6.3.5 Integration of land use and infrastructure

Recovery of Greater Christchurch is to be assisted by the integration of land use development with infrastructure by:

1. Identifying priority areas for development and Future Development Areas to enable reliable forward planning for infrastructure development and delivery;

....

4. Only providing for new development that does not affect the efficient operation, use, development, appropriate upgrading and safety of existing strategic infrastructure, including by avoiding noise sensitive activities within the 50dBA Ldn airport noise contour for Christchurch International Airport, unless the activity is within an existing residentially zoned urban area, residential greenfield area identified for Kaiapoi, or residential greenfield priority area identified in Map A.

Assessment

58. As stated above, the intention is to include a mechanism in the Plan Change (either a deferred zone or sunset non-complying rule) which ensures that Policy 6.3.4 is given effect to.
59. From the outset, the applicants identified the existence of the noise contour over part of the Site as being a potentially significant issue. In developing the application, I was aware that changes to the location of the contours shown in the CRPS and all subordinate district plans were on the immediate horizon.
60. In particular, I was aware that as part of the Experts Agreement reached in late January 2008, a review was scheduled by 2018, and that during that year CIAL had engaged a team of experts on noise modelling and aviation to commence the review. I subsequently learned the majority of the technical analysis had been completed in late 2019 and was due to be provided to Environment Canterbury in 2020.
61. I was also familiar with the outcomes of the Performance Based Navigation Trials undertaken by the Airport in 2018-2019, in particular the associated reports which illustrated a change in the 50 Ldn contour such that it did not affect the Site.¹¹ As explained by the Airport Planner (Mr. Boswell) at a meeting in February 2020¹², the PBN flight tracks have significant environmental benefits, including in terms of noise, safety and fuel efficiency. They involve shorter approaches and have resulted in a contraction of the noise contours at the northern and southern ends, including at Rolleston and

¹¹ See Appendix 19 to Plan Change Request

¹² See meeting minutes, Appendix 19 to Plan Change Request

the PC71 site. As a result, I was advised that there is no longer a need to travel further south and line up with the beacon south of Rolleston.

62. Finally, I was aware that the CRPS was due for a full review in 2023 and that part of this review included an examination of the existing 2008 contours. Policy 6.3.11 (3) of the CRPS and the provisions on Methods set out the parameters for the review of the contours and includes a peer review of the work undertaken on behalf of CIAL by independent experts. The CRPS review will be informed by a Spatial Plan process to be undertaken by the Greater Christchurch Partnership.
63. I am also familiar with the background behind the inclusion of the 50 Ldn Contour in the CRPS, including the submissions on, and variations to, the then Proposed Change 1 (PC1) to the CRPS originally notified in 2007. Several Environment Court appeals challenging these contours and the appropriateness of policy restrictions based on the 50 Ldn contour were lodged, but were forcibly abandoned when the Land Use Recovery Plan (LURP) was approved by the Minister for Canterbury Earthquake Recovery on 06 December 2013. Amongst other matters, the LURP inserted the contours and supporting objectives and policies in their present form into the CRPS. From my involvement, the LURP process itself provided very limited opportunities for effective public participation, in particular there was no hearings which would have enabled submitters to present evidence in support of their submissions.
64. An air noise contour was first incorporated in the then Proposed Christchurch City Plan in 1994. The contour was based on a projected level of commercial aircraft movements (140,000) being reached at Christchurch Airport in 2015-2020.
65. The current 2008 Contours are based on the Airport operating at an ultimate capacity of 175,000 commercial aircraft movements per annum. Growth analysis undertaken by independent experts had predicted this capacity would be achieved in 2040-2045. Subsequently, it became clear from annual noise monitoring reports conducted on CIAL's behalf from 2004 onwards that the number of commercial air movements had declined from a high of 96,000 movements per annum in 2004 to an average figure of less than 75,000 movements between 2011-2020. Subsequent growth forecasts by CIAL in its 2016 Airport Masterplan revised the level of growth by 2040 to 111,000 movements i.e. significantly less than the 175,000 originally predicted.
66. Having regard to the above, it is apparent that growth projections for Christchurch Airport have historically been extremely inaccurate. In the

context of any potential risk of reverse sensitivity effects on Christchurch Airport occurring from development of all of the PC71 land, it appears highly questionable as to whether or not the land will ever be subject to levels of aircraft noise that may impact on the amenity of future residents.

67. Since the Plan Change was notified, in October 2021, CIAL provided the following to the Canterbury Regional Council: *2021 Christchurch International Airport Expert Update of the Operative Plan Noise Contours – For Review by Environment Canterbury's Independent Expert Panel*. (2021 Update). The 2021 Update is a substantial document, running to 283 pages. It includes a wide range of input from technical experts on noise modelling, flight tracks, aircraft fleet mix and the ultimate runway capacity of the Airport. All inputs and assumptions that have gone into the new contour modelling have been subjected to extensive sensitivity testing.

68. The 2021 Update includes a revised set of contours which also based on ultimate runway capacity of the airport i.e. the busiest that the airport can ever be based on its physical constraints. Ultimate runway capacity has been re-assessed as 200,000 commercial aircraft movements per annum i.e. an increase of 25,000 movements per annum above the 2008 Contours. The 2021 Update states:

*The exact date at which ultimate runway capacity is reached will shift in response to events like the recent Covid – 19 lockdown or in response to uplifts in air travel demand – ultimate capacity may be reached between 30 to 40 years into the future. But the point is that it will be reached and should be anticipated in planning documents.*¹³

69. Bearing in mind the extreme inaccuracy of past projections, I find the statement that ultimate capacity will be reached to be unconvincing. I have noted that the 2021 Update does not contain any independent analysis of the growth projections, perhaps because this will be part of the impending peer review process required by Environment Canterbury.

70. The Contours shown in Figure 5A below illustrate the Outer Envelope boundary and that shown in Figure 5B illustrates the Annual Average boundary. I understand that the difference between the two is described in CIAL's technical report as follows:

58. The Outer Envelope future noise contour is a composite of four scenarios which represent the highest recorded runway usage on each runway end over

¹³ Fact Sheet , Page 2, Section 7

a three month period. The Outer Envelope of these four noise contours is taken to form the final noise contour

59. The Annual Average future noise contour is a single noise contour run to represent noise over an entire calendar year instead of the busiest three months for each runway end. The historical annual average runway splits are used for this run.

61. Both the Outer Envelope and Annual Average options are technically valid methods of calculating noise contours. Both of these methods are used at various airports in New Zealand. The two options are therefore provided for the independent panel of experts' consideration and decision.

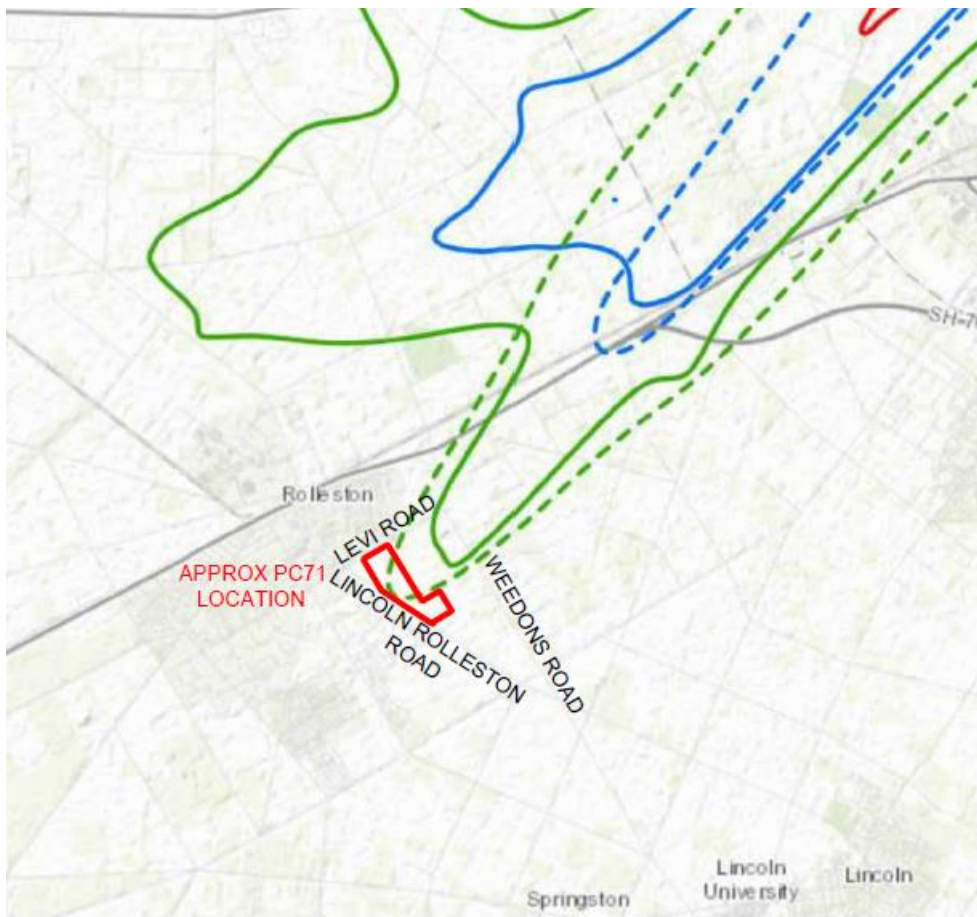


Figure 5A The remodelled 50 Ldn (solid green line)- the Annual Average Contour

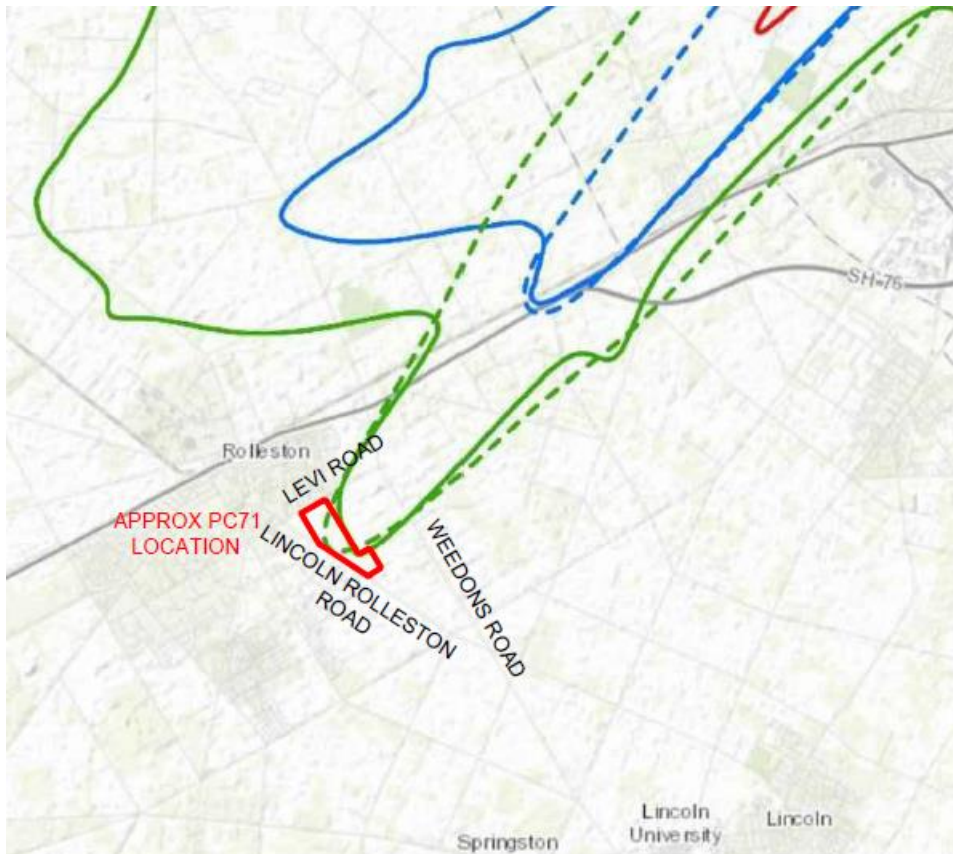


Figure 5B The remodelled 50 Ldn (solid green line) Outer Envelope boundary.

70. Irrespective of the approach ultimately taken, the Site is no longer restricted by the 50Ldn contour. In my view therefore, the current policy of avoiding residential development of the land can no longer be justified on the basis of protecting the Airport. It is based on information that is out of date and is clearly wrong in terms of the majority if not all of the assumptions used, in particular the overstated growth projections and flight paths.
71. In terms of policies associated with yield and intensification, Policy 6.3.7 provides:

6.3.7 Residential location, yield and intensification

In relation to residential development opportunities in Greater Christchurch:

1. Subject to Policy 5.3.4, Policy 6.3.5, and Policy 6.3.12, residential greenfield development shall occur in accordance with Map A. (Policy 5.3.4 exempts papakainga and marae).
3. 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):
 - a. 10 household units per hectare in greenfield areas in Selwyn and Waimakariri District;

- b. *15 household units per hectare in greenfield areas in Christchurch City;*
- 6. *Housing affordability is to be addressed by providing sufficient intensification and greenfield land to meet housing demand, enabling brownfield development and providing for a range of lot sizes, densities and appropriate development controls that support more intensive developments such as mixed use developments, apartments, townhouses and terraced housing.*

Assessment

- 72. Regarding sub section 1, Greenfield development, I have stated my opinion in my assessment of Policy 6.3.1 above. Regarding sub section 6, I note that Greenfield development is part of the strategy for addressing housing affordability in district plans within Greater Christchurch. Sub section 3 (densities) is a matter raised by Mr Nicholson and discussed in Ms White's report. I cover this matter in my response to the submissions by the Christchurch City Council and Canterbury Regional Council.

Policy 6.3.12 Future Development Areas

- 73. Policy 6.3.12 is relevant to that part of the Site which is in the Urban Growth Overlay in the PSDP and FDA in the CRPS Map A. The Policy sets out the criteria that is to be met before Residential zoning in the District Plan is permitted.

Enable urban development in the Future Development Areas identified on Map A, in the following circumstances:

- 1. *It is demonstrated, through monitoring of housing and business development capacity and sufficiency carried out collaboratively by the Greater Christchurch Partnership or relevant local authorities, that there is a need to provide further feasible development capacity through the zoning of additional land in a district plan to address a shortfall in the sufficiency of feasible residential development capacity to meet the medium term targets set out in Table 6.1, Objective 6.2.1a; and*
- 2. *The development would promote the efficient use of urban land and support the pattern of settlement and principles for future urban growth set out in Objectives 6.2.1 and 6.2.2 and related policies including by:*
 - a. *Providing opportunities for higher density living environments, including appropriate mixed use development, and housing choices that meet the needs of people and communities for a range of dwelling types; and*
 - b. *Enabling the efficient provision and use of network infrastructure; and*
- 3. *The timing and sequencing of development is appropriately aligned with the provision and protection of infrastructure, in accordance with Objective 6.2.4 and Policies 6.3.4 and 6.3.5; and*

4. *The development would occur in accordance with an outline development plan and the requirements of Policy 6.3.3; and*
5. *The circumstances set out in Policy 6.3.11(5) are met; and*
6. *The effects of natural hazards are avoided or appropriately mitigated in accordance with the objectives and policies set out in Chapter 11.*

Policy 6.3.11 (5) reads:

Any change resulting from a review of the extent, and location of land for development, any alteration to the Greenfield Priority Areas, Future Development Areas, or provision of new greenfield priority areas, shall commence only under the following circumstances:

- a. *infrastructure is either in place or able to be economically and efficiently provided to support the urban activity;*
 - b. *provision is in place or can be made for safe, convenient and sustainable access to community, social and commercial facilities;*
 - c. *the objective of urban consolidation continues to be achieved*
 - d. *urban land use, including industrial and commercial activities, does not increase the risk of contamination of drinking water sources, including the groundwater recharge zone for Christchurch's drinking water*
 - e. *urban development does not lie between the primary and secondary stopbanks south of the Waimakariri River which are designed to retain floodwaters in the event of flood breakout*
 - f. *the landscape character of the Port Hills is protected;*
 - g. *sufficient rural land is retained to maintain the open space landscape character either between or surrounding the areas of urban activity within Greater Christchurch; and*
 - h. *the operational capacity of strategic infrastructure is not compromised.*
74. One of the matters that will determine whether an FDA should be zoned is a demonstrated need to provide further feasible development capacity through the zoning. I concur with the conclusions of the statement provided by Mr. Ballingall which highlights an urgent need to bring more land to the Rolleston market as expeditiously as possible. Mr Ballingall also refers to evidence provided by Mr Sellars on PC 78, and I concur with his assessment.
75. In my opinion, this should be of serious concern to the Council and its statutory partners, particularly the GCP. Rolleston is second only to Christchurch City in terms of its role in providing for the housing, employment and community infrastructure for Greater Christchurch. If it is unable to fulfil this function increased pressure will be placed on other townships to grow beyond their planned capacities and that are less well located in terms of future public transport and overall accessibility (and there is already some evidence of this). I refer to evidence of Mr Sellars and Mr Jones for PC72 who refer to market evidence that the shortage of available residential sections in Prebbleton, Lincoln and Rolleston coupled with the increased prices is resulting in buyers

looking further afield where there is both availability and cheaper section prices in the likes of Darfield, Kirwee and Leeston, and even Rakaia.¹⁴

76. Whilst the Greater Christchurch Spatial Plan 2050, followed by the CRPS Review (scheduled to be notified in 2024) is an appropriate means of reviewing the sub regional settlement pattern in an integrated and strategic way, in my opinion neither the Council nor the GCP has the luxury of adopting a do nothing option in the meantime. Some short term tactical decision making which maintains a functional urban environment is required by rezoning land ahead of the review, particularly proposals such as this which are consistent with the overall direction promoting urban consolidation.
77. This 'tactical decision making' should in my assessment, be extended to managing the perceived risks pertaining to the operations of Christchurch International Airport arising from this plan change. I consider that, having regard to the NPS-UD directives, the current land supply situation in Rolleston, and the remodelling of the noise contours described above, a more responsive approach can be adopted which at the same time holds the policy line in terms of the avoidance of development under the 50 Ldn noise contour.
78. Other important requirements of Policy 6.12 are:

The development would promote the efficient use of urban land and support the pattern of settlement and principles for future urban growth

79. Development of the Site needs integration with connections (including for active transport) to the town centre, current and potential employment areas, and community facilities. This is achieved through development being in accordance with the ODP and Rolleston Structure Plan (RSP) to the extent that the RSP is still relevant (**Figure 3**). The RSP is discussed in more detail below.

The timing and sequencing of development is appropriately aligned with the provision and protection of infrastructure, in accordance with Objective 6.2.4 and Policies 6.3.4 and 6.3.5;

80. Policy 6.3.4 is about integrating transport infrastructure and land use, including reducing auto-dependency and promoting public and active transport. Ms Williams traverses this in her evidence, and is of the opinion that the site is well located in terms of access to jobs, services and other destinations with the Rolleston Town Centre by walking and cycling. Therefore, the site's

¹⁴ PC72 Evidence of Mr Sellars at [6.15], and of Mr Jones at [18] - <https://www.selwyn.govt.nz/property-and-building/planning/strategies-and-plans/selwyn-district-plan/plan-changes/plan-change-72,-amend-the-selwyn-district-plan-to-enable-development-of-28.7-hectares-of-land-for-residential-purposes,-prebbleton>

location encourages the use of active modes and appropriate infrastructure is proposed which will facilitate these modes.

81. Not all developments will be able to provide immediate direct access to the public transport system but ODPs (individually or collectively) need to ensure they provide primary routes that enable a future public transport service if needed. Just as importantly they need to provide connectivity for local trips through pedestrian and cycle links with the surrounding neighbourhood. In my opinion the ODP, in particular incorporating the majority of the amendments suggested by the Council's experts provides adequate opportunities to integrate with the surrounding transport network.
82. Policy 6.3.5 is directed at integrating land use and infrastructure: 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. These matters are all dealt with in the transport and infrastructure evidence, noting that the sole potential issue of infrastructure (water supply) is addressed in detail by Mr. Mthamo.
83. Policy 6.3.12 (4) requires the development to occur in accordance with an outline development plan and the requirements of Policy 6.3.3. Outline Development Plans and associated rules must be prepared as either a single plan for the whole of the Future Development Area or, where an integrated plan adopted by the territorial authority exists for the whole of the Future Development Area, the outline development plan is consistent with the integrated plan, the ODP can be for part of that integrated plan. As a Structure Plan exists that incorporates this FDA, the requirement is for the outline development plan to be consistent with that integrated plan. Due to the relative size of the PC 71 ODP, many of the requirements of Policy 6.3.3 do not apply but I consider it is especially important as a minimum that the three waters (where appropriate) and movement networks for this ODP are integrated with the other private plan changes and in my opinion it does. Because stormwater is to be discharged into the ground, there is limited scope, if any, for a 'blue network' to be shown on this ODP.
84. In conclusion there are no compelling reasons in terms of Change 1 to the CRPS why this zoning cannot be approved for that part of the Site contained in the FDA. If that is accepted then the planning issue is, in the absence of the 50Ldn contour, what is the most efficient and effective use of the rest of the Site in achieving the purpose of the Act and planning objectives and policies stemming from it.

Chapter 11

85. Policy 11.3.1 requires the avoidance of new subdivision use and development in high hazard areas, unless, in the event of a natural hazard occurrence, the subdivision use, or development is not likely to:
- result in loss of life or serious injury; and
 - result in significant damage or loss; and
 - require new or upgraded hazard mitigation works to mitigate or avoid the natural hazard; and
 - exacerbate the effects of the natural hazard.
86. Mr Mthamo's assessment confirms there are no areas of high flood hazard within the site boundary which would be inappropriate for development.

Operative Selwyn District Plan

87. An assessment of the Application against the provisions of the Operative Selwyn District Plan is attached to the Application as Appendix 16A. I have reproduced them as **Appendix 2** to my evidence. I note that the emphasis for township growth at a strategic level is on a compact urban form as highlighted in the following objective and policies:

Objective B4.3.2

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

Policy B4.3.3 Avoid zoning patterns that leave land zoned Rural surrounded on three or more boundaries with land zoned Living or Business.

Policy B4.3.72

Avoid rezoning land for new residential development in areas shown under the Airport Flightpath Noise Contours for 50 dBA Ldn or greater, on Planning Map 013.

Policy B4.3.6 Encourage townships to expand in a compact shape where practical.

ROLLESTON

Policy B4.3.75

Encourage integration between rezoning land for new residential development at Rolleston and associated provisions for utilities, community facilities and areas for business development.

88. It is important to consider these policies in the context of, firstly, the location of the proposed District Park in the Rolleston Structure Plan, and secondly, the likely removal of the noise contour. When one considers that the district park

is for all intents and purposes an urban feature, the Site is enclosed almost completely by urban development and can be regarded as urban infill.

89. As noted in the Urban Design Report included with notified PC71, to the extent that there is any residual uncertainty around the retracting noise contour, this can be integrated into a design i.e. progressive staging of development. In the meantime, residential development on the land available outside the contour can create new connections to neighbourhoods and create the overarching green link between Foster Park and the District Park' (Page 9). Development which is not noise sensitive can occur under the noise contour, including the proposed neighbourhood park and roading as shown on the ODP.

Proposed Selwyn District Plan (PSDP)

90. As I understand the legal position, little statutory weight can be given to the PSDP. Nevertheless in view of the juxtaposition of the plan change and PSDP processes I consider it is worth noting that part of the Site is within the Urban Growth Overlay in the Proposed Selwyn District Plan. The relief sought by the Applicant is seeking an identical outcome as PC 71. That is, rezoning the entire Site but avoiding any residential development of land currently under the airport noise contour until the noise contour is uplifted from the Site.

OTHER PLANNING DOCUMENTS

Rolleston Structure Plan¹⁵

91. The Rolleston Structure Plan (RSP) has guided development in Rolleston over the last decade. Residential growth has been directed towards key activity centres and new neighbourhood centres as well as existing and proposed green recreational spaces and community based destinations such as schools, pool, libraries and small commercial nodes.
92. Growth to the north is constrained by the strong boundary the state highway provides which directed most of the residential growth towards the south with some expansion to the west. Expansion to the east has been limited due to the overlaying noise contour restrictions of the Christchurch International Airport flight path. A large portion of land under the contour is identified as a future District Park for Rolleston and the wider District.

¹⁵ I have utilised text from the Urban Design Report

93. Ms White in her report states¹⁶ that the Site is located outside the area covered by the Structure Plan, but I respectfully disagree. The Rolleston Structure Plan identifies a green corridor and a main road linking the Foster Park Recreation Precinct with the proposed District Park. This green link goes directly through the Site as an extension of Broadland Drive. Leaving the Site undeveloped as rural land will continue to block the connection between the recreational precinct and the District Park and leave a 'no man's land' in between. At the same time, the current rural activities will continue to be affected by the increased residential development surrounding it and become less sustainable. In addition to the above reasons for developing the site as LZ, the walkable distance between the Site and the Town Centre should be a key driver to include the Site as a development area.
94. The point is well summed up in paragraph 26 of Ms Lauenstein's evidence:
With the proposed development of the new District Park to the east I believe it is paramount that the Site is developed as a residential environment to be able to create the high amenity environment and passive surveillance required for the public spaces within the green corridor. Should the Site remain rural it will, from my experience, retain its rural characteristics and become an isolated space inaccessible by the public and prevent the necessary connectivity between the two major green spaces.
95. The Rolleston Structure Plan (RSP) was adopted in 2009 and some elements are now out of date. Development of South Rolleston area has proceeded at pace in recent years (and continues to do so through the various current private plan change requests). In particular, the staging provisions have not been followed, with the Council adopting a flexible approach to enabling infrastructure in response to development needs. The Site is part of SR 14 in the Structure Plan and adjoining SR4. SR14 is the latest development stage (post 2041) but contains large tracts of now fully developed residential land, including Acland Park, and Branthwaite Drive, with significant additional development areas proposed under Plan Changes 75 and 78. This sequencing evolved from PC1 to the CRPS (2007), and was removed in the amended CRPS that was inserted into the Land Use Recovery Plan in 2013.
96. Other elements of the Structure Plan which have not been followed are the centres hierarchy (a number of local centres, and a larger neighbourhood centre along Springston Rolleston Road) and provision for higher density residential development around these centres. A Business 1 zone is proposed as part of PC75, opposite the Site, and so it is not considered necessary or appropriate to include one within the Site. A school site is shown along the Lincoln Rolleston Road Site frontage, but the Ministry of Education submission is not specifically requiring a school be provided here (see discussion below). I understand a new primary school site is now proposed further southwest, within Acland Park, due to open in 2022.

¹⁶ Para 156.

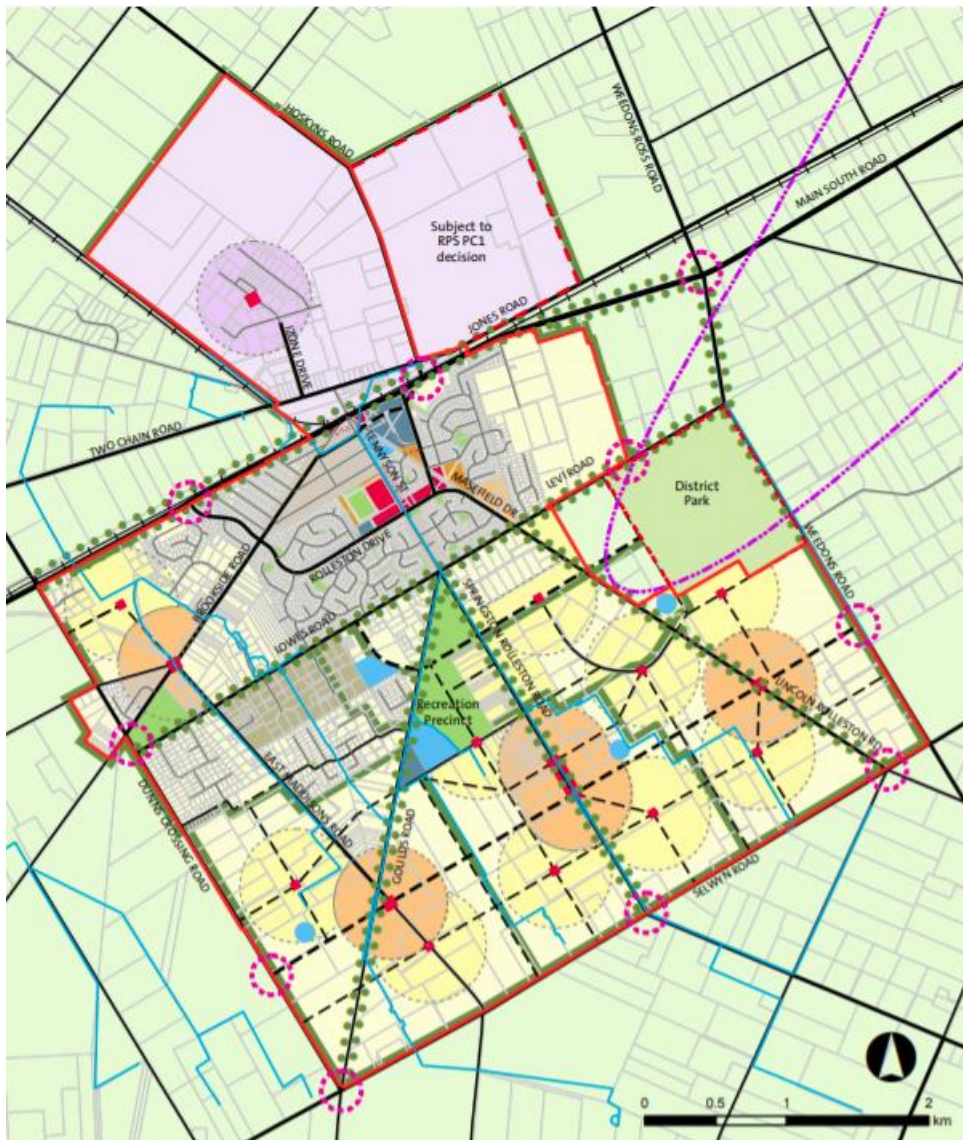


Figure 6: Rolleston Structure Plan



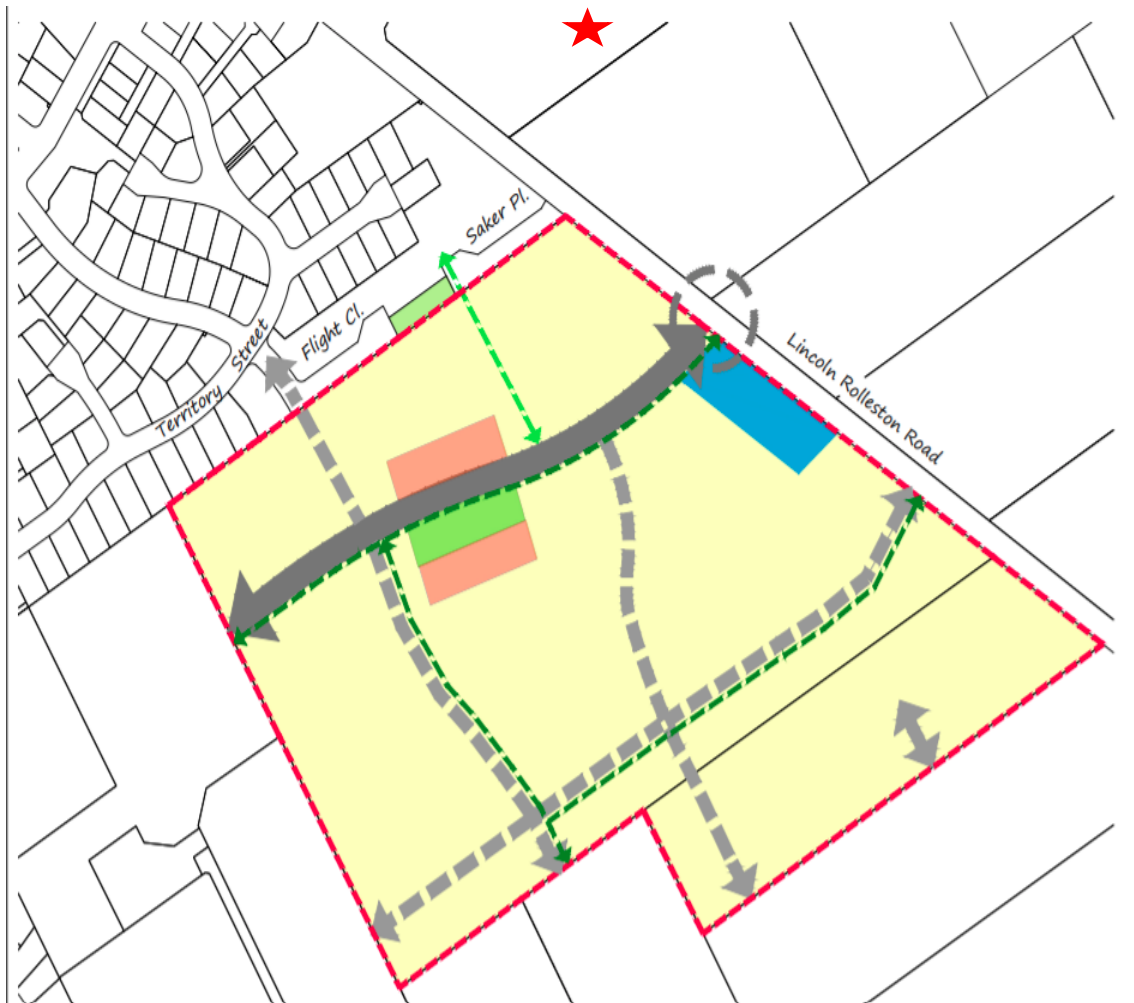


Figure 7: PC75 ODP – neighbourhood centre outlined in blue. Nobeline Drive/Lincoln Rolleston Road corner (southwest extent of PC71 site) marked with red star.

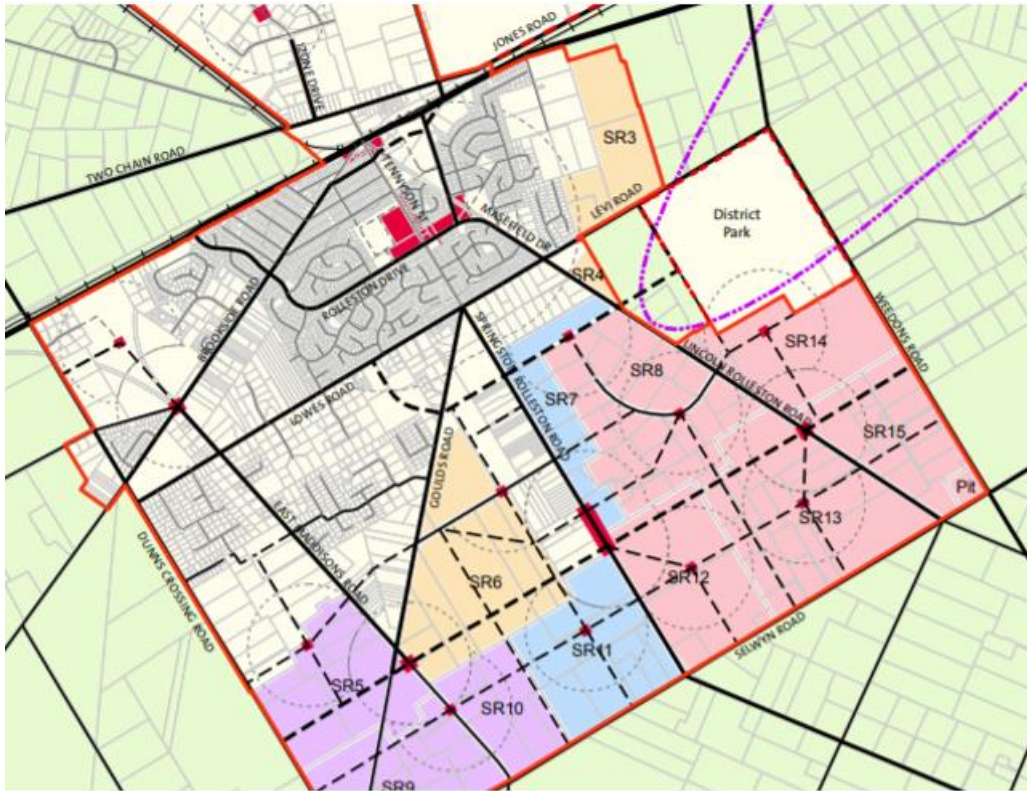


Figure 8: Staging Plan, Rolleston Structure Plan

Draft National Policy Statement on Highly Productive Soils

97. The NPS-HPL is still a proposal and has not yet been Gazetted; therefore, I have given little weight to this document. Objective 3 is to avoid uncoordinated urban expansion on highly productive land that has not been subject to a strategic planning process. The PC71 site is within the Rolleston Structure Plan Area, and approximately one third is identified as a Future Development Area the CRPS. The balance is excluded and retains a rural zoning, but only because it is under, or within the same land holding, as land under the airport noise contour. It appears inevitable that the contour will move off this balance land in the near future, making the entire PC71 site suitable for urban residential development.
98. Mr Mthamo has referred to the proposed NPS-HPL recognising that the use of LUC classes to classify whether or not soils are highly productive is only as a starting point. It is pending the availability of site-specific information to be better able to decide on what other factors should be considered to define the productive potential of specific pieces of land. I concur with that statement. In Mr Mthamo's assessment, the PC71 land will never be highly productive notwithstanding that it is LUC Class 2 & 3. This is due to a range of constraints which individually and in combination, preclude more intensive production. These include the lack of irrigation water, statutory plan limits on nitrogen fertiliser use required to enhance productivity, land fragmentation, and reverse sensitivity effects with surrounding urban development.

Resource Management Enabling Housing Supply Amendment Act 2021

99. Section 34 of Schedule 3, Part 5 applies to PC71, given that it is a Plan Change notified at the time the Enabling Housing Supply Amendment Act ('the Enabling Act') became law (on 16/12/21). The plan change can proceed, but the Council must notify a variation to the plan change at the same time that it notifies the IPI (intensification planning instrument) to incorporate the MDRS (medium density residential standards required under the Enabling Act).
100. It is unknown whether the opportunities provided by MDRS will be utilised and/or realised in existing and future residential areas; and therefore what, if any, impacts the new legislation might have on housing supply and infrastructure. Some existing residential areas may not be suitable for intensification for several reasons, and we do not know whether the use of development covenants will impact on the use of the MDRS. In my opinion there is questionable value in preparing any further evidence on these matters because any meaningful assessments would be difficult. Mr Ballingall makes reference in his evidence to a Cost Benefit Analysis having been undertaken on the proposed MDRS, analysis which concluded that the level of MDRS uptake would be unlikely to be meaningful in the Selwyn District. Mr. Ballingall also acknowledges the required plan change process and notes that the identification of suitable locations for MDRS, including qualifying matters, will be subject to in-depth analysis.
101. Given the above, I have not considered the Enabling Act any further.

ISSUES RAISED IN SUBMISSIONS

102. Eleven submissions were lodged on PC 71, and these were summarised by the Council officers under nine broad headings (**Appendix 8**). I have grouped the issues raised in a slightly different way which in my opinion more closely reflects resource management issues and policy framework. My groupings are similar to Ms White's at paragraph 32 and although there are some differences, I do not consider these affect our respective assessments. The groupings are:
- i. Conflicts or inconsistencies with the NPS-UD;
 - ii. Conflict or inconsistencies with the CRPS;
 - iii. Proximity to public transport;
 - iv. Specific issues concerning the Christchurch International Airport 50Ldn air noise contour;
 - v. Adverse effects on amenity;
 - vi. Adverse effects on water supply (private well);
 - vii. Adverse effects on the transport network;
 - viii. Adverse effects on utilities, community facilities and social infrastructure;

- ix. Loss of versatile soils;
- x. Potential reverse sensitivity effects on potential land use activities (retail); and
- xi. Residential density, social and affordable housing.

Inconsistencies with NPS-UD

103. The Christchurch City Council considers that 'significant development capacity' needs to be considered in the context of Greater Christchurch - *'The Council considers that the assumption that 660 houses within the Greater Christchurch Partnership sub-region constitutes significant development capacity needs to be further supported by evidence, which has not been included with the plan change material as the plan change focuses on Rolleston and the Selwyn District only. The capacity needs to be considered in the context of the Greater Christchurch 86,600 dwelling long term housing target that is required under the NPS UD to meet demand. 660 houses are only a small fraction (less than 1%) of that housing target'.*
104. In my opinion, such an interpretation can lead to some perverse results and supplying 'evidence' on this covering Greater Christchurch is not practical. For example, Christchurch City's theoretical long term surplus of 60,700 creates a surplus of 46766 households for Greater Christchurch and would mean that there is no need for any more capacity in the other two districts.¹⁷ For the purposes of long term planning and monitoring, it is definitely useful to know that there is intensification potential in Christchurch City but meeting housing demand needs to be, in my opinion, more nuanced in terms of the market dynamics at a localised level.
105. Aside from the NPS-UD's requirement that the district plans of each district must enable at least sufficient capacity, I prefer to regard 'significant development capacity' in the context of each township and the particular context in which it is provided. Firstly, this approach is likely to lead to a number of development areas around Greater Christchurch, providing greater locational choice, increasing competition, and minimising effects on infrastructure. Secondly, because more developers will be able to enter the market, there is a greater likelihood of housing being delivered expeditiously and contributing to a competitive market. Thirdly, my approach would lead to broader support for local businesses and social infrastructure and thereby contribute to the social and economic wellbeing of a greater cross section of communities. As noted in Mr Ballingall's evidence the number of sections being promoted through Plan Change 71 constitutes significant development capacity in the context of Rolleston's undisputed land shortage.

¹⁷ Greater Christchurch Housing Demand capacity Assessment July 2021 Table 4.

106. This same issue has been considered by the Reporting Officer (Mr Clease) in the context of PC72, a plan change request for 300 additional households at Prebbleton, I have also advised and prepared planning evidence for PC72. I agree with Mr Clease that:

*"to set a 'significant' threshold as having to equate to a large percentage of total Greater Christchurch growth would mean a new plan change would need to be providing for many thousands of houses, which is far in excess of any individual growth area ever developed in Greater Christchurch over the last thirty years. In short, setting a significance threshold as a large percentage of Greater Christchurch capacity would create a bar that is set implausibly high, such that the pathway provided by Policy 8 could never be used, which is clearly not the intent of the national direction."*¹⁸

107. Another objection raised by the City Council is that this (and presumably other 'unanticipated' development), will provide additional capacity in excess of what is needed - *'Development in these areas is not meeting a capacity shortfall, but rather could delay other growth and urban regeneration areas identified in Our Space (and where infrastructure, and the public transport system, has been already built to served) from being developed and regenerated'.*
108. This is essentially the point I made in the previous paragraphs. Establishing the 'right' balance between greenfield development and intensification and redevelopment is not a precise science, and nor is determining when or whether greenfield development will impact on regeneration. The evidence of Mr Ballingall and others is that PC71 rezoning (and other private plan change proposals) is required to help meet a medium term capacity shortfall at Rolleston. Mr Ballingall also identifies a significant long term shortfall in capacity.
109. There is an accepted capacity shortfall in Waimakariri District. Even based on the now outdated Our Space capacity figures, neighbouring Waimakariri District was identified as having a significant capacity shortfall in both the medium and medium and long term combined (-1,600, -7,675). Most of the Greater Christchurch existing capacity recorded in Our Space is in Christchurch City (+ 38,875 medium term, + 4,000 medium and long term). My understanding is that much of this comprises theoretical potential 'infill' rather than greenfield capacity. This will be higher density housing and quite a different housing typology and market to that enabled by PC71 (or other Selwyn greenfield development). Mr Sellars' and Mr Jones' evidence for PC72 and P78 is that the shortage of sections in Inner Selwyn has resulted in buyers looking further afield where there is both availability and cheaper section prices in the likes of Darfield, Kirwee, Leeston and even Rakaia. Even then, from my involvement with PC63 in Darfield, the Commissioner accepted that there was a chronic shortage of available

¹⁸ PC72 s42A report at [163]

land on the market despite the apparent oversupply of zoned land in that location. Notably, a significant amount of the zoned land was held by landowners who had taken no steps in almost 20 years to develop their land.

110. The July 2021 HCA acknowledges the complexity of the housing market (see Section 5.5 extracts below) and confirms that most older Christchurch suburbs and the central city are rejuvenating despite strong greenfield growth and that most new homes now being built in Christchurch are from redevelopment rather than greenfield growth. As I understand it, there is now a shortage of greenfield land in the City as well as at Selwyn and Waimakariri Districts.

The dynamics of the housing market are complex, and there are many factors that contribute to why any particular area experiences strong or weak demand and consequently growth. Locational preference may be driven by many reasons, including the availability of sections and houses, lifestyle, job, education, family, financial circumstances, and at least in part, to where people want to go, and how often these trips need to be taken.

Many suburbs in Christchurch's older areas are rejuvenating despite strong greenfield growth in recent years, while some are not. Most of the inner city suburbs, and the Central City appear to be functioning well at the present time through providing residential medium density well above the minimum permitted levels, while others have historically struggled, for example Linwood and New Brighton. These patterns are apparent in the HDCA which notes that 'Building consent data continues to show a strong uptake of redevelopment capacity in the Christchurch zones that enable intensification. This is particularly evident in the inner-suburbs, close to the Central City. The Central City has also seen development activity increase in the last two years. Consequently the majority of new homes supply in Christchurch is now from redevelopment rather than greenfield'.¹⁹ This is occurring in the context of rapid greenfield development across Greater Christchurch.

111. Therefore, in my opinion this submission does not raise a valid basis for preventing this or other proposed developments in Rolleston.

Inconsistency with Objective 6.2.1 of the CRPS

112. Both the City Council and Canterbury Regional Council have raised this issue. Effectively their position is that because the Site is outside a greenfield priority area or not otherwise provided for in the CRPS, the application must be refused because of conflict with Objective 6.2.1

¹⁹ Greater Christchurch Partnership Housing Development Capacity Assessment p.53

6.2.1 Recovery framework

Recovery, rebuilding and development that are enabled within Greater Christchurch through a land use and infrastructure framework that:

- 1. Identified priority areas for urban development within Greater Christchurch;*
- 2. ...*
- 3. **Avoids urban development outside of existing urban areas or greenfield priority areas unless expressly provided for in the CRPS;***

113. The FDA (southern) part of the PC71 site is expressly provided for under Policy 6.3.12 Future Development Areas. The Regional Council considers the suitability of the balance of the PC71 site for urban development would be more appropriately addressed through a comprehensive review of the settlement pattern and long-term strategic growth planning exercise for Greater Christchurch. This approach is also preferred by Ecan with respect to public transport provision.
114. With respect, I cannot see any merit in this approach. The current rural zoning of part of the PC71 site appears to be based on one factor only – that is the location of the land under, or within the same cadastral land holding, as land under the current, and outdated, noise contour. There are no sound planning reasons for not rezoning the land outside but within the same title as land under the contour now. Once the airport noise constraint is removed, there are no sound planning reasons for not making all the land available for urban development. This is consistent with the enabling purpose of the RMA. The evidence is that in all other respects, the land is eminently suitable for urban development. I cannot see on what basis a future comprehensive planning exercise will conclude otherwise.
115. Waiting for the results of a future comprehensive planning exercise will just create unjustifiable delay in delivering land to the market in circumstances where there is a severe shortage of land for housing which is contributing to escalating house and land prices.
116. A weakness of the current planning framework in Greater Christchurch is the sequential process whereby land is not zoned concomitantly with its identification as a Greenfields Priority Area or FDA.
117. Land is firstly identified in the CRPS through one process but relies on the territorial authority or private developers to have the land zoned in a subsequent (district plan) process, and the latter is not always guaranteed to happen expeditiously for many reasons e.g. many landowners are simply not developers and have no intention of becoming developers, instead preferring to simply continue with their existing use of the land. Other land is subject to land banking.

118. Furthermore, it is clear that the simple fact that land is identified as a greenfield priority area or FDA does not guarantee that an application to rezone the land will be approved in all instances. This may be on the basis of uncertainty regarding the availability of infrastructure or the proposal resulting in a scale of effects that were not anticipated at the time that the high level assessments of land suitability were undertaken to support a spatial plan. I expect this is one of, if not the main, reason why FDA's are not considered plan enabled capacity by the NPS.
119. Reviews of regional policy statements, and the preparation and adoption of strategic plans (e.g. Spatial Plans) can take several years. With respect to the South Rolleston FDA, approximately 20-25% is not the subject of private plan change applications, not rezoned by the Proposed Selwyn District Plan (PSDP) and is not the subject of submissions on the PDP seeking rezoning. The PSDP was notified shortly after the NPS-UD was gazetted and is based on the CRPS as it is now. Mr Ballingall refers to prior evidence by Mr. Sellars on PC78 as to the extent of land (>173ha) which, while identified as meeting medium term capacity in the CRPS will not be developed and should therefore be
120. The Four Stars and Lincoln Rolleston Road land is well located to form part of an integrated residential development being in walkable distance between the Site and the Town Centre and adjacent to a future District Park. As noted in the Urban Design Statement submitted with the Application, (page 9) the Site is in closer proximity to the town centre than any of the identified growth/development areas around Rolleston and should therefore be considered a priority with regard to residential development. Given the current market conditions provided in Mr Ballingall's evidence, it would not be achieving the purpose of the Act, nor will it be giving effect to the NPS-UD by delaying the rezoning until other planning process are completed, particularly given the current housing market.
121. The NPS-UD takes a responsive planning policy approach towards proposals which in particular add significant additional development capacity and contribute to well-functioning environments – as PC71 does - even where not anticipated in planning documents. To be responsive is to '*react quickly and in a positive way*'.²⁰ This contrasts with the CRPS's restrictive hard urban boundary approach as identified in Map A and Objective 6.2.1. The work that has been identified as necessary to implement the NPS-UD has not been completed, with the limited exception of Change 1. In my opinion, Objective 6.2.1 is inconsistent with and does not give effect to the NPS-UD. The NPS-UD is the priority higher order document and carries greater weight than those provisions of the CRPS, including Objective 6.2.1, which are inconsistent with it.

²⁰ Oxford English Dictionary

Lack of proximity to Public Transport, Strategic Transport Effects

122. Both the Christchurch City Council and Canterbury Regional Council raise concerns alleging inconsistencies with public transport policies and plans. The issues are, as I understand it, the cumulative downstream effects of Rolleston's growth (and presumably other development in the south west corridor) on the strategic transport network, particularly in Christchurch City. While I agree that these are valid and important concerns, growth in Rolleston and the south west corridor has been anticipated in plans and policy statements for at least two decades, or longer in the case of Rolleston.²¹ This to my mind begs the question as to why individual plan changes are opposed now?
123. I acknowledge Rolleston is reliant to some extent on Christchurch City for employment (and access to other services and facilities) and that the rezoning of the PC71 site will inevitably increase demand on the strategic transport network associated with commuter traffic. Our Space Greater Christchurch Settlement Update 2019 seeks to direct additional capacity to Rolleston (as well as Rangiora and Kaiapoi) to support public transport enhancement opportunities. Our Space also notes that having a compact urban form increases the ability to contribute to the uptake of public transport opportunities, as well as reduced trip distances that enable active modes of transport. The issue is therefore not one of planning but a failure, or delay, in implementation.
124. Notwithstanding this, the employment offerings in Rolleston have progressively increased through expansions to the I-Zone and I-Port industrial parks and town centre development. This development will, if continued gradually reduce the dependence of the local population on Christchurch for employment opportunities and services such as health and education. The PC71 site is well located to take advantage of the opportunities.
125. I understand the Greater Christchurch Partnership is investigating options to provide Mass Rapid Transport, encourage active travel modes, and improve access to future public transport facilities. These changes will also assist to connect suburban neighbourhoods and contribute to a well-integrated transport network.
126. The submission Waka Kotahi NZ Transport Agency (006) concerns strategic transport matters similar to those already discussed. From a strategic transport perspective, I consider that the Site is well located to potentially reduce the need for private vehicle trips, and the ODP, as amended in line with the Council's recommendations, provides

²¹ Rolleston has been identified as a major growth area since the 1980s, and Christchurch City's southwest growth area since 1999.

adequate connectivity, both within the Site and to trip attractors beyond the Site to enable transport choice.

Airport Noise Contours

127. I have addressed this matter in some detail above and concluded that there is no longer any resource management justification for indicating the proposed residential development of the land on the basis of outdated noise contours and the inevitability that the 50 Ldn contour will no longer apply to the Site.
128. I accept that the new contours shown in the 2021 Update will be subject to further processes before they are to be incorporated into all relevant planning documents such as the CRPS and individual district plans.
129. In the meantime, there are mechanisms available (deferred zoning or a non-complying rule) which would, in my view, meet the 'avoid' threshold of Policy 6.3.5 whilst enabling development of the Site outside the contour to proceed through its initial stages. Such a mechanism, in my opinion, would provide confidence and certainty to landowners.
130. Ivan and Barbara Court (Submitter 005) seeks clarification on how long the deferred zone would be in place for. This is difficult to answer with any precision, depending on how and when the noise contours are inserted into the appropriate Plan or Policy Statement.

Effects on Local Road Network Submissions 001, 002, 011

131. Ms Williams's assessment of the submissions on transport effects and other issues raised are contained in paragraphs 9-20 of her evidence. An integrated Transport Assessment was submitted with the Plan Change request. Based on this assessment and other information referenced in her evidence, Ms Williams outlines the upgrades required to ensure that the localised transport effects on the road network can be accommodated and integrated with planned Council works. Her evidence also describes how the ODP provides for active transport modes in line with District and Regional planning policies. Ms Williams's concludes that:
 - a) The amended ODP, including the changes adopted in response to the Council Officers' reports as outlined above, provides good access to the site for pedestrians, cyclists and vehicles. The site is well located in respect of pedestrian or cycle access to public transport stops, schools, and the town centre;
 - b) The proposed transport network and frontage upgrades are able to be well integrated with the existing and planned road network in the vicinity of the site;
 - c) The proposal is generally consistent with the transport related objectives and policies of the operative and proposed District Plans. It also achieves the extension

of a Primary Road through the site to the future District Park as indicated on the Rolleston Structure Plan; and

d) Overall, the proposed rezoning to be appropriate from a transport perspective.

132. She concludes the proposed transport network and frontage upgrades are able to be well integrated with the existing and planned road network in the vicinity of the Site. Importantly from a planning perspective Ms Williams concludes that the proposal is generally consistent with the transport related objectives and policies of the District Plan.

133. I concur with Ms Williams's opinion that integration with future public transport services *'will require a collaborative approach'*²². This reinforces points made in my evidence above, and Mr Collins in response to submissions on this matter, that individual plan changes (of this size) cannot be assessed in terms of what may or may not be provided by a public transport agency. The key point is that the Site is well located to provide future residents with reasonable access to any future mass transit facility; and that the ODP has been designed with primary roads that can accommodate future public transport services to and within the Site.

Adverse effects on utilities, community facilities and social infrastructure

134. The Ministry of Education opposes PC 71 on two principal grounds:

- The development is not anticipated by higher order documents and is contrary to the objectives and policies of those documents, particularly Objective 6.2.1 of the CRPS; and
- There has been no consultation with the Ministry regarding the impact of the proposed residential development on schools in Rolleston.

135. The Ministry requests that PPC71 should only proceed if the following matters are addressed:

- The potential inconsistencies between Policy 8 of the NPS-UD and the CRPS are satisfactorily resolved particularly as it relates to development capacity and well-functioning urban environments;
- The applicant consults with the Ministry to ensure adequate provision is made to accommodate additional school age children. This could include amending the ODP to provide for a new school site.

136. I have already covered the first matter above. Concerning the second matter, there is a considerable amount of development potential in the eastern parts of Rolleston, including that provided by PCs 75 and 78 if approved. As discussed above all of this potential is likely to be realised in the short to medium term which will have

²² Evidence of Lisa William at Paragraph 17

implications for preschool, primary school and secondary school rolls. The 660 homes to be provided by PC 71 (some of which has been anticipated) will add to school rolls.

137. In my opinion the marginal impact on the providers of such services, and cumulative effect, of PC 71 is difficult to determine as it depends on the demographic profile of new residents, the age profile of current and future student cohorts, and the age at which new students enter the local school system. The applicants are happy to consult with the Ministry regarding the above matters. I note that Ms White (paragraph 64) has proposed that the Narrative to the ODP be amended to acknowledge the issue and I agree with that suggestion.

Loss of versatile soils (Ecan)

138. Ecan draws attention to the emerging national direction strengthening measures to protect highly productive land from development. Mr Mthamo notes that the proposed Plan Change comprises 51.85 hectares of Land (LUC) Class 2 soils and 2.04 hectares of LUC Class 3 soils. Seventeen hectares of the 51.85 ha has been designated as a FDA which means 31.85 hectares of LUC Class 2 soils would be the total new area that would be potentially lost due to the proposed Plan Change.
139. I acknowledge there is a pending National Policy Statement on Highly Productive Soils potentially affecting soil classes 2 and 3 but as yet it does not have any statutory effect.
140. There is not a strong policy context supporting the protection of high quality soils. The CRPS is virtually silent on protecting highly productive soils in Greater Christchurch, reflecting the more holistic approach to managing soil resources in the RMA. The SDP includes a policy

Policy B1.1.8

Avoid rezoning land which contains versatile soils for new residential or business development if:

- *the land is appropriate for other activities; and*
- *there are other areas adjoining the township which are appropriate for new residential or business development which do not contain versatile soils.*

141. Mr Mthamo sets out a range of factors to help assess whether soils are capable of being used productively. These include the lack of irrigation water to overcome serious soil moisture deficits reverse sensitivity effects of agriculture on surrounding residential areas, and the relatively small area of LUC 2 soils that will be foregone to accommodate housing. He concludes that use of the versatile/highly productive soils on this Site has been compromised and that the effect of the proposed Plan Change on the district and regional agricultural productivity potential is insignificant.

Potential reverse sensitivity effects on potential land use activities

142. Foodstuffs (South Island) Properties Limited (Foodstuffs) own the property at 157 Levi Road (the Property) which is included within the PC71 area, and directly adjoins the rural land sought to be rezoned for residential purposes. It is a 7.18 ha site and comprises the whole of ODP Area 4.
143. In its submission Foodstuffs states it intends to develop the Property to establish a supermarket on the land. This will require a discretionary land use consent. I understand a consent was lodged just prior to Christmas 2021. However, no details are on the Council's website at this stage.
144. The submission appears to raise three grounds for opposing PC 71:
- a) The site is located outside the Township Boundary and within the Christchurch International Airport Noise Control overlay under both the Operative and Proposed District Plans;
 - b) The site is not anticipated for future urban development as identified in the Rolleston Structure Plan (forming part of the Greater Christchurch Urban Development Strategy). Further, the site is not identified as a Future Development Area on Map A in the Regional Policy Statement (as amended by Plan Change 1 to Chapter 6); and
 - c) The Plan Change will cause adverse effects on the future operations of the proposed supermarket. It is claimed by the submitter that 'the adverse effects of PC71 on the submitter (including particularly reverse sensitivity) are not appropriately provided for in PC71. Also the proposed ODPs Areas 4 and 5 'are not feasible' based on Foodstuffs' intended use of the Property, and 'it will not be possible for the ODPs to be given effect to'. The changes proposed to the transport network, and creation of link roads from Lincoln Rolleston Road through the Property, will have adverse effects on the Property.
145. My evidence has already covered the first two grounds for opposing PC 71 and I do not propose to traverse these matters again. Regarding the third matter, these are site specific matters that can be resolved through appropriate minor changes to the ODP. I am not clear how the residential development will create significant adverse effects on the operation of a supermarket when the two land uses frequently live comfortably with each other in suburban areas. To the contrary, there is a greater likelihood of the supermarket (if approved) having adverse effects on a future housing area. More fundamentally, the effect described by Foodstuffs is not a reverse sensitivity effect as that concept is described in the Operative Plan. This is for the simple reason that the supermarket is a proposed activity as opposed to an existing activity that may

be affected by the rezoning. Accordingly, and as with Ms. White, I give no weight to Foodstuffs' submission on this matter.

146. In principle, I see the proposed supermarket as enhancing the suitability of the Site for residential development from an access perspective, particularly for active transport modes. Likewise, the addition of the 660 households will also provide support for the supermarket, so there is mutual benefit. In my view, it essentially becomes a question of design for the supermarket and future residential development to ensure that they are compatible. That is not a matter for the present hearing.
147. Submission 001 (Paula) has raised several matters concerning how the use and enjoyment of her property could be affected including her son's motorbike activities, use of road for horses, effects on the internet and effects on her water well. I note that the submitter's (rural) property is in the proposed Urban Growth Overlay and Future Development Area, so that issue is likely to surface anyway.
148. Paula also states that she was told 4 years ago that the Site would not be subdivided for twenty years. Presumably, that was before part of the Site was included in the FDA, but I am not clear on what basis she was informed of that timeframe.

Residential density, social and affordable housing

149. While an increase to 15hh/ha is encouraged in principle as it represents a more optimal use of the Site, the reality is that the CRPS and SDP currently only require PC71 to provide a minimum density of 10hh/ha. Therefore, I support the proposed 12hh/ha minimum density as it increases the starting point for the minimum density requirements. The Living Z Zone requested allows increases in density in response to movements in market preferences and the influence of other externalities.
150. The Living Z Zone framework being sought by the plan change proponent includes medium density housing (including the option for comprehensive development), that could activate densities of 15hh/ha when applied across the PC71 site. The request facilitates an increase in density by proposing a minimum of 12hh/ha, which is consistent with the policy direction in the CRPS, Our SPACE and the 'greenfield' development occurring in the surrounding area.
151. Ms Lauenstein, responding to Mr Nicholson's Urban design report has identified parts of the site where a density around 15hh/ha would be appropriate and create good urban design outcomes.²³ In my opinion this is consistent with outcomes sought both by the NPS-UD and CRPS ie providing a mix of housing typologies and encouraging intensification close to centres and open space.

²³ Paragraphs 37-39

152. The GCP density report that is referenced in the Christchurch City Council and Environment Canterbury submissions list the broad range of benefits that can be achieved by an increase in the minimum household densities. It also establishes that it is both desirable and feasible to increase the minimum densities in the CRPS to 15hh/ha (in the context of the current growth management strategy being applied in Greater Christchurch).
153. The submissions from Christchurch City Council and Ecan identify that the Greater Christchurch partnership are developing a Social and Affordable Housing Action Plan and request that its recommendations are incorporated into PC 71. A copy of this Action Plan did not accompany the submissions and is not available online. I support the need for developers to facilitate the development of affordable housing and for Councils, service providers and the Government to support affordable and social housing. However, I am uncertain what the status of this Action Plan is, how its recommendations could be applied to an evaluation of the appropriateness of PC71 or how it could inform any recommended changes to the ODP or related policies.

OTHER MATTERS NOT RAISED IN SUBMISSIONS

Ground Conditions

154. The application is accompanied by a geotechnical assessment by LandTech Consulting for the entire site, broken down into three spatial areas. All the land is TC1 and there are no constraints that have been identified which prevent residential zoning. Should the land use change be approved and a subdivision plan be made, a more detailed geotechnical investigation will be required and more accurately identify further geotechnical recommendations for the subdivision development.

Servicing

155. The Servicing Report prepared by Paterson Pitts attached to the Application at Appendix 11 has not identified and servicing constraints which are likely to preclude, or delay, residential subdivision on the Site. This is confirmed in evidence prepared by Mr Salmond and Mr England report. Specific evidence on water supply will be presented by Mr Mthamo. The overall conclusions from the reports and evidence are:

Wastewater

156. There is or will be sufficient capacity to provide the site with a reticulated wastewater system. Detailed proposals can be worked through at detailed engineering stage.

Roading

157. All forms of roading and footpaths will be designed to comply with Council standards. Frontages to Levi and Lincoln Rolleston Roads and Nobeline Lane will be upgraded as required by the developer to meet these standards.

Stormwater servicing

158. There is no existing reticulated stormwater network servicing the site. Indicative percolation rates support stormwater discharge to ground which is typical within Rolleston. Due to the depth of ground water it is likely that no additional treatment than sumps and the soakage itself through gravel media will be necessary. The future roading network will be designed to provide secondary flow paths. An ECan consent will be required for stormwater discharge to ground during construction and operational phases and for discharge of roof stormwater.

Water supply.

159. Mr England's advice is that there is only sufficient capacity to supply that portion of the Site within the RSP. Additional water supply for that part of the Site which is not within the RSP area will be needed in order to service the full site. Mr Mthamo traverses the options for bridging this gap, the preferred option being to apply for new consents for community water supply or transfer of consents to extract water from elsewhere in the groundwater allocation zone. I note that the Section 42A Report recommends a rule that limits the number of sections until that additional supply is available. In my opinion, based on Mr Mthamo's advice, there are clearly feasible options for providing a water supply for the entire Site and a rule of this nature is not necessary.

Flooding

160. The Site is not within a high flood hazard area and any flood risks can be managed through detailed engineering design (as confirmed by the evidence of Mr Mthamo). Mr Mthamo also confirms there are no definite flow paths from neighbouring properties into the PC71 area and development will not compromise flood flows from neighbouring upgradient properties.
161. Development of the area that is modelled as being potentially subject to flooding can readily be managed through detailed engineering design. Mitigation measures will be implemented at the subdivision engineering stages to ensure that flooding does not occur. Such mitigation include:
- a) Raising the finished house floor levels to comply with the District Plan and the RPS; and

- b) Elevating the house sites or lowering the road corridors to convey secondary stormwater flows through the site.

Contamination

- 163. A Preliminary Site Investigation was prepared by Malloch Environmental Limited and is appended to the Application. A small number of minor HAIL/risk areas have been identified which can be addressed at subdivision stage with a DSI and appropriate remediation, as necessary.

MATTERS RAISED IN THE SECTION 42A REPORT

- 164. I have covered most of the substantive matters raised in the Section 42A report and for the most part agree with the analysis and conclusions contained in the report. I agree with and accept the response to most of the submissions and the assessment against the relevant statutory documents. However, as has already been alluded to there are some matters on which I have a different opinion or conclusion based on the evidence.
- 165. At paragraph 111, regarding Section 31(1) (b) of the Act (Functions of Territorial Authorities) Ms White considers that the plan change is '*not 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 (but, for the avoidance of doubt, is not inconsistent with this function). I don't think the clause requires a necessity test but in view of the evidence being presented at this hearing, and at previous hearings on plan changes regarding land availability, I think the Plan Change will assist the Council in carrying out its functions, including ensuring there is sufficient housing development capacity to meet the expected demands of the district.
- 166. The evidence is that all the FDA land at Rolleston is required to meet medium term housing needs. A portion of this is not proposed for rezoning through any current mechanism (approximately 20-25%) and is less well located than the PC71 site. Most is south of Nobeline Drive, extending south to Selwyn Road. It is a series of (27) fragmented 4 ha rural lifestyle blocks in multiple ownership. The lack of submissions seeking rezoning would seem to indicate a lack of interest in or commitment to rezoning 'any time soon'. It may be that the landowners have an expectation that the Council will rezone the land at some stage. Whatever the reasons, the lack of rezoning proposals for this significant area of FDA land (around 108 ha) means it cannot be counted as contributing to meeting the Council's housing land development capacity obligations under the NPS-UD. To meet medium term needs such land must be plan-enabled ie zoned in a proposed district plan; infrastructure ready; and feasible and reasonably expected to be realised. That is clearly not the case with this land.

167. Also, as noted above, the evidence of Mr. Ballingall refers to 173ha of zoned/FDA land which is not likely to meet short-medium term capacity.
168. At paragraph 137 the Report states that the NPS-UD 'only requires that 'sufficient capacity is provided; not that more is precluded'; and that rezoning of that portion of the Site outside the FDA 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.
169. I have responded to this in part in my previous paragraph but draw attention to the NPS-UD Policy 2 which requires Tier 1, 2, and 3 local authorities, at all times, provide at least sufficient development capacity to meet expected demand for housing and for business land over the short term, medium term, and long term. Policy 6 requires that when making planning decisions that affect urban environments, decision-makers have particular regard to the following matters:
- i. the benefits of urban development that are consistent with well-functioning urban environments (as described in Policy 1)
 - ii. any relevant contribution that will be made to meeting the requirements of this National Policy Statement to provide or realise development capacity
170. In my opinion, there is a clear obligation on local authorities concerning what is required in terms of land supply, over and above the 'competitive margin' required in Clause 3.22 of the NPS-UD. They are to be responsive in particular to proposals that add significant additional capacity and meet the other requirements of the NPS-UD regardless of whether or not the additional capacity exceeds the housing bottom line requirements.
171. At paragraph 148 , Ms White considers that *'there is no certainty that the remodelled contours will result in the Site being located outside the Contours* and applying a deferred status to land within the current Noise Contours implies this will occur and the land will be suitable for residential development in the future'. In her view this cannot be determined until the remodelling is completed, and it would therefore be inconsistent with the CRPS to rezone the land within the Noise Contours, even with a 'deferred' status.
172. I disagree for the following reasons:
173. There is an inherent unsoundness in making resource management decisions that are based on outdated and patently inaccurate information, as is the case with the location of the existing contours. Such decisions do not seem to be consistent with expectations on local authorities and the purpose of the Act

- i. There is no risk to the Airport either based either on the information available, or on the methodology proposed which "gives effect" to the overarching policy of avoidance in the CRPS;
- ii. There is an extremely high level of certainty that the airport noise contours will be removed off the land in the near future;
- iii. There is clear evidence that Rolleston is quickly running short of vacant housing land, with a consequential escalation in land prices;
- iv. There are resource management benefits associated with the proposed Deferred Zone arising from process efficiencies and more certain, integrated outcomes.
- v. The Site, in its entirety is well located in terms of the objectives and policies relating to urban form in the relevant statutory documents.

174. I discuss the above matters further under section 32.

175. In my opinion, retaining rural zoning over the airport noise contour land would only be appropriate if there was a high level of uncertainty as whether or not the final confirmed contours will affect the land. That is not the case here. Deferred zoning or an interim non complying rule is appropriate where there is a high likelihood that the current constraint(s) can be resolved. In my experience, deferred zoning most often applies when there is a servicing constraint. There does not need to be absolute certainty that the constraint can be resolved, or when – otherwise the land would not need to have a deferred status.

176. In her final paragraph Ms White concludes that the Request in its current form does not give effect to Objectives 5.2.1 (presumably (f) and (g) and 6.2.1 and Policy 6.3.5. This is because there is no certainty that the contours will shift off the site, and applying a deferred status to land within the current noise contours implies this will occur and the land will be suitable for residential development in the future. I maintain that there is an extremely high probability or likelihood the review will result in the contours being removed from the planning maps insofar as the Site goes. As a contingency, the deferment (or rule) will ensure that residential subdivision and development cannot occur. Policy 6.3.5 is 'Only providing for new development that does not affect the efficient operation, use, development, appropriate upgrading and safety of existing strategic infrastructure, including by avoiding noise sensitive activities within the 50dBA Ldn airport noise contour for Christchurch International Airport.

177. Employing a rule (as a non-complying activity) or deferment is in my opinion not providing for development, and in that respect I am aware that non-complying activity status for noise sensitive activities within the 50 contour is ubiquitous in the Selwyn, Waimakariri and Christchurch District Plans. Accordingly, this status has routinely been held to give effect to the avoidance Objectives and Policies of the CRPS regarding protection of the Airport.

178. Overall, I consent the approach suggested promotes the purpose of the Act, and gives effect to the NPS-UD.

AMENDMENTS RECOMMENDED IN SECTION 42A REPORT

179. Ms White has recommended several amendments to Proposal in the event of the Plan Change being recommended for Council approval. Those recommended amendments are discussed in the briefs of evidence provided by other experts, and in most cases are supported.
180. Paragraph 174 of the report states: *If the Hearing Commissioner is minded to recommend that Plan Change 71 be approved*, then I consider that in addition to proposed amendments to the District Plan set out in the application the following amendments should also be included. *These amendments are based on my recommendation that the area of land currently located within the Noise Contour is not rezoned, even on a deferred basis.* Should the Hearing Commissioner agree to include the deferred zoning, then additional changes – such as reinstatement of ODP text regarding this deferred area - would be required.
181. I consider that, if the Commissioner is of a mind to approve PC 71 then it would be helpful if the amendments to the Plan reflect that. There may be consequential amendments needed to the rules package and/ or ODP Narrative.

SECTION 32 EVALUATION

182. An evaluation of the proposed plan change as required under Section 32 of the RMA was submitted within the application in Appendix 14 to the Application.
183. Four alternative options were evaluated:
- Option 1: status quo/do nothing: Do not rezone the application Site from Rural Inner Plains to Living Z and Living Z Deferred.
 - Option 2: rezone the whole 53.9ha Site for residential use.
 - Option 3: rezone only the FDA/PSDP Urban Growth Overlay land as Living Z and retain the existing Rural Inner Plains zoning to land affected by the 50 Ldn noise contour.
 - Option 4: Rezone the entire Site Living Z but require a resource consent for a non-complying activity for any subdivision and / or residential or other sensitive land use activity for that part of the site within the 50 Ldn noise contour.
184. In light of the results of the latest remodelling of the noise contours Option 4 is in my opinion the most appropriate i.e. re-zone all the PC area LZ and use a resource consent process to enable residential development once the 50 Ldn restriction has been removed.). This is most appropriate given:

- a) the LZ zone is in the short, medium and long term the most efficient land use for the Site.
 - b) Retaining a rural zoning over all or part of the land will perpetuate the continuation of low intensity rural lifestyle activity and the ongoing interface challenges which are severely curtailing the existing All Star horse training operation. More intensive farming options are not feasible. This is not an efficient use of the land, in particular at a time when there is a severe shortage of land for housing at Rolleston, and the PC71 site is eminently suitable for urban residential development, including because it is the closest to the existing town centre i.e. is superior in terms of urban form/accessibility, than any other part of the FDA.
 - c) The zoning will be consistent with and give effect to the District Plan and Regional Policy Statement objectives and policies (except where these are inconsistent with and do not give effect to the NPS-UD, the higher order priority document);
 - d) it is a logical extension to the developed and developing residential land adjoining the Site while achieving a compact, efficient urban form;
 - e) the proposed method provides certainty of the final form and integration of the rezoned area including its proposals for reserves, roading, future linkages for pedestrian and vehicular traffic. Retaining a rural zoning over the airport contour land would result in a disjointed ODP in two halves with a gap in the middle.
 - f) The rezoning will facilitate access to the proposed reserve as depicted in the Rolleston Structure Plan.
185. In assessing the efficiency and effectiveness of the provisions in achieving the objectives, Section 32 (2) (c) requires an assessment of the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions. There is very little, if any, risk that the airport noise contours peer review will reinstate all or part of the Site as under the contour.
186. Overall, the inclusion of the LZ zone for all the Site in the Plan Change is considered to be appropriate to achieve the long-term sustainable development and certainty for Rolleston. The economic, social and environmental benefits of the Proposed Plan Change outweigh the potential costs the proposed rezoning is the most appropriate, efficient and effective means of achieving the purpose of the Resource Management Act 1991.

Section 31- Integrated Management of Effects

187. There are several dimensions to this issue including: spatial integration with transport, the capacities of respective infrastructure networks and systems to handle the additional demands; integration with other policy documents and the and programming of development to match the future anticipated infrastructure provision and consenting. The Proposed Plan Change will enable the Council to fulfil its functions

under the Act (integrated management of the effect of the use and development of this land) through:

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

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

CONCLUSION

189. In my opinion there is no sound resource management reason to postpone (indefinitely) land rezonings where, as in this case, the only environmental constraint on residential development (50 Ldn noise contour) has been found to be no longer an issue. The key planning issue is protecting the integrity of the CRPS and OSDP while the amendments to the air noise contours are being made to those documents through the appropriate processes.

190. The Plan Change is consistent with the growth-related District Plan objectives and policies for Greater Christchurch townships generally, and Rolleston specifically (except where these are now out of step with and inconsistent with the NPS-UD, the priority higher order document). The question as to whether the proposal is consistent or not with one policy is, in my opinion, not a reason to conclude it does not promote the Act's purpose within the wider statutory planning context.

191. There is ample evidence of a lack of residential land supply in Rolleston which requires urgent action. The NPS-UD provides the statutory basis for intervention by local authorities to increase land supply in locations where there is demand and that are not anticipated in planning documents, provided such interventions promote well-functioning urban environments.

192. Urban zoning is anticipated over part of the Site in both the CRPS and Proposed District Plan Review. In my opinion enabling the initiation of an integrated development over the entire Site is a preferable outcome to two separate and unconnected residential developments in view of the remodelled noise contours. It is a more efficient process in this instance to rezone the land now to create more certainty for the future use and

development of this resource. An interim control mechanism is needed to maintain the integrity of planning documents, and this is preferable to not recognising all the Site as area to be developed for housing.

193. In my opinion the Plan Change achieves the purpose of the Act and has properly addressed all the key policy matters and is consistent and / or gives effect to them. In particular:
- a) The Plan Change will promote the social and economic wellbeing of the people of Rolleston and Greater Christchurch through will broadening the choice of housing in Rolleston, including scope for small lot and comprehensive medium density housing.
 - b) The proposed development is consistent with and gives effect to relevant policy documents and the enabling provisions of the Act.
 - c) The proposal is consistent with and will promote the housing affordability aims of the Government.
 - d) The Site can be serviced and funded in a manner that integrates with the Council's Long Term Plan.
 - e) Environmental effects of the development can be avoided or mitigated.
 - f) Through the ODP the Plan Change will provide the framework for an integrated development with appropriate internal and external road and active transport connections, and connections to future developments.

Attached are the following Appendices:

- 1. Amendments to ODP and Narrative in response to Section 42A Report.
- 2. Updated Assessment Against Objectives and Policies of NPS-UD 2020