

BEFORE THE SELWYN DISTRICT COUNCIL

IN THE MATTER OF Clause 21 of the First Schedule of the
Resource Management Act 1991

AND

IN THE MATTER OF Four Stars Development Limited and
Gould Developments Limited, Private
Plan Change 71

Applicant

FINAL RECOMMENDATION BY COMMISSIONER DAVID CALDWELL

Dated 29 July 2022

1. I have been appointed to hear and determine submissions and make a Recommendation on Private Plan Change 71 (**PC71**) to the Operative Selwyn District Plan (**SDP**).

Background

2. I issued an Interim Recommendation dated 7 June 2022 and this Final Recommendation is to be read in conjunction with that.
3. My overall conclusion in my Interim Recommendation was that PC71, as amended by that Recommendation, is efficient and effective, provides a number of benefits, provides additional supply and choice in the residential housing market, has economic benefits, contributes to a compact urban form and ultimately as amended is the most appropriate way of achieving the objectives and ultimately the purpose of the RMA.¹
4. While my findings were final, given the various changes proposed in the evidence and submissions, and the various ODP versions which were provided, I recorded my view that it was appropriate and more efficient to have the Applicant, in consultation with the reporting officer and any other party who had provided planning evidence (should they wish to be involved), to provide a final version of the changes to be included into the SDP to give effect to the Recommendation.²
5. I noted the Applicant would be anxious to have the Recommendation finalised and that I also wished to have it finalised as soon as possible. While I did not make any directions in relation to the timing for the Applicant to engage and provide the final proposed package, I advised that it needed to be with me as soon as possible and that if there were any difficulties in finalising it or uncertainties arising from my Recommendation, leave was reserved for those issues to be raised by way of Memorandum.³
6. I received a Memorandum from Mr Cleary on behalf of the Applicant requesting clarification as to the location of the development line, which was proposed by Mr Nicholson during the hearing. The Applicant sought clarification as to where the development line should be located on the ODP.
7. I addressed that by Minute dated 22 June 2022 (Minute No 6).
8. On 17 July 2022 I was provided with the proposed amendments to the District Plan rules, proposed ODP 14 diagram and proposed ODP 14 narrative. I issued a further Minute (No 7) regarding changes to ODP Area 4. That information was provided on 21 July 2022. I issued a Minute (No 8) on 25 July 2022 confirming receipt of that information and advising that I was satisfied that the documents provided do give effect to my Interim Recommendation, noted that I proposed to issue my Final Recommendation, and advised that if any party had any matters they wished to raise in relation to whether or not the documents provided gave effect

¹ Interim Recommendation at [383]

² Interim Recommendation at [385]

³ Interim Recommendation at [386]

to my Interim Recommendation, they could do so by way of Memorandum no later than 3pm Thursday 28 July 2022. Again, I advised that if there were other issues arising from that Minute, they could be raised through Ms Carruthers/submissions@selwyn.govt.nz. I did not receive any further Memoranda.

Additional Changes and s32AA

9. I have undertaken the further evaluation required by s32AA in my Interim Recommendation. The following paragraphs relate to further changes.
10. I have made some final changes to the ODP for Plan Area 14 which are shown in red. The purpose of these changes is to make it clear that the Potential Future Residential areas as marked on the ODP are to indicate potential development should the CIAL noise contour be removed from the planning maps, as well as illustrating potential connectivity. I have slightly amended the wording in relation to the final sentence of the introductory narrative to avoid creating any unrealistic expectations and to record that there will still need to be further assessment. I consider those changes are effective and efficient and are more appropriate.
11. I have made a very minor change to the narrative for ODP Area 4. This is simply the addition of the word 'following'.
12. I have carefully considered the additional rules and assessment matters provided with the final package. They record the changes to Section C12 LZ Subdivision. I have addressed the potable water supply issue and the development restriction pending the formation of a roundabout at the intersection of Lincoln Rolleston Road and Broadlands Drive and the extension of Broadlands Drive over ODP Area 4 in my Interim Recommendation. I am satisfied that each of the rules and assessment matters now finally proposed are efficient and are the most appropriate method of achieving the objectives of the proposal, implementing the relevant policies of the SDP and ultimately the purpose of the Act.

Overall Conclusion

13. I have undertaken a detailed assessment in my Interim Recommendation and that assessment and findings remain. I confirm my finding that PC71, as amended through the hearing process, is the most appropriate method of achieving the objectives of the proposal and giving effect to the objectives and policies of the relevant statutory documents including the NPS-UD, the CRPS and the SDP. It will provide significant development capacity in a location which in my view is ideally suited for residential development and includes areas already identified as FDAs. I consider that the effects and concerns raised by the submitters have been appropriately addressed.
14. My Recommendation maintains the protection of Christchurch Airport in accordance with the relevant objectives and policies. It recognises that the air noise contours are currently being reviewed but that there is no finality of outcome. The identification of the land within the contour as Potential Future Residential does not in any way purport to predetermine the

outcomes of the separate review process. On the evidence and information available to me, I consider that if the CIAL noise contour is removed from the planning maps, and subject to further assessment, the land identified as Potential Future Residential is suitable for residential development.

15. Overall, and for the reasons recorded in this Recommendation and in my Interim Recommendation, I confirm that PC71 as amended is the most appropriate means of achieving the purpose of the proposal, the relevant objectives and policies of the SDP and ultimately the purpose of the RMA.

Recommendation

16. For the reasons set out above, and in my Interim Recommendation of 7 June 2022, I **recommend** that the Selwyn District Council:

- (1) **Pursuant to Clause 10 of Schedule 1 of the Resource Management Act 1991 the Council approves Plan Change 71 to the Selwyn District Plan as set out in Appendix A.**
- (2) **That for the reasons set out in the body of my Interim Recommendation, and summarised in Appendix B, the Council either accept, accept in part or reject the submissions as identified in Appendix B.**



David Caldwell
Hearing Commissioner

Dated: 29 July 2022