

**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** Proposed Plan Change 67, being a  
request by GW Wilfield Limited  
(Applicant) to rezone approximately 33.4  
hectares of land from Rural Inner Plains  
to Living West Melton South in Wilfield,  
West Melton

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**RECOMMENDATION OF COMMISSIONER DAVID CALDWELL**

**Dated 10 January 2022**

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## **Hearing Held: 14 and 15 September 2021**

### **Appearances:**

#### Council:

Ms Liz White – Consultant Planner for Selwyn District Council

Mr Shane Bishop – Consulting Engineer

Mr David Smith – Consultant Technical Director of Transportation Planning at Abley

Mr Hugh Nicholson – Consultant Urban Design and Landscape

Mr Ben Baird – Policy Analyst with Selwyn District Council

#### Applicant:

Ms Lauren Semple – Legal Counsel

Mr Hamish Wheelans – Company Representative

Mr Gary Sellars – Real Estate Market/Valuation

Mr Fraser Colegrave – Economics

Mr David Compton-Moen – Landscape and Urban Design

Mr Victor Mthamo – Flooding and Versatile Soils

Mr Andrew Hall – Infrastructure

Mr Andrew Methereil – Transport

Ms Kim Seaton – Planning

#### Submitters

Mr Michael Wakefield – Counsel for submitters CCC and CRC

Mr Keith Tallentire – Planning, for submitters CCC and CRC

Mr Robert John Smith and Chanel Anne Farrelly – Further submitter

## ABBREVIATIONS TABLE

<b>CARP</b>	Canterbury Air Regional Plan
<b>CCC</b>	Christchurch City Council
<b>CLWRP</b>	Canterbury Land and Water Regional Plan
<b>CRC</b>	Canterbury Regional Council / Environment Canterbury
<b>CRPS</b>	Canterbury Regional Policy Statement
<b>FUDAs</b>	Future Urban Development Areas
<b>GCP</b>	Greater Christchurch Partnership
<b>HBA</b>	Housing and Business Development Capacity Assessment
<b>HCA</b>	Greater Christchurch Housing Development Capacity Assessment 30 July 2021
<b>IMP</b>	Mahaanui Iwi Management Plan
<b>LUC</b>	Land Use Capability
<b>MfE</b>	Ministry for the Environment
<b>NPS-UD</b>	National Policy Statement – Urban Development
<b>NPS-UDC</b>	National Policy Statement on Urban Development Capacity
<b>ODP</b>	Outline Development Plan
<b>Our Space</b>	Our Space 2018-2048: Greater Christchurch Settlement Pattern Update Whakahāngai O Te Hōrapa Nohoanga
<b>PC67</b>	Private Plan Change 67
<b>PDP</b>	Proposed Selwyn District Plan
<b>PIB</b>	Projected Infrastructure Boundary
<b>Pines WTP</b>	Pines Wastewater Treatment Plan
<b>pNPS-HPL</b>	Proposed National Policy Statement for Highly Productive Land
<b>RMA</b>	Resource Management Act 1991
<b>SDC</b>	Selwyn District Council
<b>SDP</b>	Operative Selwyn District Plan
<b>UDS</b>	Urban Development Strategy
<b>UGO</b>	Urban Growth Overlay
<b>Waka Kotahi</b>	Waka Kotahi NZ Transport Agency

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## Introduction

1. I have been appointed to hear submissions and make a Recommendation on Private Plan Change 67 to the Operative SDP.
2. I attended and conducted a hearing into the submissions on PC67 at the West Melton Community Centre on 14 and 15 September 2021. Ms Semple on behalf of the Applicant filed her submissions in reply on 29 September 2021. The hearing was formally closed on 26 October 2021.
3. I have structured my Recommendation by briefly introducing PC67 and the process to date, and briefly recording my site visit.
4. I have not included a specific summary of all of the documents considered, evidence provided and submissions made. All of that information is publicly available and has been uploaded to SDC's plan change site at [www.selwyn.govt.nz/pc67](http://www.selwyn.govt.nz/pc67). I refer to the relevant evidence, submissions and other documents, when addressing the particular issues and statutory provisions. I have carefully considered all of the relevant documents, evidence and submissions.

## PC67

5. PC67 is a private plan change initiated by GW Wilfield Limited to rezone approximately 33.4 hectares of Rural Inner Plains to Living West Melton (WM South) zone. In addition to the zone change, the Request seeks insertion of a new ODP to guide development. Otherwise, it proposed no amendments to the Living (WM South) zone provisions as they would apply to the site under the proposed zoning.
6. The purpose of the proposal, being its more general objective, was described as being to provide for a new Living West Melton Zone as an extension of the adjoining existing residential area. The application stated that provision for an increase in density within the Plan Change area, whilst maintaining a requirement for low density residential development on the rural-urban interface, was considered appropriate to enable persons and the community to provide for their health and wellbeing, while avoiding, remedying or mitigating potential adverse effects.<sup>1</sup>
7. The proposal identified that the subject land adjoined an existing residential area which was then zoned Living 2 and Living 2A but which was subject to Plan Change 59 which sought to amend the zoning to Living WM (South) Zone. The request noted that the density of development and ODP layout proposed in the present plan change request was consistent with that proposed under Plan Change 59 and was dependent on the adoption of that. It stated that if Plan Change 59 did not become an operative part of the SDP then this application would

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<sup>1</sup> s32 Evaluation at para [51]

no longer be an efficient or effective use of the land subject to it.<sup>2</sup> Plan Change 59 became operative on 17 June 2021.

8. PC67 was formally received by SDC on 15 October 2020. A Request for Further Information was issued on 2 November 2020 and following provision of that information, it was accepted by SDC under clause 25(2)(b) of Schedule 1 to the RMA on 24 February 2021. Public notification occurred on 10 March 2021.
9. 11 submissions were lodged and 1 further submission was received. A late submission was received and ultimately rejected. 1 submission was withdrawn. 1 submission was in support, and supported by further submission. 1 was neutral, 1 supported in part and the remainder opposed in full or in part.
10. By the commencement of the hearing, a number of amendments had been proposed. These largely responded to matters raised in the submissions and included:
  - Amendments to the proposed ODP text to ensure that the ability for future public transportation was factored into the internal road layout;
  - Amendments to the ODP to improve pedestrian and cycle linkages in the southern portion of the ODP area;
  - An amendment to Rule 12.1.57A, to specify that a cycle/pedestrian path must be constructed on Weedons Ross Road; and
  - A new rule requiring any subdivision include a legal instrument binding on future allotment owners specifying solar power generation requirements, rain harvesting requirements, requirement to achieve Homestar 6@ rating as a minimum standard or proven equivalent, and for allotments greater than 3,000m<sup>2</sup>, not less than 15% to be planted in native vegetation.

### **Site Visit**

11. I am familiar with West Melton and its surrounds. At the time of the hearing, I took the opportunity to re-familiarise myself with the surrounding area, viewed the site, and identified the location of a number of submitters.
12. Following the hearing, I again viewed the site and its surrounds. I drove into and through the area of West Melton to the north of SH63 and through to Halkett Road. I observed the West Melton School, the nursery and kindergarten, the Presbyterian Church and the commercial area running alongside Weedons Ross Road which consists of a supermarket and various other tenancies.

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<sup>2</sup> Request to Change the SDP under cl 21 of the First Schedule of the RMA 1991 dated 9 October 2020, Attachment 3: Section 32 Evaluation at para [3]

13. To the south of the State Highway, I observed the community facilities based around the West Melton Community and Recreation Centre and domain.

### **The Site and Surrounding Environment**

14. The Applicant, in its s32 evaluation, provided a description of the PC67 site and surrounds. The s42A Report also provided a summary description of the site and surrounding environment, accompanied by an aerial photograph as her Figure 1. Ms White's Figure 2 illustrated the current zoning of the site and surrounding area under the SDP.<sup>3</sup> I accept the descriptions provided are accurate and adopt them for the purposes of this Recommendation.
15. West Melton is within the subregional area known as Greater Christchurch. It is identified in the Selwyn 2031: District Development Strategy (Selwyn 2031) as a service township. The service townships are identified as having an estimated population in range between 1,500 and 6,000. Its function is "*based on providing a high amenity residential environment and primary service to rural townships and the surrounding rural area*".

### **Statutory Framework**

16. The Environment Court has provided a comprehensive summary of the mandatory requirements in its decision in *Long Bay*.<sup>4</sup> This was updated to reflect changes to the RMA in 2009 in the Environment Court's decision in *Colonial Vineyards*.<sup>5</sup>
17. The general requirements are:
- (a) The district plan (change) should accord with and assist the local authority to carry out its functions under s31 and to achieve the purpose of the RMA;<sup>6</sup>
  - (b) When preparing the district plan (change) the territorial authority must give effect to any National Policy Statement, a National Planning Standard, the New Zealand Coastal Policy Statement and the operative Regional Policy Statement;<sup>7</sup>
  - (c) When preparing its district plan (change) the territorial authority shall:
    - (i) Have regard to any proposed Regional Policy Statement;<sup>8</sup>
    - (ii) Give effect to any operative Regional Policy Statement;<sup>9</sup>

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<sup>3</sup> s42A Report dated 23 August 2021 at paras [11] – [14]

<sup>4</sup> *Long Bay – Okura Great Park Society Inc v North Shore City Council* A078/08

<sup>5</sup> *Colonial Vineyards Limited v Marlborough District Council* [2014] NZEnvC 55

<sup>6</sup> s74(1)(a) and (b) of the RMA

<sup>7</sup> s75(3)(a), (ba) and (c) of the RMA

<sup>8</sup> s74(2)(a)(i) of the RMA

<sup>9</sup> s75(3)(c) of the RMA



- (d) The district plan (change) must not be inconsistent with an operative Regional Plan for any matter specified in s30(1) or a Water Conservation Order,<sup>10</sup> and must have regard to any proposed Regional Plan on any matter of regional significance;<sup>11</sup>
- (e) The territorial authority must also have regard to any relevant management plans and strategies under other Acts, and must take into account any relevant planning document recognised by an iwi authority and lodged with a territorial authority, to the extent that its contents has a bearing on the resource management issues of the district;<sup>12</sup>
- (f) The policies are to implement the objectives, and the rules are to implement the policies;<sup>13</sup>
- (g) The plan change shall have regard to the actual or potential effects on the environment of activities including, in particular, any adverse effects.<sup>14</sup>

18. Section 32 requires that:

- (a) Each proposed policy or method (including each rule) is to be examined, having regard to its efficiency and effectiveness, as to whether it is the most appropriate method for achieving the objectives of the district plan taking into account the benefits and costs of the proposed policies and methods, and the risk of acting or not acting if there is uncertain or insufficient information;
- (b) If a National Environmental Standard applies, and the proposed rule imposes a greater prohibition or restriction than that, then whether the greater prohibition or restriction is justified in the circumstances;
- (c) The objectives of the proposal (here the stated purpose of the proposal) are to be the most appropriate way to achieve the purpose of the RMA;<sup>15</sup>
- (d) The provisions in PC67 are the most appropriate way to achieve the objectives of the SDP and the purpose of the proposal.<sup>16</sup>

### **Assessment of Actual or Potential Effects on the Environment**

19. Ms White identified the key matters either raised by submitters, or necessary to be considered in ensuring that SDC's statutory functions and responsibilities are fulfilled, at paragraph [29] of the s42A Report. She identified those matters as:

- (a) Traffic effects;

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<sup>10</sup> s75(4) of the RMA

<sup>11</sup> s74(2)(a)(ii) of the RMA

<sup>12</sup> s74(2)(b)(i) and s74(2A) of the RMA

<sup>13</sup> s75(1)(b) and (c) of the RMA

<sup>14</sup> s76(3) of the RMA

<sup>15</sup> s32(1)(a)

<sup>16</sup> s32(1)(b)

- (b) Effects on township character;
  - (c) Density;
  - (d) Night sky darkness;
  - (e) Impacts on versatile soil;
  - (f) Urban form;
  - (g) Servicing;
  - (h) Geotechnical and contaminated land.
20. I largely adopt those headings.

### Traffic Effects

#### *Submissions*

- 21. Submitters Wendy Beaven (PC67-0003), J Manera (PC67-004) and H P Stevenson (PC67-0007) identified concerns arising from the increase in traffic movements from the plan change in light of the existing traffic and state of the rural roads. They additionally raised a concern in relation to upgrades being required which may impact on rates.
- 22. A Anderson (PC67-0009) identified the roading improvements that were necessary and sought that any approval be subject to signalisation of SH73 and Weedons Ross Road and widening along Weedons Ross Road being completed.
- 23. W and K Posthuma (PC67-0005) again raised concerns in relation to increased traffic and the particular effects on their driveway and sought that the road entrance to the site be moved a minimum of 20 metres from their entranceway.
- 24. CCC (PC67-0006) raised a number of traffic issues relating to greenhouse gas emissions, future public transport not being planned or funded, effects on the Greater Christchurch transport network, increased emissions, congestion and longer journey times.
- 25. Waka Kotahi (PC67-0010) raised a restriction of the development until the completion of signalisation of SH73 and Weedons Ross Road.
- 26. CRC (PC67-0011) raised concerns in relation to additional traffic and the reliance on planned signalisation. Again, it noted the absence of public transport leading to increased private motor vehicle use.

### *Information and Evidence*

27. The application included an Integrated Traffic Assessment approved by Mr Andrew Metherell and dated 9 October 2020.
28. This was a comprehensive Integrated Traffic Assessment describing the site, the existing transport infrastructure, existing travel patterns, the off-road cycle/pedestrian provisions, the bus network, and identified a number of upgrades to be undertaken. It addressed traffic effects on local subdivision roads, the SH73/Weedons Ross Road intersection and addressed the relevant objectives and policies contained in the planning documents.
29. As noted, following submissions, a number of amendments were made to the ODP plan and text. These included amendments to the proposed ODP text to ensure that the need for future public transport opportunities could be accounted for in the road network, an additional pedestrian/cycle link on the southern portion of the PC67 area, and additions to Rule 12.1.57A specifying that a cycle/pedestrian path must be constructed on Weedons Ross Road prior to issue of a completion certificate pursuant to s224 of the RMA. That rule provides: (underlined)

*No completion certificate shall be issued under section 224 of the Act within the Living WM South Zone (other than for a boundary adjustment or creation of an allotment solely for utility purposes), until such time as:*

- (a) *the State Highway 73/Weedons Ross Road intersection is signalised; and*
  - (b) *for any subdivision of Lot 163 DP508829, Lot 723 DP558751 or Rural Sec 102 BLK XI Rolleston SD, a pedestrian/cycle path is constructed on the Weedons Ross Road between the intersection of State Highway 73/Weedons Ross Road and the southern intersection of Kingsdowne Drive/Weedons Ross Road.*
30. I note the pedestrian/cycle path along Weedons Ross Road necessitates work outside the application site and within the road corridor. The ODP Transport Plan identifies the shared pedestrian/cycleway from the southern intersection of Kingsdowne Drive to the southern road required by the ODP.

### Evidence

31. **Mr Metherell** provided expert evidence for the Applicant. He is a Chartered Professional Engineer, a Chartered Member of Engineering New Zealand, and holds a Bachelor of Engineering (Civil). He has over 20 years experience in traffic engineering and transportation planning and is the Christchurch Traffic Engineering Team Leader at Stantec.
32. Mr Metherell confirmed that he had assessed the additional 131 residential lots as potentially generating approximately 80 vehicle movements per hour (vph) during the peak times and 790 vehicle movements per day (vpd) based on external traffic generation rates of vph per household in West Melton.<sup>17</sup>

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<sup>17</sup> Statement of Evidence of Andrew Alan Metherell 30 August 2021 at para [6.1]

33. Based on existing traffic patterns and previously adopted analysis, he assessed that at peak times, 65% of the additional traffic generated could travel to/from the east along SH73, 25% could travel to/from the south along Weedons Ross Road, and a combined 10% could travel to/from West Melton township and the west along SH73. He considered this to be a conservative distribution.<sup>18</sup>
34. In response to matters raised by submitters in relation to the local network, he noted Weedons Ross Road is an arterial road which connects directly to the Christchurch Southern Motorway and so is expected to have a traffic carrying function. He advised that it was planned to be widened by SDC and that the traffic signals at SH73 would enable accessibility to and from the highway.
35. In relation to the submission of Mr Anderson seeking Weedons Ross Road widening as well as the SH73 intersection signalisation should be completed before the site was developed, Mr Metherell agreed in relation to the intersection signalisation. He did not however accept that there was a requirement for Weedons Ross Road widening to be carried out before the site could be developed. He advised that the development of the site would only generate small volumes of additional traffic and Weedons Ross Road is an important arterial road, and that SDC had signalled an intention to widen this in the short term.
36. In relation to the matters raised by submitter Posthuma and effects on their driveway, he advised that the intersection had been proposed in a location that was midway between the existing driveways for 577 and the submitter's property at 581 Weedons Ross Road. This provided flexibility in designing the intersection and he noted that any localised road upgrades necessary at the subdivision would be addressed at the detailed design stage. He did not agree with the submitter's concerns in relation to the impacts on the intersection and the operation of their driveway as it would be separated by approximately 100 metres. He considered that Weedons Ross Road would continue to carry modest traffic volumes for an arterial road and the low volume residential driveway would continue to be able to operate safely.<sup>19</sup>
37. In response to the matters raised by Mr Tallentire in his evidence in relation to potential cumulative effects on the Christchurch City network, he advised that the comparatively low increase in traffic generated by 130 households meant the wider strategic network change in performance would be barely perceptible.
38. **Mr David Smith**, Technical Director Transportation Planning at Abley, provided transport comments on PC67. In his report forming part of the s42A Report, he concluded that from a transport perspective, the plan change could be supported subject to three matters being addressed:

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<sup>18</sup> Statement of Evidence of Andrew Alan Metherell 30 August 2021 at para [6.2]

<sup>19</sup> Statement of Evidence of Andrew Alan Metherell 30 August 2021 at para [9.7]

- (a) Requirement for signalisation of SH73/Weedons Ross Road intersection and associated works prior to development;
  - (b) Provision of a shared path connecting SH73/Weedons Ross Road intersection to the northern intersection of Kingsdowne Drive; and
  - (c) Provision of shared path along the east side of Weedons Ross Road including between the northern and southern Kingsdowne Drive intersections to form a continuous shared path along Weedons Ross Road site access and SH73 prior to development.
39. Mr Smith's Summary Statement of Evidence at the hearing identified the matters which had been of concern to him, and how they had been addressed.<sup>20</sup>
40. Mr Smith addressed paragraphs [96] to [110] of Mr Tallentire's evidence. He noted that he had assessed the impact of the travel on the operation of the Christchurch City road network in his report. He estimated the plan change would generate 111 trips in peak hour and up to 75% of that traffic would be relatively evenly split between State Highway 73 (via Yaldhurst) and SH1/74 (via Weedons) to access Christchurch. That amounted to approximately 30-50 vehicles two-way per hour, or less than 1 vehicle two-way per minute on each corridor. He addressed the lane capacity and advised that traffic generated would constitute a very small proportion of the capacity of the existing State Highway network. He also advised that when traffic reaches the city, the wide range of workplace, education, shopping and other destinations result in less than 1 vehicle per minute dispersing across the Christchurch urban road network with an increasingly diluted effect on any given road link. It was his view that the effects of this increase (noting that his view was in isolation from other similar developments) would not be noticeable to other transport users.<sup>21</sup>
41. Mr Smith noted that the proposed Rule 12.1.57A(a) and (b) sought to address matters that he had identified in his contributing report. He considered that, as far as practical, the amendments proposed by the Applicant maximised the opportunities for improved walking and cycle connectivity and potential future public transport connections. He supported the ODP updates allowing for efficient integration with possible changes in bus service provision in the future.

#### Analysis and Finding

42. Overall, I am satisfied that the effects on the wider roading network have been properly assessed and the actual or potential effects of the traffic generated by the plan change are likely to be less than, or at the most, minor and certainly not at a level which would render the plan change inappropriate.

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<sup>20</sup> Summary Statement on Plan Change 67 10 September 2021

<sup>21</sup> Summary Statement on Plan Change 67 10 September 2021 at paras [6] and [7]

43. There is clear expert evidence that the dispersal and dilution effects discussed by both Mr Metherell and Mr Smith would render such effects barely perceptible in Christchurch City. I accept that evidence.
44. In terms of the local effects on West Melton roading, including the concerns expressed by W and K Posthuma (PC67-0005) in relation to their driveway, these have been appropriately addressed in the expert evidence, which I accept. If there are any residual effects, they can be considered and addressed at subdivision stage.

#### Cumulative Traffic Effects

45. CRC and CCC both raised cumulative traffic effects. **Mr Tallentire** noted the other plan changes proposed for West Melton. I understand that in terms of PC74, SDC is still awaiting a response to a further information request issued on 3 February 2021, and in terms of PC77, SDC is awaiting a response to the further information request of 27 April 2021. In my view, assessing the transportation effects of this plan change cumulatively to those of PC74 and PC77 would be inappropriate at this stage. I note that the Integrated Traffic Assessment did assess traffic effects cumulative on PC59.

#### Effects on Township Character

46. As identified by Ms White, a number of submitters raised issues in relation to effects on township character and density. J Manera (PC67-0004), H Stevenson (PC67-0007) and the West Melton District Residents Association (PC67-0008) all raised concerns in relation to the effects on township character in particular. Ms Manera was concerned about West Melton becoming larger and loss of the 'country feel'. Ms Stevenson was concerned that the low density, rural-residential character of West Melton would be permanently changed to the detriment of residents and the environment with only the developers benefiting. The West Melton District Residents Association was also concerned that the plan change "might erode the unique low-density, rural residential character of West Melton". It also identified concerns in relation to heightened demand for, and stress on, key village infrastructure including the shopping centre and parking, community centre facilities, schools and churches. It was also concerned in relation to precedent for piecemeal development and the erosion of the rural character and small community.
47. E Anderson (PC67-0009) supported the low density nature of the development including the larger buffer lots adjoining rural land, while opposing the plan change overall.
48. W and K Posthuma (PC67-0005) submitted that they had moved to West Melton 16 years ago for the rural lifestyle, space and peace, and opportunities to use the land as they wished. They submitted that as West Melton had grown busier, the nature of the area had changed but accepted it would continue to grow. They sought that their land be included in the zoning should it be approved, and if not, they sought a number of mitigation measures including a bund, setbacks and moving of the proposed road entrance.

49. CCC (PC67-0006) sought that the plan change be refused unless its concerns, which were wide-ranging, were addressed. In relation to this issue in particular, they submitted that the density proposed was less than the requirements outlined in Objective 6.3.7(5) of the CRPS of 10hh/ha for greenfield development, and, if allowed, sought a minimum density requirement of 15hh/ha.
50. Ms White's analysis of this issue was contained in paragraphs [47] to [52] of her report. She noted the divergence of views as to whether PC67 was in keeping with the current character of the township or would detract from it. She noted any expansion to an urban area would alter peoples' experience and that it was not reasonable to expect that townships remain static.
51. In terms of density, she noted that Policy 6.3.7 of the CRPS referred to a requirement of a density of 10hh/ha in greenfield areas in Selwyn but that this related to Greenfield Priority Areas of which this was not one. She advised the SDP, Policy B4.3.101, promoted new residential areas in West Melton that maintain the lower residential density of the existing village, where practical. She also identified Policy B4.3.98 with its primary focus for new residential development north of SH73 and south of Halkett Road and only to a limited extent of new low density residential development south of SH73.
52. Ms White did not consider the current capacity of facilities was an impediment to rezoning.
53. **Ms Seaton** largely agreed with Ms White's views and noted that Mr Nicholson, Mr Compton-Moen and Ms Lauenstein all agreed that the proposed density of PC67 was appropriate in terms of the character and density both current and future of the township.
54. **Mr Nicholson** was concerned that the application of a higher density would not be consistent with the surrounding context and would lead to a less consolidated urban form, with a greater dependence on private vehicles and greater landscaping and visual effects.<sup>22</sup>
55. In his Summary, **Mr Compton-Moen** advised that he considered the density proposed was appropriate for the character of the receiving environment with West Melton having a different character than Rolleston or Lincoln. He did not consider the site was appropriate for higher density development at this stage, but identified that the proposed layout, with a high level of internal connectivity, did not preclude this from occurring.
56. Mr Tallentire considered that while density at or close to 15hh/ha would use the subject land more efficiently, given the location of the site, he tended to agree with Mr Nicholson that increased densities would likely exacerbate the transport issues of concern as it would seem unlikely to improve the viability of enhanced public transport services.<sup>23</sup>
57. **Ms Lauenstein** considered that PC67 builds on the existing character of West Melton by naturally extending the residential character of PC59 through to the southern portion of the

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<sup>22</sup> Evidence of Hugh Nicholson at para [7.4]

<sup>23</sup> Statement of Evidence of Keith Roger Tallentire 6 September 2021 at para [115]

south-east quadrant. Larger lots along the rural interface, internal and external connections, green spaces and high amenity green pedestrian and cycle linkages, will break the development into smaller components allowing views into the rural land and preserving a sense of openness. She considered this added to the small town feel and village type character and would contribute to a well functioning urban environment.<sup>24</sup>

58. Ms Lauenstein also addressed the issue of size of the township. Her opinion was that there is not a set number of people that determine the character of a small township.<sup>25</sup> However, she advised that the size of a township can start to affect its character and cohesion when walking distances from the outer areas to the centre start to exceed the 10-12 minute walking distance. She considered however that low amenity and bad connectivity have a far greater negative impact on the experience than a slight increase in distance travelled. She considered the ability to walk through a known neighbourhood that provides a sense of place provides a far stronger character than the actual size of the township.<sup>26</sup> She considered further that density and lot sizes did not, in themselves, determine character or amenity and it was often the historic setting, the design and landscaping of streetscapes, green spaces and public spaces that creates variety and character. Most importantly, she considered that it was the sense of community that gives a place its character which can only be achieved through well designed and interconnected neighbourhoods consolidated around a shared communal hub.<sup>27</sup> She considered that some growth in West Melton is definitely to be encouraged as it would allow the township to grow in a consolidated balanced urban form and ultimately allow it to function better.<sup>28</sup>
59. Overall it was her assessment that PC67 does not diminish the character of West Melton. To the contrary, she considered it assists to enhance the existing character by working towards a better consolidated form with better communal connections.<sup>29</sup>
60. Mr Compton-Moen considered that in terms of existing landscape character, the proposal was considered to have minor effects with it being viewed as a natural extension of the Wilfield development. The proposed low density residential development promoted in the plan change would only have a moderate magnitude of change in the Inner Plains rural character.<sup>30</sup> He considered that from an urban design perspective, the scale of the development and the changes would promote an efficient use of land without compromising the character of urban West Melton and appearing as a natural extension of the township.<sup>31</sup>

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<sup>24</sup> Statement of Evidence of Nicole Lauenstein 30 August 2021 at para [4.19]

<sup>25</sup> Statement of Evidence of Nicole Lauenstein 30 August 2021 at para [5.19]

<sup>26</sup> Statement of Evidence of Nicole Lauenstein 30 August 2021 at para [5.20]

<sup>27</sup> Statement of Evidence of Nicole Lauenstein 30 August 2021 at para [5.21]

<sup>28</sup> Statement of Evidence of Nicole Lauenstein 30 August 2021 at para [5.22]

<sup>29</sup> Statement of Evidence of Nicole Lauenstein 30 August 2021 at para [5.27]

<sup>30</sup> Statement of Evidence of David John Compton-Moen 30 August 2021 at para [7.4]

<sup>31</sup> Statement of Evidence of David John Compton-Moen 30 August 2021 at para [7.5]



### Finding

61. Overall, I accept that development in accordance with the plan change may potentially adversely affect amenity of those neighbouring the development. I also accept it would, if approved, introduce more residents and associated movements into West Melton. I find, and having carefully considered the expert evidence on this issue, given the proposal's location, scale and the requirements of the ODP, it is unlikely to have anything more than minor effects on the character of West Melton. I agree with Ms White that the current capacity of facilities are not an impediment to a rezoning.
62. In light of the policy framework in the SDP, and the existing character of West Melton, I consider the proposed density is appropriate. In my view, the density of 15hh/ha sought by CCC and CRC would, at this stage, be inappropriate. The density proposed reflects the West Melton character and the SDP policy framework.

### Night Sky Darkness

63. The site is located within the West Melton Lighting Observatory Area. Policy B3.4.13 directs that potential night glow is reduced from outdoor lighting in the area around the West Melton Observatory. The explanation to that policy explains that it is not intended to prevent residential development but to ensure that potential night glow is reduced by appropriate design.
64. As noted by Ms White, a matter of discretion for subdivision (Rule 12.1.4.6) allows for consideration within the Living WM Zone as to whether street lighting options would assist in mitigating any adverse effects on the operation of the West Melton Observatory. Ms White identified that there are restrictions on illuminated signage.

### Findings

65. The concerns raised by submitters W Beavan, J Manera, H Stevenson and E Anderson identify an important issue. It is one expressly recognised in the SDP.
66. Both Ms Seaton and Ms White agreed that this was a relevant issue but not one which was sufficient on its own to decline the plan change. Ms Seaton noted that in the neighbouring Wilfield development, the subdivision resource consent had included a condition of consent requiring shielding of outdoor lighting so that any light spill was directed at an angle 90 degrees below the vertical.
67. I consider that this is an important issue and one well raised by the submitters. However it is one which is capable of being addressed at subdivision stage, and it is not one which justifies declining the plan change.

## Versatile Soils

68. Both CCC (PC67-0006) and CRC (PC67-0011) raised concerns in relation to the loss of versatile soils. Both submitters identified the pNPS-HPL which was released for public consultation in 2019.
69. Overall Ms White considered that expansion of the residential area into 13.7 hectares of LUC Class 2 and 19.7 hectares of LUC Class 3 land was a relevant matter to be considered in 'weighing up' whether the plan change was the most appropriate way to achieve the objectives, but not a sole determining factor.
70. The Applicant led expert evidence from **Mr Mthamo**. Mr Mthamo has been involved with PC67 since the beginning of August 2021. He described the soils on the site noting that details of the soils were provided in the S-maps Online and Canterbury Maps. These identified the soils as predominantly Templeton silt loam which are deep and with moderate drainage. He identified an area of Eyre silty loams of approximately 10% of the area which are generally shallow and stony. He discussed the New Zealand Land Resource Inventory which he advised provides a default ranking for land according to its long-term productive ability and addressed the pNPS-HPL and its recognition that the LUC classification was simply a default position or a starting point for identifying productive values in soils.<sup>32</sup> He identified that soil properties such as physical limitations, land use suitability, slope limitations, characteristic soil stoniness, depth and similar could change over very short distances and so the mapping which had informed the LUC was too imprecise to capture the differences. He noted the pNPS-HPL leaves open the prospect that more detailed information/analysis of the soils or other environmental factors may impact on the overall assessment of their value.
71. He undertook a more detailed assessment of the soils and other factors that he considered were likely to impact intensive agricultural productivity in PC67, and advised that in his opinion the area and the soils within it should not be categorised as having high agricultural or pastoral production potential. Even if so, he did not consider the potential loss significant, given *"the abundant available land/soils with high production potential in the Selwyn district and wider Canterbury"*.
72. He identified that the PC67 site was within a zone where groundwater was over-allocated and that current constraints on water takes would present a considerable hurdle for any person looking to secure productive value from this land given the criticality of irrigation water.<sup>33</sup> He also identified the requirements of the CLWRP's Selwyn Te Waihora Sub-Regional Plan which imposed limits on the discharge of nitrates and phosphorous from farming activities and imposed a requirement to avoid exceeding the baseline rates from the 2009-2013 farming years where they exceeded 15kg N/ha/year. He also identified reverse sensitivity and

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<sup>32</sup> Statement of Evidence of Victor Mkurutsi Mthamo 30 August 2021 at para [4.6]

<sup>33</sup> Statement of Evidence of Victor Mkurutsi Mthamo 30 August 2021 at para [4.15]

fragmentation given that PC67 was adjacent to earlier stages of the Wilfield residential subdivision.

73. He was of the opinion that it was unlikely that the size of PC67 would, on its own, warrant the investment required to turn it into productive land and concluded that taking into account both the natural capital of the soils as recognised by the LUC classes, and the site specific factors, the PC67 soils should not be considered highly productive such that warrant their protection from the impacts of residential development.
74. Mr Mthamo also addressed the degree of loss, estimating a 0.024% reduction in productive land and any loss of the soils as a result of PC67 was insignificant.
75. Mr Tallentire in paragraph [123] of his evidence acknowledged Mr Mthamo's evidence in relation to the site specific factors and his opinion that any loss of versatile soils through PC67 would be insignificant. He raised a concern that PC67 was being considered in isolation.
76. In response to Mr Tallentire's evidence, Mr Mthamo undertook a further assessment which he presented at the hearing. That assessment identified all SDC plan changes (operative and proposed) to estimate the amount of LUC Classes 1-3 soils so that he could understand the net changes or loss in versatile soils since 2018 when SDC published its baseline report. He concluded that the cumulative potential loss in productive soils since 2018, up to and including PC67, was 0.325%.<sup>34</sup>
77. **Mr Robert Smith and Ms Chanel Farrelly**, further submitters in support of the original submission of John and Sandra Owens, also spoke on this issue. Mr Smith outlined his background in food production/agronomy and discussed a number of matters relating to land use in the area. He identified that the population in New Zealand was rising and that the land in the area in which they lived was generally classified as lifestyle with a 4 hectare minimum land area and little to no income. He considered the land to be more suitable for houses and that SDC should be making more land available for residences. He also identified the fire risk in the area and discussed that issue. He considered that risk was better managed if the land is populated into smaller sections.
78. He discussed West Melton and its proximity to Christchurch and its amenities. He discussed the nature of the land in what he described as the area between Rolleston and West Melton down towards Christchurch as being light, sandy, stony country which was only fit for housing or industry. It was not capable of productive use.

### Finding

79. Again versatile soils are an important issue. Policy B1.1.8 appears to be reasonably directive in its approach. It directs that the rezoning of land for new residential development is avoided

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<sup>34</sup> Summary Statement of Evidence of Victor Mkurutsi Mthamo 14 September 2021 at paras [9] – [10]

if it is appropriate for other activities and there are other areas adjoining the township that are appropriate for new residential development which do not contain versatile soils.

80. The explanation to that policy records that the RMA does not recognise adverse effects of activities on soils as having primacy over adverse effects on other parts of the environment.
81. Neither the RMA, the CRPS or the SDP place primacy on soils over other natural and physical resources which allow people and their communities to provide for the needs of current and future generations.<sup>35</sup>
82. Mr Mthamo has carried out an assessment of the productive value of the land by applying the list of factors that Judge Treadwell considered need to be considered in determining if land is productive.<sup>36</sup> He identified a number of factors relevant to this site which he considered would limit the productive use of the soil.
83. I acknowledge Mr Mthamo's evidence that there may be some limitations in relation to future use. I do not consider that productive values of the soils should be assessed purely on the basis of the ability or otherwise to intensify land use for productive activities. While that is relevant, it is not, in my view, determinative. Versatile/highly productive soils have inherent values which must be carefully considered.
84. Overall, I do not consider the loss of the productive soils is, of itself, a ground for declining this proposal. It is however a relevant factor which I have considered in reaching my overall Recommendation.
85. The pNPS-HPL remains just that – proposed. It does not have any statutory weight at present. Its relationship with the NPS-UD remains to be settled. I have therefore given it little weight. In any event, I consider this proposal will result in a minimal loss of versatile soils within a district or regional context.

#### Servicing – Infrastructure

86. The submitters W Beaven, J Manera and H Stevenson identified concerns in relation to the impact that this plan change may have on current water supplies and questioned whether there was sufficient supply to service the development.
87. CRC in both its submission and in its evidence, considered the application to be inconsistent with Policy 6.3.5(2) of the CRPS which is to ensure that the nature, timing and sequencing of new development is coordinated with the development, funding, implementation and operation of transport and other infrastructure. It submitted further that it was not consistent with the NPS-UD requirement for local authority decisions on urban development that affect urban environments to be integrated with infrastructure planning and funding decisions, and strategic

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<sup>35</sup> SDC Baseline Assessment Versatile Soils (DW015)

<sup>36</sup> *Canterbury Regional Council v Selwyn District Council* [1997] NZRMA 25

over the medium and long term. It submitted that to ensure alignment with Policy 6.3.5, any proposed or potential future upgrades to SDC's reticulated services network should not be relied on, particularly given that it will occur out-of-sequence. It also identified other plan changes within the West Melton area that would require servicing and submitted that an ad hoc or out-of-sequence development may result in a first in first served allocation of reticulated services resulting in the potential prevention of development potential of more suitable locations. Overall it submitted that a strategic planning exercise was the most appropriate to determine the scale and direction of any growth of the township including infrastructure constraints and how they may be addressed.

### Evidence

88. **Mr Hall** is a director of Davie Lovell Smith. His area of expertise is consulting in civil engineering related to the development of land. He prepared the infrastructure report included in the application and had reviewed the geotechnical report and used its findings in his investigations.
89. In his evidence he addressed the provision of services to the site, including stormwater, wastewater, water supply and other services.
90. He also addressed the effects and requirements around earthworks. On this issue, he considered earthworks was not an impediment to the approval of this application but it would be subject to appropriate conditions on specific land use applications at the time of the subdivision.
91. In relation to water supply, he advised that 130 lots produced an additional water supply demand of 15.6l/s but that if the larger lots are required to have a storage tank, and be placed on a restrictor, that would reduce demand to 13.89l/s.<sup>37</sup> He noted SDC had confirmed that there was future capacity for the proposal in the West Melton network. He advised that the West Melton water supply had been upgraded to include a connection to the Edendale water supply and the redevelopment of the Wilfield Bore. He identified that the proposal may require some pipe upgrades, but the specific detail of those upgrades would be addressed through the subdivision consenting and engineering approval process.<sup>38</sup> He also identified that water supply would be further supplemented by harvesting rainwater in tanks which was now required. He had no concerns in relation to water supply for fire fighting.
92. In terms of wastewater, he identified it could be serviced by a local pressure sewer with additional flows requiring an upgrade of the Silver Peaks pump station but not the rising main. He noted that the network connection from West Melton back to the Pines WTP had been reconsidered. He advised there had been a reduction in water ingress and this had led to an increased capacity which he considered ensured the viability of the plan change development.

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<sup>37</sup> Statement of Evidence of Andrew James Emil Hall 30 August 2021 at para [4.1]

<sup>38</sup> Summary of Evidence 14 September 2021 at [1.2(b)(iii)]

He also considered that additional capacity could be achieved by pumping the wastewater all the way to the Pines WTP if necessary.<sup>39</sup>

93. In relation to stormwater, he confirmed that it would be discharged to ground given the underlaying of the site with gravels and the depth of groundwater. He noted this would be subject to CRC consents.<sup>40</sup>
94. Mr Hall addressed the submissions which had raised concerns about the impact of the plan change on groundwater and existing wells.<sup>41</sup> He acknowledged that there was not currently sufficient supply to meet all proposed plan changes in West Melton but that SDC had confirmed there were viable means to achieve this future demand.<sup>42</sup>
95. In terms of CRC's submission, he stated that capacity can be provided and steps were well advanced to achieve it.<sup>43</sup>
96. **Mr Shane Bishop**, a principal engineer at Stantec New Zealand, provided officer comments in his report of 19 August 2021 and forming part of the s42A Report.
97. In his Summary of Evidence, Mr Bishop advised that the potential impacts of this plan change had been considered in the context of ultimately servicing the Three Waters demands of the current community and West Melton area plan changes currently submitted. These included PC74, PC77 and this plan change.<sup>44</sup>
98. In terms of water supply, he advised there was capacity to meet existing demands and part of the planned/proposed future growth but upgrades are required to accommodate additional growth.<sup>45</sup> He identified the SDC 2021-31 Long Term Plan included budget for further upgrades of the West Melton water supply to address capacity constraints, new water sources and pipelines to service growth.<sup>46</sup> He considered the proposed rain tanks to be consistent with SDC's Water Conservation and Demand Management Plan and while additional capacity to fully service this and other West Melton plan changes was not currently available, capacity upgrades were proposed and planned and the future water demand can be met.<sup>47</sup>
99. In relation to wastewater, he accepted that the system had capacity to accept and convey flows from the existing catchment and proposed flows from the plan change to the Pines WTP. He noted that was designed to be progressively upgraded to accommodate 60,000 person equivalents with plans to increase the treatment capacity to 120,000 person equivalents being

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<sup>39</sup> Statement of Evidence of Andrew James Emil Hall 30 August 2021 at paras [5.1] – [5.7]

<sup>40</sup> Statement of Evidence of Andrew James Emil Hall 30 August 2021 at paras [6.1] – [6.4]

<sup>41</sup> Submissions 3 (Beaven), 4 (Manera), 7 (Stevenson) and 8 (West Melton District Residents Association)

<sup>42</sup> Statement of Evidence of Andrew James Emil Hall 30 August 2021 at para [7.1]

<sup>43</sup> Statement of Evidence of Andrew James Emil Hall 30 August 2021 at para [7.2]

<sup>44</sup> Summary Statement 13 September 2021 at para [3]

<sup>45</sup> Summary Statement 13 September 2021 at para [6]

<sup>46</sup> Summary Statement 13 September 2021 at para [6]

<sup>47</sup> Summary Statement 13 September 2021 at para [9]

prepared. He noted that upgrades were planned and budgeted for within the Long Term Plan and there was a viable means to treat and dispose of wastewater.<sup>48</sup>

100. In terms of stormwater, he noted the proposed discharge to ground via soak holes in public areas and roads and soak holes in private properties/individual sites was consistent with the surrounding urban development area. He considered that to be a viable means to dispose of stormwater and recommended a stormwater consent from CRC was obtained prior to resource consent from SDC.<sup>49</sup>
101. Mr Tallentire's evidence addressed infrastructure, largely from a policy perspective.<sup>50</sup> He noted that Pines WTP was at or near capacity and that it was his understanding that the current operational consents granted by CRC allow for up to 47,777 PE and there was no application to increase that. He considered this reinforced concerns that enabling PC67 would undermine the timely delivery of land already identified for urban development within the PIB. From a policy perspective, he considered there was no real and demonstrable provision for appropriate infrastructure to service or accommodate PC67. In his view, it was not enough to seek to demonstrate that feasible servicing options existed. He considered that in order to satisfy the NPS-UD, the evidence must show how the plan change would be integrated with infrastructure planning and funding directions.

#### Finding

102. I have clear evidence from Mr Hall and Mr Bishop that the developed site can be appropriately serviced from an infrastructural perspective. Both Mr Bishop and Mr Hall acknowledged that there will be upgrades needed. A good deal of the infrastructure, and particularly in relation to the Pines WTP, is planned and budgeted for within the 2021-2031 Long Term Plan.
103. I have considered issues in relation to the certainty of infrastructure provision, particularly in relation to the Pines WTP. This is a matter that I have also discussed in other plan change hearings that I have held. It appears that there is a high degree of confidence within SDC that any necessary upgrades will be consented (if needed) and available. I understand that the Pines 120 project is well under way and, as noted, is identified within the relevant Long Term Plan with funding, through development contributions, identified.
104. It is apparent that SDC and its officers have been able to provide infrastructure, often working closely with developers, through what has been a remarkable period of urban growth following the Christchurch earthquake sequence.
105. That has been achieved through careful planning but also through responsive decisions. Overall, I consider that given the identification of feasible options, many of which are in fact planned and funded, the approach taken is appropriate.

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<sup>48</sup> Summary Statement 13 September 2021 at paras [10] – [12]

<sup>49</sup> Summary Statement 13 September 2021 at para [13]

<sup>50</sup> Evidence of Keith Roger Tallentire on behalf of CRC and CCC 9 September 2021 at paras [88] – [95]

106. I am satisfied that infrastructural concerns have been appropriately addressed.

#### Site Suitability – Geotechnical and Contaminated Land

107. The infrastructure report provided with the request included a geotechnical assessment prepared by an engineering geologist and an associate engineering engineer at Miyamoto International. This did not identify any issues of concern. This was peer reviewed by Mr McCahon of Geotech Consulting Limited. Having reviewed the report, he did not consider that there were any geotechnical issues that would preclude rezoning of the site for residential development. He agreed that there was minimal to no liquefaction potential at the site and the site would be equivalent to TC1 technical land classification.

108. In terms of the contaminated land, a Preliminary Site Investigation (PSI) was undertaken. The PSI was reviewed by CRC's contaminated land team. They identified 2 HAIL sites and agreed with the recommendation for a detailed site investigation to be undertaken to assess those HAIL activities. They identified another HAIL activity on the site which had been remediated and validated and were satisfied that the PSI identified all known HAIL activities.

109. No major flood issues were identified with the land. Mr Mthamo did not consider that development enabled by PC67 would be susceptible to significant flooding or increase any potential risk for flooding.

#### Finding

110. I accept the evidence in relation to these matters and am satisfied that there are no issues in relation to site suitability.

#### Landscape and Visual Effects

111. The application included, as Appendix C, a landscape and visual effects assessment undertaken by Mr David Compton-Moen. In that assessment, he concluded that in terms of the existing landscape character of the receiving environment, the proposal would have minor effects on that existing landscape character with the plan change area being viewed as a natural extension of the Wilfield development. He also identified that the proposed low density residential development promoted would have a moderate magnitude of change on the Inner Plains rural character. While the increase in dwellings may seem large, the proposed lot sizes were appropriate for the West Melton area and was similar in terms of bulk and location to the existing West Melton residential developments. He noted there was a minor loss of significant vegetation or changes to topographical features from the proposal with the greatest change being with the loss of the open character with more dwellings and buildings, infrastructure, etc.

112. The assessment also included a visual assessment addressing the existing context and a number of mitigation measures.



113. Mr Nicholson broadly agreed with Mr Compton-Moen's descriptions of the landscape character and visual context. It was his opinion that the change to landscape character resulting from the proposed plan change would be greater than Mr Compton-Moen's view, and that it would have a moderate-high impact which reflected the change from an open rural landscape with long views with limited built elements, to a suburban landscape with shorter views, enclosed spaces and a greater number of built elements. He considered visual impact to be moderate. Mr Nicholson's primary concerns were of an urban design nature.

#### Finding

114. In my view, any change such as this will have visual and landscape character effects. This is as a result of its very nature in changing what is presently a reasonably open rural landscape to a suburban one. In relation to landscape and visual amenity effects, I consider the effects such that they are likely to be appropriate and acceptable and certainly not sufficient to justify declining the plan change request.

#### Reverse Sensitivity

115. The submitters Winston and Kristina Posthuma (PC67-0005) raised this issue in their submission. The submission stated, relevantly:

*We lose the lifestyle protections provided by the rural zoning, and we are concerned we will be restricted in our ability to use our land for rural purposes.*

116. They identified further:

*Reduced ability to use our land freely for rural purposes, as activities like running farm machinery, permitted burn offs or our grandchildren riding dirtbikes are likely to spark complaints from neighbours living a more suburban lifestyle.*

117. They sought that their land be included in the rezoning but if not, they asked that a bund be built on their side of the road. This was both to address effects in relation to traffic noise and privacy, and also submitted that it would be likely to reduce the noise created by rural use of their property which would benefit residents of the subdivision and reduce complaints. In addition to the bund, they sought (relevantly):

- Development of properties within the proposed subdivision is restricted to low density larger sections only for sections closest to the road, to create a buffer zone;
- Houses are not to be built within 40 metres of the road boundary, to increase the distance between homes and the rural zone.

118. Ms White identified a potential for new residents to be sensitive to the surrounding rural activities. She noted that residential zones adjoining rural zones are extremely common and this plan change simply altered the current location of the interface between residential and rural activities. In her opinion, there was nothing particular about either the site or the

surrounding rural uses that warranted particular mitigation. Ms White identified Mr Nicholson's evidence. Mr Nicholson had been asked to address the additional bunding sought.

119. Mr Nicholson's report acknowledged that the bund would reduce potential reverse sensitivities but the road width and proposed edge treatment were generally considered to be an acceptable solution as in other parts of the district.<sup>51</sup>

#### Finding

120. I accept Mr Nicholson's evidence and Ms White's opinion on this issue. I note the ODP plans specify that the sections directly adjacent to Inner Plains zoned land will have a notice on their LIMs referring to potential reverse sensitivity issues. The interface treatment includes having larger residential sections as perimeter blocks where the sections immediately adjoin a boundary with the Inner Plains. While that does not directly relate to the property of the Posthumas, I consider the road width and proposed edge treatment will address reverse sensitivity issues. To require the placement of further low density development lots along Weedons Ross Road would not, in my view, be efficient.

#### Effects on Urban Form

121. I address urban form and associated issues in my assessment of the various statutory documents rather than simply addressing it from an effects perspective.

#### Conclusion On Effects

122. Overall, having considered all of the submissions, the evidence and reports, in my view with the additional matters proposed to address specific concerns that have been raised, the actual and potential effects on the environment are adequately addressed in so far as relevant at this stage. A number of effects will of course be subject to further scrutiny at consent stage in accordance with the rule framework adopted. There is nothing, in my view, from an effects perspective which would render this plan change inappropriate.

#### **Rezoning Request – W & K Posthuma (PC67-0005)**

123. In relation to the Posthumas' request that their land be included in the zoning change, should it be approved, and putting aside potential issues of scope given the nature of the plan change proposal, I agree with Ms White that the assessments provided by the Applicant in relation to this rezoning, are not sufficient to be relied on to assess the rezoning of the additional land. No further evidence was presented by or on behalf of the Posthumas. I do not consider it is appropriate to assess, or to rezone the submitter's land.

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<sup>51</sup> Statement of Evidence of Hugh Anthony Nicholson 23 August 2021 at para [9.7]

## Statutory Documents

### The Relationship Between the NPS-UD and CRPS

124. Before I assess this plan change against the relevant statutory documents, it is appropriate that I address the relationship between the NPS-UD and the CRPS.
125. This is a critical issue and was subject of detailed submissions on this plan change. Indeed it is an issue which has been raised on a number of other plan changes in the Selwyn District. It is an issue which has also arisen in the context of the hearings of the PDP. It has generated numerous submissions and opinions. Notwithstanding the importance of this issue, and the range of submissions and opinions on it, it is my understanding that no submitters, territorial authorities, nor CRC, have sought guidance from the Courts.
126. While stating the obvious, my consideration of this issue is not intended to be a de facto declaration. I have considered this matter on the basis of the submissions, and the evidence where relevant. I am familiar with, and have applied in my Recommendation, the principles of statutory interpretation. The principles, in my view, are well summarised in *Simons Pass Station Limited v Mackenzie District Council*<sup>52</sup> and I do not repeat those here. I have considered the text, the purpose of the responsive planning provisions, and, in light of the absence of case law, the guidance provided through MfE.
127. This part of my Recommendation is not addressing the merit or otherwise of the plan change against the relevant statutory framework. It is simply addressing the issue of whether the directive objectives and policies in the CRPS (and the SDP objectives and policies which implement those) operate, in essence, as a veto on my ability to recommend approval to SDC, or, more importantly, on SDC's subsequent decision, because the plan change is outside the areas identified in Map A of the CRPS.
128. I have been provided with detailed submissions by Ms Semple for the Applicant, both in her opening and in her closing submissions.<sup>53</sup>
129. Ms Semple, in her Closing Submissions, provided a copy of a Memorandum from Mr Paul Rogers which addressed this issue in the context of the plan changes and the submissions on the PDP.<sup>54</sup> This Memorandum has been publicly released.
130. I have also been assisted by the very comprehensive legal submissions by **Mr Wakefield** on behalf of CCC and CRC. I have carefully considered those submissions in full.

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<sup>52</sup> *Simons Pass Station Limited v Mackenzie District Council* [2020] NZHC 3265, (2020) 22 ELRNZ 277 at paras [25] – [35] and [38]

<sup>53</sup> Synopsis of Opening Legal Submissions 14 September 2021 and Closing Legal Submissions 29 September 2021

<sup>54</sup> Memorandum of 13 September 2021 Subject: NPS – CRPS – Plan Changes to the ODP and Submissions on the PDP

## Key Objectives and Policies

### CRPS

131. The key objectives and policies of the CRPS in relation to this particular issue are:

(a) Objective 6.2.1:

#### ***Recovery framework***

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

1. *identifies priority areas for urban development within Greater Christchurch;*

...

3. *avoids urban development outside of existing urban areas or greenfield priority areas for development, unless expressly provided for in the CRPS;*

...

(b) Policy 6.3.1:

#### ***Development within the Greater Christchurch Area***

*In relation to recovery and rebuilding for Greater Christchurch:*

1. *give effect to the urban form identified in Map A, which identifies the location and extent of urban development that will support recovery, rebuilding and planning for future growth and infrastructure delivery;*

...

3. *enable development of existing urban areas and greenfield priority areas, including intensification in appropriate locations, where it supports the recovery of Greater Christchurch;*

4. *ensure new urban activities only occur within existing urban areas or identified greenfield priority areas as shown on Map A, unless they are otherwise expressly provided for in the CRPS;*

...

### SDP

132. The most relevant objectives and policies in the SDP on this issue are:

(a) Objective B4.3.3:

*For townships within the Greater Christchurch area, new residential or business development is to be provided within existing zoned land or priority areas identified in the Regional Policy Statement and such development is to occur ...*

(b) Policy B4.3.1: (relevantly)

*Ensure new residential, rural residential or business development either:*

...

- *The land is rezoned to an appropriate Living or business Zone and, where within the Greater Christchurch area, is contained within existing zoned land and greenfield priority areas identified in the Regional Policy Statement and developed in accordance with an Outline Development Plan incorporated into the District Plan.*

*NPS-UD*

133. The key objectives, policies and other matters within the NPS-UD in relation to this particular issue are:

(a) Objective 2:

*Planning decisions improve housing affordability by supporting competitive land and development markets.*

(b) Policy 2:

*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.*

(c) Objective 6:

*Local authority decisions on urban development that affect urban environments are:*

*(a) integrated with infrastructure planning and funding decisions; and*

*(b) strategic over the medium term and long term; and*

*(c) responsive, particularly in relation to proposals that would supply significant development capacity.*

(d) Policy 8:

*Local authority decisions affecting urban environments are responsive to plan changes that would add significantly to development capacity and contribute to well-functioning urban environments, even if the development capacity is:*

*(a) unanticipated by RMA planning documents; or*

*(b) out-of-sequence with planned land release.*

(e) Subpart 2 – Responsive planning of the NPS-UD provides:

**3.8 Unanticipated or out-of-sequence developments**

- (1) *This clause applies to a plan change that provides significant development capacity that is not otherwise enabled in a plan or is not in sequence with planned land release.*
- (2) *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*
- (3) *Every regional council must include criteria in its regional policy statement for determining what plan changes will be treated, for the purpose of implementing Policy 8, as adding significantly to development capacity.*

134. I note that the above is not intended to be an exclusive list. There are other objectives and policies within the NPS-UD which provide relevant context, including Policy 1.

#### Parties' Submissions

135. Ms Semple identified that the reason for Policy 8's central focus in this case was because the PC67 land falls outside of the areas identified for development in Map A of the CRPS. She submitted that there was no dispute that the provisions of the CRPS are clear that, in such cases, development is to be avoided unless explicitly provided for elsewhere in the CRPS, which this proposal is not.<sup>55</sup>
136. Ms Semple acknowledged that unless an alternative pathway is available, I would be unable to approve the plan change without falling foul of the requirement for the SDP to give effect to the development pattern established by Map A and the CRPS. Ms Semple submitted that the NPS-UD did provide that alternative pathway, and in light of the clear direction and its place in the hierarchy of RMA documents, it provided a process by which PC67 could be approved.
137. Ms Semple identified and discussed the 2019 MfE document *Planning Successful Cities: A Discussion Document on a Proposed National Policy Statement on Urban Development*, Wellington: Ministry for the Environment at pages 38 and 39. These provisions recognise that urban areas are dynamic and complex systems which are continually changing in response to wider economic and social change and that as much as cities need to anticipate and plan for growth, they must also remain open to change and be responsive to demand. That document also identified one of the challenges with the current planning system is it is one that is not responsive enough to changing circumstances or opportunities. It states:

*Existing urban boundaries or planned land release sequences are sometimes defended to encourage a particular urban settlement pattern, or to manage infrastructure costs. The proposed NPS-UD is seeking to support the Urban*

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<sup>55</sup> Synopsis of Opening Legal Submissions 14 September 2021 at para [4.6]

*Growth Agenda's objective to provide a system that is more open and responsive to new urban development opportunities in areas where they are most needed.*

138. The tool which Ms Semple identified to provide flexibility and responsiveness necessary to reflect the reality/complexity of development in the urban areas was the direction in the NPS-UD though Objective 6 and Policy 8. She submitted *“put simply, Policy 8 re-opens the door that fixed urban growth or infrastructure boundaries had previously slammed shut”*.<sup>56</sup>
139. Ms Semple noted the NPS-UD sits atop the hierarchy of documents prepared under the RMA. She submitted that because it was released after all of the subsidiary operative Canterbury RMA documents, those documents cannot be presumed (and are, in fact, unlikely) to have given effect to it.
140. Mr Wakefield submitted that from a legal perspective, at the core of the request by CCC and CRC that the application be declined, was a contest between the CRPS and the NPS-UD. He submitted the proper process was to attempt to reconcile the NPS-UD and CRPS in a manner that accords with the wider statutory context and the hierarchy of the planning documents outlined in *Colonial Vineyards*. He submitted that in effect, if the GW Wilfield approach was accepted, it would mean that Change 1 to the CRPS, and the core urban growth strategy in the CRPS was ignored. He submitted further this would be entirely at odds with the decade of strategic planning undertaken by the GCP and the recent housing capacity assessments endorsed by the GCP. He submitted that this context and the CRPS itself, should not be disregarded in favour of isolated policies in the NPS-UD that (properly understood) provide an administrative pathway only, rather than a direction that must be applied to all lower order planning documents.<sup>57</sup>
141. Mr Wakefield submitted that the criteria set out in clause 3.8(2) engaged with the expectation that urban environments are well functioning and well serviced, and submitted that the overlapping nature of those criteria with other NPS-UD objectives and policies, indicate that *“while the responsive planning framework provides a pathway – it remains part of the wider scheme of the NPS-UD and is required to deliver on its overarching objectives”*.<sup>58</sup> He then identified several reasons why that interpretation was supported. These were, in summary:
- (a) There is nothing expressly stated in the NPS-UD that gives Policy 8 an elevated significance over other objectives and policies;
  - (b) The parent objective (Objective 6) puts three different matters on equal footing with the implication that the responsive planning framework cannot be treated as a process isolated from the remainder of the NPS-UD;
  - (c) That the guidance prepared by MfE is consistent with that interpretation, emphasising the words ‘complement’ and:

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<sup>56</sup> Synopsis of Opening Legal Submissions 14 September 2021 at para [4.15]

<sup>57</sup> Legal Submissions for CCC and CRC 14 September 2021 at para [9.9]

<sup>58</sup> Legal Submissions for CCC and CRC 14 September 2021 at para [4.6]

*Local authorities need to anticipate and plan for growth while **remaining open to change and being agile and responsive to development opportunities.***

- (d) He noted further the guidance provided that the responsive planning policy limits a local authority's ability to refuse certain private plan change requests without considering evidence and that the responsive planning policy sought to ensure flexibility to enable development that may not be currently in council infrastructure plans.
142. He submitted that the MfE guidance aligned with the interpretation preferred by CCC and CRC; that is, it operates as a pathway for the consideration of requests to release land for development capacity out-of-sequence, but only where it can be demonstrated that early release is warranted on the merits, and in a manner that complements (his emphasis) existing strategic planning.<sup>59</sup> He submitted that the CRPS could not be said to be non-compliant with Policy 8 and that it may be entirely appropriate, as a means of achieving Objective 6 of the NPS-UD, to develop a restrictive framework that enables growth or provides for responsiveness in certain areas, and restricts growth elsewhere.<sup>60</sup>
143. He submitted that if precedence was given to being responsive (on development capacity alone) without engaging the other criteria, the result could be a proliferation of ad hoc and potentially insignificant and speculative developments being approved which could potentially result in urban growth that was not properly integrated and potentially inconsistent with existing growth strategies. He submitted that would be plainly at odds with the forward-looking objective of the NPS-UD.<sup>61</sup>
144. He submitted that if the responsive planning framework provides a way to release land for development capacity in a manner that can depart from the CRPS framework, which he summarised as softening the avoid framework, that would undermine the intent of the NPS-UD if responsiveness could come at a potential cost to pre-existing strategic decisions.<sup>62</sup> He submitted that SDC must not overlook its obligation to give effect to the strong 'avoid' framework set out in the CRPS. He recorded that CCC and CRC specifically disagree with the Memorandum from the SDC which noted that the hard line policies are what the responsive planning provisions of the NPS-UD are seeking to work around.<sup>63</sup>
145. In her Closing Legal Submissions, Ms Semple submitted that the approach adopted by CRC and CCC in this hearing amounted to a thinly veiled attempt to eschew and undermine the NPS-UD, in particular the intent of Policy 8, and to hold fast to a fixed (non-responsive) urban limit framework that controls where and when development occurs.<sup>64</sup> It was her submission that such an approach is precisely the mischief (in a legal sense) that Policy 8 is seeking to

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<sup>59</sup> Legal Submissions for CCC and CRC 14 September 2021 at para [4.7](d)

<sup>60</sup> Legal Submissions for CCC and CRC 14 September 2021 at para [4.7](e)

<sup>61</sup> Legal Submissions for CCC and CRC 14 September 2021 at para [4.7](f)

<sup>62</sup> Legal Submissions for CCC and CRC 14 September 2021 at para [4.8]

<sup>63</sup> Legal Submissions for CCC and CRC 14 September 2021 at para [4.9]

<sup>64</sup> Closing Legal Submissions 29 September 2021 at para [2.3]



address. Ms Semple footnoted that submission to the discussion document on National Policy Statement for Urban Development 2019 which provides at page 19:

*One challenge with the current planning system is that it is not responsive enough to changing circumstances or opportunities. Existing urban boundaries or planned land release sequences are sometimes defended to encourage a particular urban settlement pattern, or to manage infrastructure costs.*

146. She submitted that the position of CRC was directly contrary to the positive obligation on regional councils in s30(1)(ba) of the RMA to establish, implement and review “*objectives, policies, and methods to ensure that there is sufficient development capacity in relation to housing and business land to meet the expected demands of the region*” (her emphasis) and the requirement of s62(3) of the RMA to give effect to a National Policy Statement.<sup>65</sup>
147. She submitted that the approach failed to acknowledge the critical role regional and territorial authorities have in responding urgently to the nation’s housing crisis. She submitted further that as a matter of law, the NPS-UD sits at the apex of the hierarchy of RMA documents and that lower order documents, including regional policy statements and regional and district plans, are required to give effect to these higher order documents. Ms Semple cited the *King Salmon* decision, where the Supreme Court noted that through this requirement, the Minister secures “a measure of control” over what regional and territorial authorities decide to do.<sup>66</sup>
148. She submitted that Policy 8 effectively directs that non-compliance with the Chapter 6/Map A framework can no longer act as an automatic barrier to assessing the merit of a plan change which meets certain specified criteria (as set out in clause 3.8).<sup>67</sup>
149. She submitted that the rationale for Policy 8 was obvious and the plan processes are generally too slow to account for a rapidly shifting residential housing market trying to respond to a housing shortage/crisis and further that local authorities are not able to predict the location and timing of all possible opportunities for urban development, when plans are being formulated.<sup>68</sup>
150. She submitted it was not a contest and identified that, as reinforced by the guidance provided by MfE, in giving effect to the NPS-UD, local authorities may continue to identify in RMA plans where they expect development to occur and where urban services/infrastructure are anticipated to be provided.<sup>69</sup>
151. She submitted further that pursuant to s62(3) RMA, the framework specifying the expectation of where development could and could not occur, the CRPS with its avoid framework did not

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<sup>65</sup> Closing Legal Submissions 29 September 2021 at para [2.5]

<sup>66</sup> Closing Legal Submissions 29 September 2021 at para [2.7]

<sup>67</sup> Closing Legal Submissions 29 September 2021 at para [2.14]

<sup>68</sup> Closing Legal Submissions 29 September 2021 at para [2.15]

<sup>69</sup> Closing Legal Submissions 29 September 2021 at para [2.17] (referencing Ministry for the Environment (2020). *National Policy Statement on Urban Development 2020, Understanding and implementing the responsive planning policies*, Ministry for the Environment: Wellington, page 3

give effect to the responsive policies of the NPS-UD and as such did not give effect to the NPS-UD in that regard.

152. She submitted that the CRPS, including the recent Change 1, did not address or give effect to the responsive planning provisions in Policy 8 of Subpart 2 of the NPS-UD. She submitted that those provisions did not “cover the field” of matters the national direction requires to be addressed in order to give effect to Part 2.<sup>70</sup> It was her submission in those circumstances I am entitled to, and in fact must, place weight on the higher order document and its clear and precise direction to me. In doing so, she submitted the SDP would appropriately give effect to the NPS-UD in terms of s75(3)(a).<sup>71</sup> To the extent that this created a tension with the ability of the SDP to give effect to s75(3)(c), that matter was resolved by weighting. Where the RMA document does not cover all the field, she submitted I am entitled to have recourse to the higher order document or Part 2. In this case the higher order document provided the clear direction.<sup>72</sup>
153. She noted Counsel for CRC and CCC emphasised the need to read and apply the NPS-UD as a whole, without elevating one set of policies over another, and in broad terms agreed with that. She did not agree that lawful compliance with the directive in Policy 8 elevates it and the responsive planning framework above the other aspirations of the NPS-UD. She submitted that to engage Policy 8, the plan change must contribute to what Counsel for CRC and CCC identified as the core objective of the NPS-UD, namely a well functioning urban environment. She submitted that if the plan change in question does not meet that criteria, then Policy 8 will be of no benefit to it. That provides a safeguard through the requirement in Policy 8 for any unanticipated or out-of-sequence plan change to demonstrate it will contribute to achieving the outcome. She submitted that safeguard illustrated that Policy 8 is provided as an additional or complementary tool for securing the aspirations of the NPS-UD, not a separate or disconnected threat to those aspirations.
154. Ms Semple provided and referred me to the legal opinion from Adderley Head (footnoted earlier). Again that is a comprehensive assessment. While that was provided with the closing submissions, it addresses relevant matters arising through the course of the hearing. No issue was raised with its provision in that manner by Mr Wakefield.
155. I am aware that submissions from CRC and CCC in other forums have made it clear that they do not accept Mr Rogers’ opinion. In the circumstances, I have focused my consideration on the submissions of Ms Semple and Mr Wakefield. I do not consider it appropriate that I purport to determine the correctness or otherwise of Mr Rogers’ opinions in the context of this hearing.

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<sup>70</sup> Closing Legal Submissions 29 September 2021 at para [2.27]

<sup>71</sup> Closing Legal Submissions 29 September 2021 at para [2.28]

<sup>72</sup> Closing Legal Submissions 29 September 2021 at para [2.29]

## Evaluation

156. I have carefully considered all of the matters raised in the submissions which I have summarised at some length, and in the relevant planning evidence. This is a difficult issue given that a district plan must give effect to (a) any national policy statement; and ... (c) any regional policy statement.<sup>73</sup>

157. There are a number of provisions of the NPS-UD that are particularly relevant to this issue.

158. Mr Wakefield identified these in paragraph [4.2] of his legal submissions as being Objective 1; Objective 6; Policy 2; Policy 6; Objective 6(c)/Policy 8. To that list I consider Objective 2 is very relevant. This provides:

*Planning decisions improve housing affordability by supporting competitive land and development markets.*

159. Objective 3 is also relevant. This provides, relevantly for this issue:

*Regional policy statements and district plans enable more people to live in, and more businesses and community services to be located in, areas of an urban environment in which one or more of the following apply: ...*

*(c) there is high demand for housing or for business land in the area, relative to other areas within the urban environment.*

160. On its face, the direction in Policy 8 appears to be very clear. It provides:

*Local authority decisions affecting urban environments are responsive to plan changes that would add significantly to development capacity and contribute to well-functioning urban environments, even if the development capacity is:*

*(a) unanticipated by RMA planning documents; or*

*(b) out-of-sequence with planned land release.*

161. Policy 8 specifically addresses responsiveness to plan changes. It must be given some meaning. It does not address development which is simply out-of-sequence. It also addresses development that is “unanticipated” by the RMA planning documents. In my view, “unanticipated” must be read to include circumstances where planning documents (here the CRPS as reflected in the SDP) contain avoidance objectives. Development in areas outside of those identified in Map A is clearly “unanticipated”.

162. To read otherwise would amount, in my view, to a significant watering down, or even an undermining, of the responsive provisions of the NPS-UD. It would lead to a conclusion that the responsive planning provisions of the NPS-UD did not apply to plan changes within Greater Christchurch. Mr Wakefield submitted that giving effect to Chapter 6 of the CRPS demands that PC67 is declined, and that there is no flexibility to decide otherwise.<sup>74</sup> I do not accept that

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<sup>73</sup> s75(3)(a) and (c)

<sup>74</sup> Legal Submissions for CCC and CRC 14 September 2021 at para [7.2]

submission. In my view, that interpretation is not one which is available on a proper interpretation of the NPS-UD, and recognising its position in the hierarchy of documents.

163. Ms Semple identified the position the NPS-UD holds in the hierarchy of documents prepared under the RMA. I consider, given the position the NPS-UD holds in the hierarchy of documents, that it is the latter in time document, promulgated in the context of a housing crisis, and when interpreted by considering its text and its purpose and the contextual matters, it enables qualifying plan changes to be assessed on their merits, notwithstanding the avoidance objectives and policies of Chapter 6.
164. Overall, I consider Policy 8 provides the method by which a qualifying plan change can be assessed on its merits. By a 'qualifying plan change', I mean one that would add significantly to development capacity and contribute to well functioning urban environments.
165. Those matters, and particularly the requirement to contribute to a well-functioning urban environment, addresses concerns about ad hoc decision-making, as identified by Mr Wakefield and Mr Tallentire. Being responsive to qualifying plan changes, Policy 8, in my view, simply gets a qualifying plan change to the starting gate. It enables a proper assessment of it to be undertaken. Getting to the starting gate in no way mandates approval. The assessment will require a careful consideration of the relevant objectives and policies of the NPS-UD, and particularly, but without limitation, the matters identified in Policy 1. I must also have particular regard to the matters specified in Policy 6.
166. A finding that Policy 8 and associated clauses provides the ability to assess an unanticipated or out-of-sequence proposal does not remove any obligation to engage with the wider strategic planning framework.
167. I do not accept Mr Wakefield's submission that a finding that Policy 8 and associated clauses enables me to consider the plan change without having to dismiss it out of hand, renders the pre-existing strategic planning decisions as irrelevant. Such forms part of the relevant planning matrix and must be considered. But to hold that the pre-existing strategic planning documents are determinative, would mean that I am unable to have particular regard to the development capacity provided by a plan change (which his para [3.8] specifically addresses) and would significantly undermine the responsive planning provisions of the NPS-UD.
168. If Mr Wakefield's submissions were accepted, any plan change within Greater Christchurch that was not within areas identified on Map A, could not even be considered. SDC would not be able to even consider a proposed plan change's contributions to development capacity, to a well-functioning urban environment, or whether it is well connected to transport corridors.
169. Overall, I largely accept the submissions of Ms Semple where they relate to this issue. In my view, her submission recorded at paragraph [148] above is sound. Policy 8 effectively directs that non-compliance with the Chapter 6/Map A framework can no longer act as an automatic

barrier to assessing the merit of a plan change which meets certain specified criteria (as set out in clause 3.8).

170. Again without limitation, I accept her submission that to engage Policy 8, the plan change must contribute what was described by Mr Wakefield as the core objective of the NPS-UD – a well functioning urban environment. I accept her submission that if a plan change does meet that criteria, then Policy 8 will be of no benefit to it. I also accept her submission that provides the safeguard. I agree that Policy 8 is provided as an additional or complementary tool for securing the aspirations of the NPS-UD. It is not a separate or disconnected threat to those aspirations.
171. Again I accept her submission that the CRPS, including the recent Plan Change 1, does not fully address or give effect to the responsive planning provisions in Policy 8 of Subpart 2 of the NPS-UD. I accept that Change 1 did not “cover the field” of matters the national direction requires to be addressed in order to give effect to Part 2. I further accept her submission that in the circumstances I am entitled to place weight on the higher order document and its clear and precise direction to me. I also accept her submission that to the extent this creates a tension with the ability of the SDP to give effect to s75(3)(c), that issue is resolved by weighting. The NPS-UD sits above the hierarchy of planning documents in the RMA and it is the latter in time.
172. This is a complex and important issue and I appreciate the comprehensive manner in which both Counsel have addressed it.
173. I find that I am able to assess this proposal against the relevant statutory provisions and the planning framework. This will of course entail an assessment as to whether it meets the requirements of Policy 8.

## **Statutory Assessment**

### Statutory Tests

174. I have identified the statutory framework in paragraphs [16] to [18] above and I do not repeat those here.

### Functions of Territorial Authorities

175. Ms White identified the relevant functions of territorial authorities pursuant to s31.
176. Relevantly, SDC has the function of the establishment, implementation and review of objectives, policies and methods to achieve integrated management of the effects of the use, development or protection of land and associated natural and physical resources of the District; 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; and the control of any actual or potential effects

of their use, development or protection of land, including for the specified purposes. I will return to the capacity issue in my subsequent assessment of the NPS-UD.

## Part 2 Matters

177. As noted by Ms White in her report, pursuant to s75(1)(b) any changes to the SDP must be in accordance with the provisions of Part 2 of the RMA.
178. Ms White considered, notwithstanding the notification of the PDP, that the purpose of the RMA was currently reflected in the settled objectives and policies of the SDP which PC67 did not seek to change. In her view, there were no matters of national importance relevant to PC67. In terms of s7, she considered the efficient use and development of natural and physical resources (s7(b)), maintenance and enhancement of amenity values (s7(c)), the quality of the environment (s7(f)) and the finite characteristics of natural and physical resources (s7(g)) to be relevant. It was her view that those matters had ultimately been considered in the effects assessment and submissions above.
179. Ms Seaton agreed that there were no matters of national importance. She considered that the proposal provided for the relevant provisions of s7. This was largely on the basis of the assessment she had undertaken in response to matters raised in the submissions.

## **NPS-UD**

180. The NPS-UD was, understandably, the focus of the hearing and the planning evidence.
181. Ms Seaton, at [7.4] of her evidence, provided a tabular summary of the relevant objectives and policies, together with her comments thereon.
182. Ms Seaton identified what she considered to be the key considerations of the NPS-UD at her paragraph [7.5]. These are:
- (i) *Will the Proposal provide 'significant' development capacity (Objective 6, Clause 3.8);*
  - (ii) *Will the Proposal contribute to a well-functioning urban environment (Objective 1, Policy 1, Policy 6, Clause 3.8, Clause 3.11);*
  - (iii) *Is the site able to be adequately serviced with infrastructure (Objective 6, Policy 10, Clause 3.5); and*
  - (iv) *Is it well-connected along transport corridors (Clause 3.8).*

183. While there are of course a number of sub-issues that arise, I consider Ms Seaton has properly identified the key considerations in relation to the NPS-UD and I use her headings.

### (i) Will the Proposal provide 'significant' development capacity (Objective 6, Clause 3.8);

184. An issue arose as to the environment that is relevant for assessing the significance or otherwise of the capacity.

185. The NPS-UD definition of 'urban environment' provides:

*Means any area of land (regardless of size, and irrespective of local authority or statistical boundaries) that:*

- (a) is, or is intended to be, predominantly urban in character; and*
- (b) is, or is intended to be, part of a housing and labour market of at least 10,000 people.*

186. West Melton in and of itself does not constitute a housing and labour market of at least 10,000 people. Ms Seaton confirmed that the decision to put the plan change request forward as part of the Greater Christchurch Urban Area was in response to advice received from SDC prior to lodgement that the GCP had determined that the area of 'Greater Christchurch' shown on Map A in the CRPS constituted an urban environment for the purposes of the NPS-UD and particularly with respect to processing of plan changes that might seek unanticipated or out-of-sequence development.

187. Ms Seaton assumed that the respective councils of Greater Christchurch had determined that the urban areas of Selwyn and Waimakariri had been delineated by the definition of Greater Christchurch set out and that this definition could be used to inform decision-making as to what constituted an urban environment for the purposes of carrying out the actions required by the NPS-UD. Given the plan change land falls within that definition, Ms Seaton considered it met the requirement of an urban environment and that this had been acknowledged by SDC.<sup>75</sup>

188. While neither Ms White nor Mr Tallentire raised any concerns as to the correctness or otherwise of that delineation and identification, they both signalled it may be relevant in terms of assessing capacity and significance.

189. Ms Seaton advised that the planner's report to Council on 24 February 2021 regarding the decision to accept PC67 identified that the site would provide a significant increase in development capacity at West Melton. Ms Seaton characterised this as the acceptance of the plan change as forming part of the Greater Christchurch urban area, but was considered to be significant at a West Melton scale.<sup>76</sup>

190. Ms White identified that some of the submitters considered that there was a potential inconsistency with treating West Melton as part of Greater Christchurch in order to allow for it to be considered as part of an urban environment under the NPS-UD, but then considering the significance of capacity in relation to West Melton only.

191. Ms White agreed that there appeared to be some inconsistency on the face of it, but was not convinced that was the case. In her view, the definition of Greater Christchurch as an urban environment did not translate into a determination that Greater Christchurch as a whole was the appropriate urban environment against which to determine the significance of development

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<sup>75</sup> Statement of Evidence of Kim Marie Seaton 30 August 2021 at para [7.9]

<sup>76</sup> Statement of Evidence of Kim Marie Seaton 30 August 2021 at para [7.10]

capacity. She noted that that was a matter left to the regional council via the direction in clause 3.8(3) or, in its absence, the decision-maker on a plan change.

192. Ms Seaton considered that significance cannot be assessed purely on the basis of numbers or related geographical area. In her view, the criteria may include location, type of product, overall site size/yield, existing capacity and demand. She considered one plan change may well qualify as providing significant development capacity on the basis of one of the above criteria while another may qualify as significant for different reasons. In her opinion, assessing significance at a Greater Christchurch scale would effectively prevent the majority if not all plan changes from progressing. She considered that would undermine the intent of the NPS-UD which in part was to provide some flexibility to address planning capacity constraints, to free up more land and improve competitiveness.<sup>77</sup>
193. Mr Tallentire agreed that for the purposes of applying the NPS-UD, the relevant urban environment was Greater Christchurch. He noted this aligned with the position adopted in Our Space by the GCP and the information provided with the PC67 request in relation to significant transport and employment links that West Melton has with Christchurch City.<sup>78</sup> However, he considered this had “fundamental implications” for the second test which is whether PC67 would “add significantly” to development capacity. He noted that the PC67 reports anticipated a yield of 131 allotments representing 17% growth in residential capacity within West Melton. Mr Tallentire did not consider that West Melton was the appropriate frame of reference for assessing significant development capacity.
194. He referenced the CRC submission which had identified the medium term housing target for Greater Christchurch as a whole is 32,300 households. He calculated that PC67 would amount to 0.04% of that total. He considered that to be clearly insignificant across the urban environment. Indeed he considered PC67 to be representative of the small speculative proposals that MfE guidance suggest should be filtered out. He considered PC67 did not add significantly to development capacity to warrant consideration under Policy 8 and should therefore be declined as it could not satisfy the relevant statutory and planning framework and specifically the CRPS.
195. Ms Semple submitted that neither the NPS-UD nor the MfE guidelines require the significance assessment to only be undertaken in relation to significance to the “urban environment” as a whole, however that may be defined. She submitted that there was nothing in the NPS-UD which precluded an approach that PC67 would add significantly to the development capacity in West Melton while at the same time identifying Greater Christchurch as the urban environment which is affected by the decision.
196. Mr Wakefield submitted that the proper framework of assessment for what constitutes significant development capacity is the Greater Christchurch Urban Area. He submitted that

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<sup>77</sup> Statement of Evidence of Kim Marie Seaton 30 August 2021 at paras [7.13] – [7.23]

<sup>78</sup> Keith Tallentire Evidence at para [57]



allowing significance to be assessed at a local scale would not align with the definition of urban environment, nor the overall intent of the NPS-UD, which he submitted was to ensure that urban environments have enough homes to meet the needs of their communities.

197. He submitted that in the circumstances there was no need to defer to the decision-maker: CRC's evidence and submission on PC67 identifies that the relevant urban environment is Greater Christchurch. While that had not yet manifested in criteria included in the CRPS, he submitted it could be reasonably expected that this is the approach CRC will adopt and, as a result, I should place weight on the CRC position and evidence on this matter. He submitted further that when read wholistically, it was clear that the focus of the NPS-UD is on *achieving well-functioning urban environments*, not enabling small-scale developments assessed against a local, rather than sub-regional, frame of reference.<sup>79</sup>

### Assessment

198. In the absence of criteria in accordance with clause 3.8(3), the determination falls to the SDC as decision-maker on this plan change.
199. Ms Semple referred to the MfE guidance.<sup>80</sup> These identified when it was appropriate to have consideration of:
- (a) Significance of scale and location;
  - (b) Fulfilling identified demand;
  - (c) Timing of development;
  - (d) Availability of infrastructure.
200. I agree that in the absence of specified criteria, it is helpful to consider the MfE guidance, but recognising of course that it is just that – guidance.
201. In discussing the criteria, the guidance notes that it should align with higher order objectives of the NPS-UD and, for example, should not undermine competitive land markets in responsive planning by setting unreasonable thresholds.
202. I consider that assessing criteria only by reference to Greater Christchurch would require plan changes to meet an unreasonable threshold.
203. Aside from the guidance referred to, I consider a careful reading of the NPS-UD overall indicates that a more nuanced approach is available to decision-makers in determining significance. Indeed this more nuanced approach filters through the NPS-UD in a number of policies. For example, Policy 3 in relation to Tier 1 urban environments distinguishes between

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<sup>79</sup> Legal Submissions for CCC and CRC 14 September 2021 at para [5.6]

<sup>80</sup> Ministry for the Environment. (2020). *National Policy Statement on Urban Development 2020, Understanding and implementing the responsive planning policies*, Ministry for the Environment: Wellington, pages 5-6

city centre zones, metropolitan centre zones, and all other locations in the Tier 1 urban environment.

204. Objective 3, in my view, also supports a more nuanced approach. The objective is to enable more people to live in, and more businesses and community services to be located in, areas of the urban environment in which one or more (my emphasis) of the following apply:

- (a) It is in or near a centre zone or other area with many employment opportunities;
- (b) The area is well-served by existing or planned public transport;
- (c) There is high demand for housing or for business land in the area, relative to other areas within the urban environment.

205. That objective, in my view, clearly indicates that different parts of the overall urban environment can be assessed. It anticipates that within the overall urban environment, different areas may require different considerations.

206. Policy 1 and its directions in relation to contribution to a well-functioning urban environment identifies that the urban environments are to have, as a minimum:

- (a) *Have or enable a variety of homes that:*
  - (i) *Meet the needs, in terms of type, price, and location, of different households ...*

207. That again illustrates, in my view, that different locations within the urban environment can be considered when assessing significance.

208. Clause 3.2 requires all Tier 1, 2 and 3 local authorities to provide at least sufficient development capacity:

- (a) *In existing and new urban areas; and*
- (b) *For both standalone dwellings and attached dwellings; ...*

209. I consider the matters identified, and having regard to the guidance, illustrate that a more nuanced approach to significance is required than that suggested by CRC and CCC.

210. Overall, I accept Ms Semple's submission, and Ms Seaton's evidence in this regard.

#### Demand/Capacity

211. I address here the issues relating to demand and capacity. Those issues are relevant not only to the determination of whether or not the plan change provides significant development capacity but of course are also particularly relevant in determining whether Policy 2, which requires Tier 1, 2 and 3 local authorities, at all times, to 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, and Policy 1(d) – support, and limit as much as possible adverse effects on, the competitive operation of land and development markets – is met.

212. Clause 3.11 of the NPS-UD directs that when making plans, or changing plans, in ways that affect the development of urban environments, local authorities must:

...

- (b) *Use evidence, particularly any relevant HBAs, about land and development markets, ... to assess the impact of different regulatory and non-regulatory options for urban development and their contribution to:*

...

- (ii) *Meeting the requirements to provide at least sufficient development capacity.*

213. **Mr Sellars** was engaged by the Applicant to complete research and prepare and present evidence on the residential land market in Selwyn, in particular the West Melton market. This included providing information on the supply of residential sections and the impact this may have on market choice and price.

214. Mr Sellars is the Director of Valuation and Consultancy at Colliers Valuation. He is a Registered Valuer and a Fellow of the New Zealand Institute of Valuers and of the Property Institute of New Zealand. He specialises in commercial, industrial and land development valuation and consultancy within the CBD and suburban locations of Christchurch and major metropolitan areas in the South Island, and regularly completes research on the Greater Christchurch residential land and industrial business land supply and take-up.

215. His evidence addressed the current supply of residential sections in West Melton, Prebbleton and Rolleston, and quantified the *“current imbalance of supply and demand which has resulted in recent significant price escalation”*.

216. Mr Sellars applied a comprehensive research methodology which he summarised in paragraph [3.1] of his evidence. This involved surveying all developed and undeveloped land in West Melton, Prebbleton and Rolleston to quantify the current number of vacant residential sections, and also to complete research on residential section land that is sold or is available for sale. He advised that all development land had been surveyed and development potential quantified together with a review of all plan changes notified. The section sale data used was obtained from developers or real estate companies involved, and the base sale data was obtained from Property Guru and CoreLogic.

217. In relation to West Melton, he identified that there were 933 titled lots in the township with 680 lots (72.9%) having an area of between 1,000 – 2,999m<sup>2</sup>.<sup>81</sup> Prebbleton contained 1,730 titled

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<sup>81</sup> Statement of Evidence of Gary Russell Sellars 30 August 2021 at para [3.14]

lots in the township, with 23.5% of those lots having an area of between 1,000 – 2,999m<sup>2</sup>.<sup>82</sup> In relation to Rolleston, he advised that there were 8,840 titled lots, of which 82.4% sat in the 200 – 999m<sup>2</sup> category.<sup>83</sup>

218. Mr Sellars identified that in West Melton the recent sale prices in August 2021 for a 3,000m<sup>2</sup> section in Wilfield was \$430,000 compared to the average sale price in 2020 of \$286,482. This represented an increase of approximately 50%. In terms of Prebbleton, he noted a similar situation applied in relation to 700m<sup>2</sup> sections sold in March 2021 at or around \$325,000 each compared to 2020 prices for sections of that size at \$250,000, being an increase of approximately 30%.<sup>84</sup>
219. Mr Sellars also carried out a comparison of West Melton and Rolleston, again noting that in West Melton the section sizes ranging between 1,000 – 2,999m<sup>2</sup> made up 72.9% whereas in Rolleston this made up 15.2%.<sup>85</sup>
220. He concluded that there is currently virtually no existing supply of residential sections across the entire section range in West Melton and that PC67 would provide the only supply of large residential lots in the township.<sup>86</sup>
221. In Section 9 of his evidence, Mr Sellars addressed the market consequences, having reviewed the evidence prepared by Mr Colegrave. He noted that it is generally well understood that any disruption to the supply and demand in any market normally results in significant price fluctuation, and that for the residential property market to function without major price fluctuations, a reasonably regular supply and range of choice is required.<sup>87</sup>
222. He identified the current residential section market in Greater Christchurch is characterised by price escalation with increases between 20% and 100% during the last 12 months.<sup>88</sup> In relation to West Melton, he identified, from the existing Wilfield subdivision, that in the last 12 months there had been an increase at or around 50%. He described this as exceptional even in a low interest rate environment.<sup>89</sup> He noted that in Prebbleton there had been a significant price escalation and in Rolleston it had been even greater noting that the price escalation at or exceeding 100% within the last nine months had resulted from extremely limited supply.<sup>90</sup> This compared with recent analysis of price escalation in suburban Christchurch indicating an increase of at or around 25% – 30%. Rolleston at 100% plus and West Melton at or around 50% were at the high end of range.<sup>91</sup>

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<sup>82</sup> Statement of Evidence of Gary Russell Sellars 30 August 2021 at para [3.7]

<sup>83</sup> Statement of Evidence of Gary Russell Sellars 30 August 2021 at para [3.9]

<sup>84</sup> Statement of Evidence of Gary Russell Sellars 30 August 2021 at para [3.21]

<sup>85</sup> Statement of Evidence of Gary Russell Sellars 30 August 2021 at para [3.28]

<sup>86</sup> Statement of Evidence of Gary Russell Sellars 30 August 2021 at para [6.7]

<sup>87</sup> Statement of Evidence of Gary Russell Sellars 30 August 2021 at para [9.2]

<sup>88</sup> Statement of Evidence of Gary Russell Sellars 30 August 2021 at para [9.3]

<sup>89</sup> Statement of Evidence of Gary Russell Sellars 30 August 2021 at para [9.5]

<sup>90</sup> Statement of Evidence of Gary Russell Sellars 30 August 2021 at para [9.7]

<sup>91</sup> Statement of Evidence of Gary Russell Sellars 30 August 2021 at para [9.9]

223. Mr Sellars advised that various land developers interviewed had stated that in the current market climate their intention was to restrict supply to small releases of sections by way of deadline treaty or tender in order to maximise price. He considered that if no further supply is available in West Melton then potentially the level of residential land escalation could further increase to approach the level experienced in Rolleston.
224. **Mr Wheelans**, a director of the Applicant who has considerable development experience in West Melton, concluded that the 130 residential lots would be approximately 17% of total households in West Melton and he considered that *“must be significant in terms of West Melton and also in terms of the typology PC67 provides ...”*.<sup>92</sup> He also advised that if approved, consents could be applied for and civil works commence within months of the approval. In response to discussions, he indicated that it would be possible to have lots on the market within 12 months.
225. **Mr Colegrave** identified a number of concerns with the SDC’s estimates of capacity. He considered the estimates of future demand were very conservative, identifying that the HBA assumes short term demand for only 2,714 new dwellings over the next three years, and 8,554 over the next ten years, which equated to annual run rates of only about 900 dwellings over the short term and 850 over the medium term.<sup>93</sup>
226. He identified that the latest building consent data published by Statistics New Zealand showed that nearly 1,800 new dwellings were granted in Selwyn during the 12 months ended June 2021, which was double the assumed short run rate of only 900.<sup>94</sup> He provided a table setting out the HBA’s projected dwelling demand to 2031 against the SDC’s consents granted since 1991.<sup>95</sup> Overall, he considered that the HBA adopted inexplicably low estimates of demand and its estimates of feasible capacity appeared to be grossly overstated.<sup>96</sup> In his view, and he provided a tabular assessment,<sup>97</sup> the SDC’s supply and demand estimates, when revised to “better reflect reality”, showed there are significant shortfalls across all three timeframes and additional supply needs to be identified and rezoned as soon as possible. Otherwise likely prolonged supply shortfalls will place undue pressure on house prices which undermines affordability and limits the District’s strong growth potential.<sup>98</sup>
227. He considered that this plan change directly responded to the need for additional dwelling capacity by enabling the development of approximately 130 new homes over time, and from an economic perspective, this represents a significant boost in supply.
228. To assess whether that satisfied the definition of significance in clause 3.8 of the NPS-UD, he reviewed the latest HBA. He noted that at page 10 of that document, it discussed consultation with the development community and describes the land owners that could develop 20 or more

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<sup>92</sup> Summary of Evidence of Hamish Wheelans 14 September 2021 at para [22]

<sup>93</sup> Statement of Evidence of Fraser James Colegrave 30 August 2021 at para [4.11]

<sup>94</sup> Statement of Evidence of Fraser James Colegrave 30 August 2021 at para [4.12]

<sup>95</sup> Statement of Evidence of Fraser James Colegrave 30 August 2021 at para [4.13] – Figure 2

<sup>96</sup> Statement of Evidence of Fraser James Colegrave 30 August 2021 at para [4.15]

<sup>97</sup> Statement of Evidence of Fraser James Colegrave 30 August 2021 Table 3: Revised Dwelling Supply/Demand Estimate

<sup>98</sup> Statement of Evidence of Fraser James Colegrave 30 August 2021 at para [4.43]

dwelling as being significant. After taking into account the shortfalls that he had described, he considered that the proposed development of approximately 130 dwellings on the subject site represented a significant increase in capacity for the Selwyn District, both from an economic and market perspective, and by virtue of the way the term is used in the HBA.

229. He noted 130 new lots increased the likely short term district supply by 5.3% and medium term by 3%. He considered this a significant contribution, especially from just one development. It would contribute 9% to the short term district supply shortfall.<sup>99</sup>
230. He considered the significance became clearer when it was placed in the context of the sub-market of rural residential dwellings. He referred to a Memorandum by Formative to SDC which showed that there was existing capacity for 158 extra dwellings across West Melton and Prebbleton and that PC67 would boost that by 82%.<sup>100</sup> He considered that the current lack of any available sections for development in West Melton meant the supply enabled by the proposed plan change was even more significant in that location.<sup>101</sup>

#### Finding

231. Having considered the combined evidence of Mr Sellars and Mr Colegrave as independent experts, and Mr Wheelans' evidence as to what is happening in the market, the provision of approximately 130 lots of this typology does contribute significant development capacity.
232. I accept Ms Semple's submission that this is exactly the sort of circumstance that the NPS-UD provides an opportunity for local authorities to alleviate via Policy 8.<sup>102</sup>
233. There is evidence that the capacity enabled by PC67 is serviceable. Mr Wheelans' evidence was that it could be delivered at pace. It was acknowledged by the Applicant that there would be some infrastructure upgrades which would likely be required. Mr Wheelans confirmed that the Applicant will have funding in place to adequately cover the costs of those upgrades where required.
234. While recognising of course that it is possible that the Applicant will not retain ownership of the site, I do put some weight on Mr Wheelans' evidence given the companies that he is involved with which are undertaking residential development in Greater Christchurch that have created in excess of 2,700 residential sections to meet the increasing demand, and that includes within West Melton. I acknowledge the Applicant has both the experience and appears to have the resourcing to deliver residential development at speed. I accept, that when assessed against the guidance provided by the MfE, this is relevant to determining the significance of development capacity.

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<sup>99</sup> Statement of Evidence of Fraser James Colegrave 30 August 2021 at para [5.11]

<sup>100</sup> Statement of Evidence of Fraser James Colegrave 30 August 2021 at para [5.12]

<sup>101</sup> Statement of Evidence of Fraser James Colegrave 30 August 2021 at para [5.13]

<sup>102</sup> Synopsis of Opening Legal Submissions 14 September 2021 at para [4.42]

235. I have carefully considered the 2021 HCA as addressed in **Mr Baird's** helpful Memorandum.<sup>103</sup> It is clear that SDC is conscious of the need to address growth and capacity and it has been applying considerable resources to ensure that it is well informed. In recent times, the growth in demand appears to have been unprecedented.
236. This is illustrated by the table showing building consents provided in paragraph [42] of Mr Baird's report. Using the Statistics high projection, and comparing it to the building consents since 2018, it is readily apparent that building consents since 2018 have exceeded the projection quite considerably. For example, in 2021, based on the current numbers and extrapolated out for that year, net new dwellings anticipated were 929; 1,710 were consented.
237. Mr Baird was frank in advising that what is driving that increase is not clear and the evidence suggested that while building consents were increasing, that was not in response to nationwide growth.
238. Mr Baird identified other potential explanations as being internal migration increasing, change in household compositions, or demand catching up with the undersupply of previous years. He considered there was very little evidence to validate any of those explanations or to justifying a view that levels of consent would continue. He identified that there was not a growing population which was driving demand and there was a possibility that the growth was only temporary.
239. What appears to me to be readily apparent is that despite the application of the higher growth scenario in the Selwyn Council Growth Model (**SCGM**), the number of new dwellings has significantly exceeded SDC's predictions. Given that, there appears to have been a potentially significant under-estimating of demand. This raises a risk, in my view, of SDC not meeting Policy 2.
240. Even on the basis of the 2021 HCA, Selwyn is predicted to have a shortfall of approximately 14,000 in the long term (13,130 in Mr Baird's table at para [56] of his Memorandum), 4,254 in the medium term (including 1,678 at West Melton and Prebbleton) and 5,349 at West Melton and Prebbleton in the long term.<sup>104</sup>
241. Mr Baird advised that can be met by the FUDA area, some in Darfield and Leeston, and potential intensification work. That is still however uncertain. The inclusion of Darfield and Leeston in the capacity assessment does not appear to address capacity in the areas where there is the most significant demand.
242. The GCP Committee, at its meeting of 10 September 2021, noted, in its Minutes, the presentation by SDC of the July 2021 HCA. The Committee noted that the HCA is a point in time assessment that uses historical statistics to create a forecast of future housing demand. It accepted the document as a compliance report while noting that the report relies on historical

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<sup>103</sup> Memorandum of Ben Baird, Policy Analyst, 13 August 2021

<sup>104</sup> Memorandum of Ben Baird, Policy Analyst, 13 August 2021 at para [58]

statistics and expressing concern that the report does not reflect the current reality of unavailability of land in Selwyn and Waimakariri Districts, and that projecting demand based on historical statistics has an inherent assumption of the status quo.

243. Overall, I consider that there has been, in recent times, and despite the best efforts of SDC and developers, insufficient development capacity. While lack of capacity is not of course the only driver for the price escalations which have occurred both nationally and within the District, and other factors such as economic stimulus, low interest rates and similar have had a significant impact, the NPS-UD focuses on supply and relies heavily on competitive operation of land and development markets to achieve, at least, a move towards price stability. However in that context, the capacity is significant, albeit at the lower end of the scale of significant, and will contribute to assisting SDC in ensuring that it has at least sufficient development capacity in accordance with Policy 2.
244. Even if I found that there was sufficient development capacity, which I do not, the NPS-UD only requires a sufficient development capacity, it does not preclude more.
245. On the evidence which has been provided, and particularly that of Mr Sellars and Mr Colegrave, in my view the adverse effects of an under-supply outweigh, by some considerable margin, any costs which may arise from an over-supply. This is particularly so in a situation where there is clear evidence of rapid price escalation in housing costs in what has been described as a housing crisis. In my view, that context must be given considerable weight.

#### Well-Functioning Urban Environments

246. As identified by Ms Semple in her Opening Submissions, to qualify under Policy 8, a plan change must do more than simply “add significantly to development capacity”, it must also contribute to well-functioning urban environments and be well connected along transport corridors.<sup>105</sup>
247. As identified by Ms White, Policy 6 identifies the matters to which particular regard must be had when making planning decisions that affect urban environments. This includes the benefits of urban development that are consistent with well-functioning urban environments as described in Policy 1.
248. Clause 3.8(2) specifies that for unanticipated or out-of-sequence developments that provide significant development capacity, particular regard to the development capacity is to be had if that development capacity:
- (a) Contributes to a well-functioning urban environment;
  - (b) Is well-connected along transport corridors; and

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<sup>105</sup> Synopsis of Opening Legal Submissions 14 September 2021 at para [4.48]



(c) Meets the criteria set out in Clause (3) (as noted there is no criteria set).

249. Policy 1 directs planning decisions contribute to well-functioning urban environments that, as a minimum (my emphasis):

- (a) *Have or enable a variety of homes that:*
  - (i) *Meet the needs, in terms of type, price, and location of different households; and*
  - (ii) *Enable Māori to express their cultural traditions and norms; and*
- (b) *Have or enable a variety of sites that are suitable for different business sectors in terms of location and site size; and*
- (c) *Have good accessibility for all people between housing, jobs, community services, natural spaces, and open spaces, including by way of public or active transport; and*
- (d) *Support, and limit as much as possible adverse effects on, the competitive operation of land and development markets; and*
- (e) *Support reductions in greenhouse gas emissions; and*
- (f) *Are resilient to likely current and future effects of climate change.*

Have or Enable a Variety of Homes to Meet the Needs in Terms of Type, Price and Location of Different Households and Enable Māori to Express their Cultural Traditions and Norms – Policy 1(a)(i) and (ii)

250. In terms of enabling a variety of housing, this proposal does not, in itself, have a variety of homes. By adopting the Living (WM South) Zone provisions it will provide housing of a typology which is largely reflective of what already exists in West Melton in general, and West Melton South in particular. In my view, this issue needs to be considered in the context of the contribution to well functioning urban environments, rather than simply in the context of West Melton itself. In that context, it does contribute towards a variety of homes.

251. In terms of Policy 1(a)(ii) Ms Seaton considered the proposal to be neutral in that regard as being neither enabling or disabling of the expression of cultural traditions.<sup>106</sup> I accept that.

252. I accept Ms Semple's submissions that neither Policy 1 nor Policy 8 require the criteria to be delivered through a single development. I accept that the focus of the inquiry is the extent to which the development will contribute to those outcomes for the urban environment.

Good Accessibility Between Housing, Jobs, Community and Open Spaces, Including by Way of Public or Active Transport

253. Ms White and Mr Nicholson both identified the lack of public transport servicing for the PC67 area. The site is not directly served by public transport.

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<sup>106</sup> Statement of Evidence of Kim Marie Seaton 30 August 2021 at para [7.25]

254. In his evidence summary, Mr Metherell stated that West Melton is serviced by public transport, albeit at a limited level of both route frequency and network provision. He noted it was currently limited to a commuter service between Darfield and Christchurch through West Melton. High frequency routes were at Rolleston and he noted that those using public transport would generally rely on park and ride, or a cycle or micro-mobility connection from the site to the existing service.<sup>107</sup>
255. He advised that public transport planning is focusing on better service of growth areas and increasing frequency and reliability of service, but he was unaware of any planned substantial change to West Melton's service. He considered with the expansion of Darfield and increased demand from West Melton, some future changes could, in his opinion, be contemplated. He then noted that this could be in the form of an additional route connecting West Melton to Rolleston and/or an increase in the frequency of the existing service. He considered West Melton, as a growth township, could already be considered to be under-provided when considered against the current objectives and would be suitable for additional frequency and ultimately network expansion consideration.
256. Mr Tallentire advised that there was currently only one metro service that operated with a route through West Melton. He described this as a single express commuter bus service from Darfield to Christchurch which only operated on week days during the morning and evening peak.<sup>108</sup>
257. He noted that the CRC submission confirmed that there were currently no planned upgrades or changes to the metro route passing through West Melton. While acknowledging that he was not a transport expert, he noted that in relation to population growth in Greater Christchurch, the Vision section of the Regional Public Transport Plan states "*The integration of public transport and land use planning is essential to managing this growth*". It was his view that approving unplanned or out-of-sequence development outside the PIB inhibits the strategic direction and the efficient and effective provision of public transport, and could force CRC to be reactive to such unanticipated service demands.<sup>109</sup>
258. It was his opinion that development should be commensurate with the level of accessibility already existing or planned, not reliant on a future level of public transport service that is unplanned, unfunded and runs counter to the stated policy directions of statutory documents.<sup>110</sup>
259. Mr Smith, in his review, confirmed there was only one public transport route that services West Melton mostly following SH73. He recognised that the plan change site would have increased active mode connectivity to the bus stops located in the West Melton commercial centre when the proposed Waka Kotahi SH73 West Melton improvements were installed. He advised that

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<sup>107</sup> Summary Statement of Evidence of Andrew Alan Metherell 14 September 2021 at para [9]

<sup>108</sup> Evidence of Keith Roger Tallentire 6 September 2021 at para [99]

<sup>109</sup> Evidence of Keith Roger Tallentire 6 September 2021 at para [101]

<sup>110</sup> Evidence of Keith Roger Tallentire 6 September 2021 at para [103]

as West Melton had a relatively low population base, the existing level of public transport provision nearby is limited. He noted that the site could be developed to enable good access to public transport if provided along Weedons Ross Road at some stage in the future to connect West Melton to Rolleston and/or the services to Christchurch via SH73.

#### Connectivity/Accessibility

260. In terms of access, Mr Metherell identified that Weedons Ross Road would provide the primary vehicle access through a new intersection and that he expected in time the new intersection would be located within a future extension of the urban speed environment. He noted the local connections provided to the adjoining Wilfield subdivision provided local connectivity which did not adversely affect the form and function of existing local roads.
261. Mr Metherell addressed walking and cycling connections, noting the rules proposed to restrict development until further enhancements to the external walking and cycling networks were provided. These would provide a direct off-road pedestrian/cycle path along Weedons Ross Road, and also noted the traffic signalisation of SH73/Weedons Ross Road which was currently funded by Waka Kotahi and in detailed design stage. He identified that aspects of the pedestrian and cycle enhancement links would most likely require funding from the developer and would provide a community benefit.
262. Mr Metherell noted that the transport provisions of the ODP had been further refined and considered these would provide additional certainty that the subdivision would result in an internal transport network for pedestrians and cycles that connected efficiently with the external network along Weedons Ross Road and through Wilfield to support alternative modes which were feasible and attractive at a local level.
263. He considered the refinements would enable residents to utilise alternative modes, particularly e-bikes, for travel to and from local employment destinations and activity centres at Rolleston.
264. Mr Metherell addressed serviceability by public transport, noting that West Melton was serviced by public transport albeit limited, and that high frequency routes were at Rolleston. He identified that public transport planning was focusing on better service of growth and acknowledged that there were no substantial changes planned for the West Melton service although with the expansion of Darfield and increased demand from West Melton, some future changes could be contemplated.
265. Mr Metherell considered the traffic signalisation and other works proposed by Waka Kotahi would enhance the community connectivity and accessibility to key facilities.
266. Mr Smith was satisfied that the amendments proposed would maximise as far as practicable opportunities for improved walk and cycle connectivity to the Town Centre, school and current and potential future public transport connections. He supported the updates to the ODP to ensure that the plan change *“allows for efficient integration with possible changes in bus service provision in the future”*.

267. From an urban design perspective, Mr Compton-Moen considered that the upgrade of the SH73 intersection combined with the lower speed environment would change the receiving environment and allow the town to develop without the road corridor creating a barrier to local movement. In essence it improved access for northern residents (that is those north of SH73) to the community centre, the domain and the Wilfield development. For southern residents (those south of SH6), the school and commercial centre would be more accessible.
268. Mr Compton-Moen considered the plan change area to be well connected to amenities and adjoining residential areas, and providing a high level of internal and external connectivity and accessibility. He put some weight on the installation of a shared path along Weedons Ross Road. He provided a table in terms of walkability and bike/e-scooter distance and time noting that the northern edge of PC67 was closer to key township amenities than some existing residential areas west of West Melton. He considered that travel times within PC67 would not be dissimilar to those from Point A in Preston Downs and with the provision of off-road all-weather paths, travel times on bike or e-scooters greatly reduce travel times to 5 minutes or less.<sup>111</sup> He considered the existing Wilfield development already exhibited a high level of connectivity and accessibility with a network of on-road and off-road facilities and noted that the Transpower pylon network was also utilised to provide an off-road network and greenspace through the development.
269. Ms Lauenstein also addressed connectivity and accessibility. She noted the importance of achieving interconnected, walkable neighbourhoods to encourage people to walk and cycle thereby reducing the need for short vehicular trips within West Melton. She acknowledged that the wider connectivity to Rolleston and Christchurch, either by private vehicles or public transport, remained unchanged in principle by PC67.<sup>112</sup> She considered the ODP showed good direct vehicular and pedestrian/cycle linkages with PC59 linking to the east-west corridor (Pylon Utility Reserve). She noted the second important pedestrian connection of high amenity would be achieved via the upgrade of Weedons Ross Road and the two proposed road access points on Weedons Ross Road providing opportunities for direct vehicular connectivity across it into potential residential infill. She considered the external connectivity to be “well resolved”.<sup>113</sup>
270. Ms Lauenstein identified that the ODP as lodged did not graphically show internal linkages within PC67 or dedicated pedestrian/cycle routes, and recommended the ODP be amended to show additional connections, including a small pocket park and green linkages wide enough to allow for trees and generous landscaping.<sup>114</sup> Those recommended amendments were made.
271. Mr Nicholson agreed that the increased use of e-bikes and scooters (micro-mobility) was a positive trend but remained of the view that on the basis of the NZHTS surveys, even with the

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<sup>111</sup> Statement of Evidence of David John Compton-Moen 30 August 2021 at para [6.5]

<sup>112</sup> Statement of Evidence of Nicole Lauenstein 30 August 2021 at para [4.10]

<sup>113</sup> Statement of Evidence of Nicole Lauenstein 30 August 2021 at para [4.13]

<sup>114</sup> Statement of Evidence of Nicole Lauenstein 30 August 2021 at para [4.14]

increasing use of micro-mobility, less than 10% of travellers in the PC67 plan change area could be expected to walk or cycle to the West Melton town centre regularly. His opinion was that making walking and public transport viable alternatives to private vehicle trips included ensuring that the urban form of towns provides amenities, services and bus stops within a distance that the average person would be prepared to walk on a daily basis.

272. He supported the revised ODP recommendations of Ms Lauenstein, which included additional internal connections within PC67 to create a stronger pedestrian/green network. He advised that the more direct routes proposed addressed his concern that the internal layout of the ODP did not support the use of walking or cycling as viable alternatives. He remained of the view that PC67 would not promote highly visible walking or public transport networks.

#### Finding

273. I have carefully considered the expert evidence in relation to the accessibility/connectivity issue. In my view the Applicant has done all that it can to address the issues in so far as they are within its control. In terms of the transportation aspect, the expert evidence is clear that it is “well connected along transport corridors”,<sup>115</sup> and that the Applicant has, as far as practicable, addressed accessibility between housing, jobs, communities and open space. It is apparent that public transport is presently at best marginal. However, Mr Smith’s evidence was clear that the updates to the ODP ensured that it allowed for efficient integration with possible changes in bus service provision in the future. None of the witnesses for the Applicant disputed that commuting by private motor vehicle for employment opportunities and access to some services would remain.
274. The Applicant has made a number of changes to the ODP to address concerns in relation to connectivity from both a transport and urban design perspective. Some of those changes are reasonably significant, and not all are within the Applicant’s control. This is particularly so regarding the combined cycleway/footpath along the Weedons Ross Road frontage. Its completion is largely in the hands of other parties.
275. Overall, on the basis of the expert traffic evidence, I am satisfied that the site does have good road accessibility via SH73, Weedons Ross Road and the Southern Motorway to Christchurch and Rolleston. That is primarily by private vehicles at this time. In terms of accessibility to the Town Centre, it is outside of what is generally accepted to be a walkable distance. However the changes to the ODP combined with the changes being undertaken by Waka Kotahi on SH73, and the additional rule relating to the Weedons Ross Road combined cycleway/footpath, appropriately address that issue. I accept the evidence that the access to the community facilities, including the domain and recreation centre, and to the adjoining development to the north, is acceptable.

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<sup>115</sup> Clause 3.8(2)(b)

276. In relation to public transport, in my view the Applicant has done all that it can to facilitate, potentially, public transport in the future, should it become available. That is certainly not a given. It remains, as acknowledged by Ms Seaton in her paragraph [7.27], that employment opportunities in West Melton are limited. I acknowledge that there are increasing opportunities to work from home and there is potential of increasing employment options in Rolleston but it is likely that commuting to Christchurch, and to a lesser degree, Rolleston, will remain the primary source of employment opportunities.

277. Policy 1 does not require that every plan change meets all of the matters identified in Policy 1. As noted earlier, it is a question of contribution towards a well functioning urban environment. While the employment opportunities in West Melton are limited, and commuting is likely to continue at least in the short term, that is an issue which is not peculiar to West Melton.

Policy 1(d) – Support, and Limit as Much as Possible Adverse Effects on, the Competitive Operation of Land and Development Markets

278. I have addressed the expert evidence of Mr Sellars and Mr Colegrave earlier in this Recommendation. I have also identified Mr Wheelans' evidence. The expert evidence, in particular, is clearly very relevant to the effects on competitive operation of land and development markets. I find that evidence to be compelling. In circumstances where it seems apparent that there are significant issues with constrained supply, and in a context of high demand, that has adversely affected the competitive operation of the land and development market, and indeed has enabled uncompetitive behaviours. I consider this proposal can be seen as supporting and limiting, as much as possible, impacts on the competitive operation of land and development markets.

Greenhouse Gas Emissions

279. In relation to Policy 1(e), Ms Seaton acknowledged there would be an increase to some degree of greenhouse gas emissions arising from private vehicle trips, but they were not necessarily significant. She identified factors mitigating against an increase including the use of electric vehicles and alternative modes of transport, ready accessibility locally to recreational opportunities and convenience shopping, and increased working from home opportunities. She also noted that the proposal provides for a range of sustainability initiatives designed to support the reduction of greenhouse gases.

280. The sustainability initiatives encapsulated in proposed Rule 12.1.3.57B which provides:

*Any subdivision within the Living WM South Zone of Lot 163 DP 508829, Lot 723 DP 558751 or Rural Sec 10802 BLK XI Rolleston SD shall include a legal instrument that is binding on all future allotment owners, that specifies:*

- (a) solar power generation requirements for each residential site;*
- (b) rain harvesting requirements for each residential site;*

- (c) *the requirement for each residential unit to achieve Homestar 6© as a minimum standard or a proven equivalent;*
- (d) *for all allotments greater than 3,000m<sup>2</sup> in area, no less than 15% of the site shall be planted in native vegetation, which may include hedgerows on fence lines.*

281. In her opinion, Policy 1(e) did not require an absolute reduction in greenhouse gas emissions and indeed considered that such was not feasible in any township extension in any location short of prohibiting private vehicle use. She accepted Mr Tallentire's evidence that the extent to which the rule would reduce or offset greenhouse gas emissions is not quantified, but noted that the measures listed were commonly included in recommendations for reduction of domestic greenhouse gas emissions, including in a number of documents including the Productivity Commission and Climate Change Commission reports, the Productivity Commission (2018), Low Emissions Economy, and noted the Christchurch District Plan contained three rules similarly referencing the Homestar standard. She considered the wording to be sufficiently certain for the rule to be workable, but allowing for the possibility that the Homestar 6© standards may be overtaken by a preferred but equivalent standard.
282. Ms Seaton acknowledged that it was unlikely that the PC67 area and West Melton would be self-sufficient and that it would continue to rely on Christchurch and Rolleston for some facilities even if there is increased provision of community and commercial facilities within West Melton in the future.<sup>116</sup>

#### Finding

283. I acknowledge the sustainability initiatives put forward by the Applicant and proposed Rule 12.1.3.57B including solar power generation requirements for each residential site; rain harvesting requirements for each residential site; requirement for each residential unit to achieve Homestar 6© as a minimum standard or a proven equivalent; and that no less than 15% of the site should be planted in native vegetation.
284. I agree that the benefits of those provisions were not quantified, or indeed may not be readily quantifiable. However I accept Ms Seaton's evidence that the measures proposed are commonly included in recommendations for reduction of domestic greenhouse gas emission. Overall I consider Rule 12.1.3.57B is appropriate.
285. I consider, in the context of development, the Applicant has done all that it can to contribute to supporting the reduction of greenhouse gases. This is as a combination of changes made to the ODP and proposed rules to maximise the opportunities for improved walking and cycle connectivity, and potential future public transport connections. The additions to Rule 12.1.57A were identified by the traffic expert as significant in improving modal choice for local trips, and the internal layout of the ODP to provide more direct routes was supported by Mr Nicholson. I have addressed the appropriateness of proposed Rule 12.1.3.57B.

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<sup>116</sup> Statement of Evidence of Kim Marie Seaton 30 August 2021 at para [7.29]

286. If greenhouse gas emissions were found to be such that development in West Melton was inappropriate, that would appear to be applicable to most of the areas of development within Selwyn.
287. I am conscious of the wider strategic planning framework and have had particular regard to that. This includes the focus of development within Selwyn and Rolleston, and to a lesser degree Lincoln. I do not consider that this plan change would impact on that to any measurable degree.
288. In terms of the strategic planning framework's focus on Christchurch City, I do not accept that the market for intensified development within Christchurch City in particular, is the same as those wanting a single dwelling on a section.
289. It appears to me that from the demand/capacity analysis which has been undertaken in the evidence provided at this hearing, it is unlikely that if people are unable to purchase a single dwelling in West Melton, that they will move into Christchurch City. As discussed with Mr Metherell, those seeking the single dwelling option are more likely to go further afield within Selwyn to find it. In the case of West Melton, Darfield is a prime example. If such were to be a result of declining this plan change, then that could potentially result in a worse outcome from a greenhouse gas perspective. That is not a matter which I have given any particular weight to.

## **CRPS**

290. As discussed earlier in this Recommendation, there is an identified inconsistency between Objective 6.2.1(3), Objective 6.2.6, Policy 6.3.1 and Policy 6.3.6. But for the NPS-UD, this application would have faced a significant and indeed an insurmountable hurdle.
291. Ms White's report set out a summary of the objectives and policies of the CRPS which she considered were particularly relevant to the proposal.<sup>117</sup> Ms White considered the proposal did not give effect to Objective 6.2.2(5) because it would not result in a consolidated urban form. She noted that Policy 6.3.4(2) also required new building projects (which she considered would be enabled by the rezoning) supported increased uptake of active and public transport and provide opportunities for modal choice. Ms White considered the site could be developed in a way that provides modal choice and which could in the future be serviced by public transport, but in her view it did not appear likely that the plan change on its own would lead to a change in public transport provision.
292. Ms Seaton and Ms White agreed that in terms of Policy 6.3.5(2), which directs integration between development and infrastructure, that the policy did not require development not to occur until provision of infrastructure was in place. Both considered that it was common for

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<sup>117</sup> s42A Report at para [105]



developments to rely on planned future upgrades to SDC's reticulated service network or services by other agencies.

293. Mr Tallentire identified CRPS Policy 6.3.5(2) and Policy 6.3.5(2)(e) in particular. He interpreted that to mean that appropriate infrastructure should be real and demonstrable. To meet that, it would need to be identified and budgeted for in a timely manner in an annual plan or an LTP unless there could be evidence it is being provided through a developer agreement or similar. He did not agree that evidence merely supporting feasible servicing options was sufficient.
294. I agree with Ms Seaton and Ms White that Policy 6.2.5(2) does not require infrastructure to be in place. There is nothing in the CRPS or the NPS-UD which requires that. It is common for developments to rely on planned future upgrades. I also note development itself can contribute significantly to future upgrades through the development contributions scheme, developer agreements and similar.
295. In relation to the consolidated form, Ms Seaton relied on the evidence of Ms Lauenstein and Mr Compton-Moen. In relation to Policy 6.3.4 identified by Ms White in her paragraph [108], Ms Seaton identified that the words "where possible" meant that it was preferable that provision be made but it was not an absolute requirement to meet the possibility. I agree.
296. She noted Mr Metherell's evidence that the proposal would support likely future increases in the uptake of public transport. She acknowledged, quite properly, that it is likely that those increases may be small and incremental, and dependent in part on the anticipated growth of employment/industrial areas in Rolleston. She therefore acknowledged that there would be the continued reliance on the private car trips to Christchurch and Rolleston for many employment, educational and social destinations. Overall she considered there were some limitations on access to public transport but she did not consider it was inconsistent with Policy 6.3.4 in the round.<sup>118</sup>
297. Mr Tallentire considered that Objective 6.2.1 seeks to achieve an urban form that achieves consolidation and intensification of urban areas and avoids unplanned expansion of urban areas. He considered in that regard it complemented Objective 6.2.2 which addresses urban form and settlement pattern, and in (5) provides:

*Encouraging sustainable and self-sufficient growth of the towns of Rangiora, Kaiapoi, Woodend, Lincoln, Rolleston and Prebbleton and consolidation of the existing settlement of West Melton;*

298. He agreed with the evidence of Mr Nicholson that PC67 did not consolidate the West Melton township or contribute to a compact form and considered that it was inconsistent with Objective 6.2.2(5) and SDP Policies B2.1.13, B4.3.98 and B4.3.99.

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<sup>118</sup> Statement of Evidence of Kim Marie Seaton 30 August 2021 at para [7.42]

299. Mr Tallentire addressed the evidence of Mr Compton-Moen noting that in justifying his opinion on whether PC67 contributed to a compact urban form, he relied on West Melton “developing over time into a compact urban form” and Appendix 2 of his evidence demonstrated how the two other private plan changes lodged with the SDC contributed to this view.

#### Consolidated or Compact Form – Expert Evidence

300. Mr Compton-Moen provided a description of West Melton township and its growth. He described the concentration of urban growth on the northern side of the State Highway noting that at that time, the provision of traffic flow through the settlement was a priority as opposed to creating a more integrated road corridor (with adjoining land use). He considered this unfortunately served to emphasise the road corridor as a barrier to south-north movement, but that some efforts are now being made to reverse that.
301. He noted that West Melton has grown to become a substantial township, flanking both sides of West Coast Road, with the majority of the township remaining on the northern side. He identified that the Wilfield development is on the southern side of the West Coast Road with access from Weedons Ross Road, and this extended area was partially developed and located to the south of the existing Wilfield development. He noted that PC67 directly adjoined the Wilfield development to the north and it would be integrated with it through two road connections and a green link through to the pylon reserve within it.
302. He addressed issues related to consolidated urban form and growth, noting that it can be difficult to predict and influence the development of intensification of key sites but provided, as Appendix 2 to his evidence, how, from an urban form perspective, West Melton could be expected to develop in the future. He considered, given the location of several key township amenities on the southern side of the State Highway, it was likely future urban growth would be located to the south.
303. He identified areas of agreement with Ms Lauenstein’s urban design evidence which were consistent with his thoughts on the future urban growth/urban form of West Melton. He identified the layout and intensification of future development around the SH73/Weedons Ross Road intersection as important for the future growth of West Melton as a self-sufficient town, and in that regard, he considered it consistent with Policy B4.3.6 of the SDP to “*Encourage townships to expand in a compact shape where practical*” for reasons which he outlined.
304. In his overall conclusion, he considered the proposed plan change a natural extension of residential development in West Melton, and that it was not out-of-sequence being in relatively close proximity to the centre of the settlement. He envisaged that in time, the south-west corner of West Melton, immediately adjoining the community centre and domain, would be developed for residential purposes. He again identified the recent changes to SH73. He noted that urban growth does not often occur as planned or as staged with numerous variables in play. He considered it clear that the development of the PC67 land did not compromise overall achievement of consolidated urban form for West Melton.

305. Ms Lauenstein carried out an urban design analysis of West Melton. She generally agreed with Mr Compton-Moen's description of the wider landscape characteristics and landscape values of West Melton as well as the overall development pattern and character of the township.
306. Ms Lauenstein undertook her own analysis of the entire township. She provided a diagram which included an indicative delineation of the extent of the urban form. Ms Lauenstein advised this was produced to explain the key urban elements and to show the overall urban structure of West Melton rather than to define the extent of growth. In essence, she identified four quadrants, being the north-east, the south-east, the south-west and the north-west. She considered the underlying structure of the four quadrants creates a balanced overall form and repositions the original centre and the domain at the heart of the township. She considered that created a better integrated urban fabric. It was her view that based on the underlying urban structure, all four quadrants of West Melton could be expected to develop further into their full capacity over time, contributing to a compact urban form. She considered PC67 would support the overall structure of West Melton built on four distinct quadrants.
307. She assessed the sequencing of growth and outlined a number of factors which were relevant, along with a desire to develop, or resistance to develop. She addressed structural, spatial and master planning, being based on anticipating and guiding development and that this combined strategic, spatial and structural design and planning. In her view, sequencing of development would be ideal with regard to a consolidated urban form, if it was always centric moving outwards but that was "utterly unrealistic", brought with it issues of efficiency, and was not in itself organic or responsive to most of the issues driving development. She considered that townships often develop in 'chunks' based on market pressure, ownership structure and other matters.
308. Mr Nicholson addressed this issue in some detail. He noted that the CRPS seeks to maintain the urban form and settlement pattern of Christchurch through the consolidation and intensification of urban areas. He identified that in particular it encourages the "consolidation of the existing settlement of West Melton". He identified the objectives of the SDP that seek "growth in existing townships as a compact urban form" referencing Objective B3.4.4. He identified Policy B4.3.98 which anticipates new residential growth or business growth in West Melton on either side of the Weedons Ross Road north of SH73 and south of Halkett Road with only a limited extent of new low density residential development envisaged south of SH73 in order to maintain a consolidated form for future growth. He also identified Policy B4.3.99 which he considered sought to promote a consolidated pattern of urban growth in West Melton in order to achieve a generally compact shape.
309. He described West Melton and considered the centre of it to be on Weedons Ross Road just north of SH73 between the West Melton primary school and the local shopping centre. He provided, as Figure 1, 400, 800 and 1200 metre radius rings around the centre of West Melton to give an indication of walkability catchments.

310. He considered the walkability catchments provide an approximate measure of how compact the urban form is and to what extent the urban form enables walking, cycling and public transport as realistic alternatives to the use of private vehicles. He considered walkability to be one measure to assess the proposed plan change against the various directions relating to consolidation and compactness. He noted that the plan change area was largely outside the walkable catchments shown on his Figure 1 and were separated from the town centre by the high voltage transmission lines and SH73. He noted the plan change site extended south-west to within 400 metres of the existing development area (Johnsons Road).
311. Overall, it was his opinion that the proposed plan change does not consolidate West Melton or contribute to a compact urban form for the township anticipated in Policy B4.3.98 and B4.3.99 of the SDP. He noted that as a general principle, a more compact urban form can be achieved by concentrating development as close to the town centre as practical. He identified there were areas of undeveloped rural land to the north of SH73 within the 1200 metre radius of the town centre and areas of undeveloped rural land to the south of SH73 within both the 400 and 800 metre radius of the town. He considered it likely that development in those areas would make a greater contribution to the consolidation of West Melton.
312. He did not agree with Mr Compton-Moen's view that PC67 was a natural extension of the Wilfield development and that it was an in-sequence development adding development capacity to West Melton. Mr Nicholson considered that while the plan change might be seen as a natural extension if considered solely in the context of the Wilfield subdivision, it was not a natural extension of West Melton in its current size and form as it extended significantly further away from the town centre than any other part of the township. He did not agree that it was in-sequence.

#### Analysis

313. I have carefully considered this issue as it is a matter of some importance both from an urban design perspective and in terms of the relevant objectives and policies of the CRPS and the SDP. Mr Nicholson maintained his opinion that the plan change area does not consolidate West Melton or contribute to a compact form as anticipated by the relevant policies in the SDP in particular, although he recognised value in the improvements that had been made. This was due primarily to the distance of the plan change area from the town centre, and the community severance created by SH73 and the high voltage transmission lines.
314. I do not accept that the high voltage transmission lines provide a community severance. Mr Wheelans provided an example of a development where such had been expressly incorporated and noted its use in the neighbouring subdivision in terms of connectivity and green space. The ODP shows this area as part of the green network and incorporates a shared pedestrian/cycle path.
315. In relation to the community severance which has been created by SH73, there is no doubt that it has had that effect. Indeed the policy framework reflects this. However, I had

considerable evidence in relation to the works Waka Kotahi is undertaking in association with the signalisation works proposed.

316. Mr Wheelans provided considerable evidence in relation to the interface with SH73. He noted that since the development of Prestons Downs and the later development of Wilfield, his company had been in close contact with Waka Kotahi and SDC regarding the interface of the residential areas with the State Highway, and State Highway improvements. He advised that over time two pedestrian connections have been provided to enable north-south connectivity, and speed limits had been moved west and east and lowered to recognise the urbanisation of the township. He noted that within the planned or committed upgrade of the SH73/Weedons Ross Road intersection, there were two existing connections which would be added, providing for pedestrian and cycle connectivity.
317. Mr Metherell was of the opinion that with the availability to integrate the development with the existing Wilfield site, the PC67 site would contribute to consolidation of the urban form given key community facilities are located centrally in West Melton.<sup>119</sup> To further support the urban consolidation, he would expect that the subdivision would result in a transport network that minimised walk and cycle distances to the north-east corner of the plan change which was a standard assessment matter for subdivision.
318. Relevantly to this issue, he addressed specifically the growth of township Policy B4.3.98 which he considered to be of less relevance given the way the West Melton and SH73 corridor has developed. He understood it to be focused on safety and efficiency of the highway. The Waka Kotahi upgrades would be in place before the site could be fully developed. He considered this would allow for safe and efficient access to and across the highway for pedestrians and cyclists as well as vehicle travel. He provided the Waka Kotahi intersection upgrade description which included:

*These changes will help reconnect the community to key facilities, like the community and recreation centre, the Domain, local shops, West Melton School and early childcare facilities. They will also help reduce delays and make travel times ...*

319. Mr Metherell did not consider the site to be inconsistent with Policy B4.3.99 given it was immediately adjacent to the Wilfield subdivision and internal connections would be available. He noted that the distances to the West Melton central facilities were comparable to those from within the existing West Melton urban areas.

### Assessment

320. I accept the evidence of Mr Wheelans and Mr Metherell that the Waka Kotahi routes will, to a large degree, mitigate the severance effects of SH73.

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<sup>119</sup> Statement of Evidence of Andrew Alan Metherell 30 August 2021 at para [8.5]

321. The evidence of Mr Compton-Moen and Ms Lauenstein was well considered and helpful. As identified by Ms White and Mr Nicholson, their evidence in relation to the compact form and consolidation matters focused on what form the overall development of West Melton should or may take.
322. There is no proposal, either by way of this plan change, any other plan changes which I am aware of, or any Council documents which I am aware, which indicates the development of the south-east and south-west 'quadrants' referred to in the evidence of both Mr Compton-Moen and Ms Lauenstein.
323. I raised the degree of reliance that appeared to have been placed on what may happen in the future with both Mr Compton-Moen and Ms Lauenstein in relation to their views as to compact form and consolidation. They both advised that they were comfortable that PC67 in itself, contributed to a compact shape and consolidated form. Nevertheless, the future growth and the form that development of West Melton should take appear to be a significant factor in their evidence in relation to this issue.
324. A number of matters which Mr Nicholson raised are relevant. It is readily apparent that the plan change area constitutes a moving of the southern boundary of the urban form. This, by its very nature, involves moving away from the commercial activities and other facilities north of SH73. It is, however, well connected to a number of key community facilities, including the community centre and the domain.
325. The appropriateness or otherwise of this proposal and its relationship to the CRPS provisions identified by Mr Tallentire, can be assessed in light of the relevant objectives and policies of the SDP.
326. Objective B4.1.1 is for a range of living environments to be provided for in townships "*while maintaining the overall 'spacious' character of Living zones ...*".
327. Objective B4.1.2 seeks that new residential areas are pleasant places to live and add to the character and amenity values of townships.
328. Policy B4.3.6 provides:

*Encourage townships to expand in a compact shape where practical.*

329. The Explanation and Reasons provides that Policy B4.3.6 promotes shapes and situations that foster a compact or consolidated town shape. Compact is noted as meaning zones of similar lengths and widths, rather than long, thin strips of land following a particular road, waterbodies or other feature. It also identifies that a compact shape helps mitigate adverse effects. The Explanation also notes that a compact shape may not always be practicable if there is a constraint to a zone expanding in a particular direction. I note that no such constraints have been identified in West Melton.

330. The West Melton specific Policy B4.3.99 provides:

*Promote a consolidated pattern of future urban growth in West Melton.*

331. The Explanation and Reasons notes that the future growth is to adhere to a form of development which maintains a generally compact shape. It identifies that while allowing a substantial amount of urban growth with higher densities north of SH73, development south of the highway is to be limited in extent and density. This is noted as being consistent with town form Policy B4.3.6.

332. None of the above policies could be said to be directive. Words such as 'encourage' and 'promote' are not mandatory directives.

333. Policy B4.3.98 is to:

*Provide a primary focus for new residential or business development north of State Highway 73 and south of Halkett Road, and to allow only a limited extent of new low density residential development south of State Highway 73.*

334. The Explanation and Reasons note that West Melton has developed with community facilities on both the northern and southern sides of SH73 and that residential development has taken place north of the highway with lower density south of SH73. The Explanation also notes that new residential growth will be enabled south of the highway but will be limited in extent and density to minimise effects on the safety and efficiency of the highway.

335. Policy B4.3.98 is clear in where the focus of development is to be but it does allow a limited extent of new low density residential development south of SH73. It does not direct that residential growth south of the State Highway is to be avoided.

336. In my view, Policy B4.3.6, Policy B4.3.98 and Policy B4.3.99 need to be assessed and read as part of the Objectives and Policies as a whole. There are a number that seek other outcomes rather than simply compactness. The Wilfield land to the north has been approved for intensification pursuant to PC59 and that is being undertaken. This land directly adjoins and is well connected with that development. It is not an outlier.

337. Overall, I consider that PC67 does contribute to a relatively compact West Melton, albeit one that is not as compact as Mr Nicholson would prefer. It is, in my view, at the very edge of the southern extent of a compact West Melton. If it were not for the high degree of integration with the Wilfield development to the north, and the amendments to the ODP to address connectivity concerns, my finding would likely be different. On balance I consider it is consistent with the relevant objectives and policies in the SDP in relation to compact townships and consolidation which give effect to the relevant objectives and policies of the CRPS.

### Conclusion on CRPS

338. The issue of whether or not this gives effect to the CRPS is somewhat complicated by the strong avoidance objective in Chapter 6 which I have concluded do not preclude the assessment of this plan change in reliance on the responsive planning provisions of the NPS-UD. It clearly conflicts with the directive outcomes sought in Objective 6.2.1(3) and Policy 6.3.1(4).
339. In terms of the specific objectives and policies that have been identified in the evidence and submissions which I have heard, these relate particularly to the compact form/consolidation, infrastructure provision, greenhouse gases, transportation and associated matters of modal choice and public transportation. I consider those matters have been appropriately addressed. On balance, I consider that apart from the location, it is compatible with the outcomes sought in the CRPS for new growth.

### **CLWRP and CARP**

340. As noted by Ms White, pursuant to s75(4)(b) of the RMA, the SDP cannot be inconsistent with the regional plan. She identified that these include the LWRP and CARP. Ms White noted that the establishment of activities within the plan change site will either need to meet the permitted activity conditions or be required to seek resource consent. She considered there is nothing particular about the site or its proximity to other land uses that would impede the ability to appropriately mitigate effects such that consents could be obtained.
341. Ms Seaton agreed. I note this was not an issue raised in the submission or evidence from CRC and I agree that there is no apparent inconsistency with those regional plans.

### **IMP**

342. The IMP is a planning document which is recognised and has been lodged with SDC. Pursuant to s74(2A) of the RMA, in considering this plan change, I must take account of the IMP. The application provided an assessment of the relevant provisions of the IMP at paragraphs [91] – [98]. That assessment noted that the IMP did not identify any specific cultural values associated with the subject land that might be adversely impacted by the development. It noted that any discharges were controlled by CRC and that the plan change area was subject to existing SDP controls over night-time lighting and they would assist in mitigating light pollution.
343. In relation to Wai Māori, the application identified that the land to be rezoned does not contain any waterways with the exception of sections of the artificial water race on the Weedons Ross Road frontage, that effluent would be reticulated, that the stormwater would be treated and disposed of through swales and basins ensuring that no untreated stormwater would reach groundwater, and that roof stormwater would be disposed of straight to ground. I note that since the drafting of that, rainwater tanks have been specified as a condition.



344. Overall, no issues were specifically raised in relation to the IMP and I have taken it into account. Given the nature of the site, and the methods proposed to address matters such as stormwater discharge, I do not consider the IMP creates any difficulties to this proposal.

### **Consistency with Plans of Adjacent Territorial Authorities**

345. Again this was discussed briefly by Ms White. She noted at her paragraph [11] that matters of cross-boundary interests are outlined in the SDP in Section A1.5 of the Township Volume. Of relevance she identified effects on strategic and arterial road networks for people commuting between Selwyn and Christchurch. She identified that the Methods state that this is identified as an effect of residential growth in the SDP and notes that CCC can submit on proposals to rezone land for growth. CCC has submitted and I have taken its concerns into account.

### **Management Plans and Strategies Prepared Under Other Acts**

346. Mr Baird, Policy Analyst at SDC, provided a Memorandum addressing growth planning in Selwyn District. This was not focused specifically on this plan change but rather outlined the expected growth and current and future capacity in the context of the broader strategic planning occurring across Greater Christchurch and Selwyn. That memo identified various documents including the Greater Christchurch Urban Development Strategy 2007.
347. I have considered all the documents he has identified. The documents identified included Our Space.<sup>120</sup> Its focus is described as being how best to accommodate housing and business land use needs in a way that integrates with transport and other infrastructural provision, building greater community resilience, and contributing to a sustainable future for Greater Christchurch that meets the needs and aspirations of our existing communities and future generations.<sup>121</sup>
348. The Update addresses Selwyn (and Waimakariri) towns in 5.3. Future urban growth development areas were identified in Rolleston, Rangiora and Kaiapoi. This site was not identified.
349. Selwyn 2031 is Selwyn's District Development Strategy. Mr Baird described that as providing an overarching strategic framework for achieving sustainable growth across the District to the year 2031. He advised that it was intended to guide the future development of the District and to inform SDC's capital investment decisions.<sup>122</sup>
350. Strategic Direction 1 seeks to ensure that there is enough zoned land to accommodate projected household and business growth, while promoting consolidation and intensification within existing townships. Mr Baird's Memorandum recorded the drivers behind this approach as being to manage urban sprawl, maintain a clear urban/rural interface and to minimise the

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<sup>120</sup> Our Space 2018–2048 Greater Christchurch Settlement Pattern Update

<sup>121</sup> Our Space, Message from the Strategy Partners

<sup>122</sup> Ben Baird Memo 19 August 2021 at para [23]

loss of productive farmland. He identified the key objectives supporting the strategic direction as being concentrating growth within the Greater Christchurch area, achieving efficiencies through integration of land use with infrastructure, and the maintenance of a compact urban form.<sup>123</sup>

351. Mr Baird also advised that the township network outlined in Selwyn 2031 seeks growth relative to the centre's role in the District.
352. He advised that SDC had provided for most of the new capacity for growth around Rolleston, and to a lesser extent Prebbleton and Lincoln. That distribution of capacity was preferred because it:
- (a) Supports the township hierarchy of centres, including supporting ongoing expansion in retail service activities in Rolleston;
  - (b) Is consistent with the objectives and policies in the regional planning document, national planning frameworks and Selwyn's local plans;
  - (c) Provided certainty for community, SDC, government and developers partially through identifying areas around Rolleston that have been signalled as future growth area. He noted that unplanned or dispersed growth patterns can undermine the public and private investments and community;
  - (d) Improved the amenity of Rolleston Town Centre by contributing towards Rolleston achieving a critical mass, reducing the need to travel out of Selwyn.
353. Relevantly in terms of Selwyn 2031 and the concentration of urban expansion within the Greater Christchurch area, the issue is stated as:

*Ensuring that sufficient and appropriately zoned land is available to accommodate up to 80% of the urban growth within Selwyn District over the next 20 years within Rolleston, Lincoln, Prebbleton and West Melton townships.*

354. I consider that this proposal generally accords with Strategic Direction 1 and assists in addressing the issue identified. I consider that in terms of location and scale, it is not one which would undermine the preferred distribution of capacity identified in Selwyn 2031.

## **Section 32**

355. The proposal does not include any new objectives, or changes to the existing objectives within the SDP. The assessment required under s32(1)(a) relates to the extent to which the purpose of the proposal is the most appropriate way to achieve the purpose of the RMA.

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<sup>123</sup> Ben Baird Memo 19 August 2021 at para [24]

356. The s32 Report that formed part of the application noted that the existing objectives are assumed to be the most appropriate way of achieving the purpose of the RMA having previously been assessed as such. Ms White was of a similar opinion. Overall, I agree it is an appropriate assumption. Nevertheless, I have also considered the higher order documents above.
357. The s32 Report noted that the more general objective of the proposal, that being the purpose of the proposal, was to provide a new Living West Melton Zone as an extension of the adjoining existing Residential Zone. The Report considered that to be appropriate to enable persons and the community to provide for their health and well-being, while avoiding, remedying or mitigating potential adverse effects. It acknowledged that there would be a change in the urban form from that existing currently but it was considered to be an efficient use of the physical land resource.

#### Objectives and Policies

358. The s32 Report provided a detailed assessment of the relevant plan provisions against the objectives and policies of the SDP. The table occupied just over 5 pages. I agree that the proposed plan change is generally consistent with a number of objectives and policies of the SDP, particularly those seeking to provide pleasant living environments with high amenity. These include, without reciting all of the objectives and policies listed, those in Chapter 4: Growth of Townships. I agree they are particularly relevant. Objective B4.1.1 seeks the provision of a range of living environments being provided for in townships while maintaining the overall spacious character of Living zones, except within medium density areas identified in an ODP where a high quality, medium density development is anticipated.
359. I agree that the comparatively low site coverage limits, combined with the comprehensive green network, will assist in ensuring that the spacious character and amenity values are maintained.
360. In relation to Objective B4.3.1, the plan change would result in the removal of a relatively small area of land from primary production but it does not adversely effect the amenity values of the township or rural area or sites with special ecological, cultural, heritage or landscape values.
361. The proposal is clearly not consistent with, and indeed in my view is contrary to, Objective B4.3.3 and Policy B4.3.1 in so far as the site is not within a priority area, although an ODP is proposed. That objective and policy largely reflect the CRPS and my discussion of Policy 8 of the NPS-UD is equally relevant to these provisions.
362. Objective B4.3.4 provides for new areas for residential or business development support the timely, efficient and integrated provision of infrastructure, including appropriate transport and movement networks through a coordinated and phased development approach. I have addressed infrastructure provision earlier and I am satisfied that is appropriately addressed.

363. Objective B4.3.5 seeks to ensure that sufficient land is made available in the District Plan to accommodate additional households in the Selwyn District portion of the Greater Christchurch area between 2013 and 2028 through both greenfield growth areas and consolidation within existing townships. As noted, this site is not within a greenfield growth area but some guidance can be taken from Objective B4.3.5 in terms of the need to ensure that there is sufficient land available. As to whether it promotes consolidation, I have addressed this earlier. It avoids the proliferation of new settlements although it does lead to an extension of the township form which I again have addressed above.
364. Objective B4.3.9 addresses the targets for sufficient, feasible development capacity for housing within Greater Christchurch and was inserted in accordance with ss 55(2) and 5(2A) of the RMA from the National Policy Statement on Urban Development Capacity 2016.
365. This seeks that for the period 2018 to 2048, sufficient, feasible development capacity for housing is enabled in the urban areas of Selwyn District within Greater Christchurch in accordance with CRPS Policy 6.2.1a. I consider this proposal assists in meeting that objective.
366. Policy B4.3.98, which is to provide the primary focus for new residential or business development north of SH73 and South Halkett Road and to allow only a limited extent of new low density residential development south of SH73, has been addressed earlier in this Recommendation.
367. The assessment notes that it will remain low density and identifies that the explanation to Policy B4.3.98 indicates that the restriction is necessary to maintain the safety and efficiency of the highway. In terms of Policy B4.3.99 and the promotion of a consolidated pattern of future urban growth in West Melton, the assessment of the proposal considered it would obtain a *“reasonably consolidated growth pattern, albeit the township will develop in a more southerly direction than is currently the case”*. While it appears that there is some tension with that policy, I have addressed this earlier in my Recommendation.
368. Overall, I agree that the proposed plan change is generally consistent with the broader thrust of the objectives and policies of the SDP and particularly, but without limitation, those seeking to provide for pleasant living environments with high amenity. Considering the relevant objectives as a whole and recognising that there is some degree of tension with some of the more specific policies, I consider PC67 gives effect to the relevant objectives and policies overall.

#### Outline Development Plan

369. Having reviewed the revised ODP, I consider that it addresses all of the necessary matters and is consistent with other ODPs contained within the SDP.

## Benefits and Costs

370. The s32 evaluation provided with the application identified and addressed the benefits and costs of the plan change by assessing three options. These were to leave the area zoned Rural (Option 1), rezone the entire site to Living WM South Zone (Option 2), or apply for resource consent for subdivision and land use consent under the current zoning (Option 3). In relation to Option 1, the report assessed the benefits as maintaining the existing character and amenity of the area, no time or costs arising from a plan change process, no additional demands on infrastructure and no effects on versatile soils. In terms of the costs/disadvantages, that was stated as not meeting market demand for residential sites in West Melton.<sup>124</sup>
371. In terms of the benefits and costs of rezoning the site to Living WM South (Option 2), the benefits/advantages were identified as increasing the availability of allotments within West Melton Township, economic benefit to SDC from larger ratepaying base, economic benefit to the landowner from development of the property, provision of high quality residential amenity for future residents, and additional supply of housing which would assist in avoiding price rises resulting from otherwise suppressed housing supply.
372. The costs of this option were assessed as change in character and amenity of the site from rural to urban, increased traffic generated in and around West Melton, additional infrastructure capacity required to be provided at developer's cost and loss of low productivity rural land.<sup>125</sup>
373. In relation to Option 3, applying for resource consents to achieve increased density, the benefits were assessed as including a greater ability to fully assess the proposal in light of more detailed information required as part of the subdivision consent application, ability for SDC to place stricter controls on development through consent conditions, and if granted would allow for a greater number of allotments with associated efficiency of land development.
374. The costs/disadvantages were identified as need for purchasers to obtain consent if they wish to alter uses beyond what are permitted in the SDP or already consented, restricted timeframe in which land has to be developed and houses built, less flexibility in development of the land, possibly higher costs to develop the land through the placing of higher controls on development, difficulty of obtaining resource consent for non-complying status subdivision, change in character and amenity of the site from rural to urban, increase in traffic generated, additional infrastructure capacity required to be provided at the developer's cost, and loss of low productivity rural land.
375. The assessment concluded that the costs of option 3 outweighed the benefits. It identified that 'numerically' the benefits of option 1 outweigh the costs but the lost opportunity to provide

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<sup>124</sup> s32 evaluation at para [5]

<sup>125</sup> Supra at page 17

for additional residential urban capacity carries considerable weight. It considered that for option 2, the benefits outweigh the costs.<sup>126</sup>

### Analysis

376. I accept that the s32 assessment has largely identified the relevant benefits and costs of the three options. I have considered that carefully.

377. In relation to Option 1 – that is leaving the land in its present zoning – a potential benefit is that it may enable a more comprehensive assessment of the growth needs at West Melton at a strategic level.

378. Mr Tallentire considered that an appropriate density might be different if additional growth at West Melton was considered desirable as part of a strategic planning exercise.<sup>127</sup>

379. Ms Lauenstein identified as a main point of disagreement:

*Is a strategic structural plan required to ascertain the appropriate urban form and extent of development for West Melton?*<sup>128</sup>

380. Ms Lauenstein considered that from an urban design perspective, structural planning and plan changes are both valid planning tools with public participation and contribution to the decision-making process. It was her view that they are not reliant upon each other and can run concurrently or independently. She identified the benefit of a plan change as being that there is a certainty around the land availability and the willingness to develop which at a structural planning level cannot be ascertained with certainty. She considered that in the “bigger picture”, plan changes can benefit from wider structural planning “vision” being in place but at the same time they can inform the bigger picture thinking with the information they provide.<sup>129</sup>

381. While Mr Nicholson noted that the Future urban form – anticipated growth pattern diagram referred to by Ms Lauenstein in her evidence was not without merit, it had no standing in the SDP and had not been consulted on with the community. He agreed that sequencing growth is not an exact science but qualified that by noting that simply because land is available for development does not necessarily make it appropriate from an urban design perspective. He considered there were options for growth in West Melton, including north of the State Highway, which could be considered.

382. Overall, I acknowledge that there are benefits in a spatial planning process but in the context of this particular plan change, its scale and location, and the clear evidence in relation to demand/capacity issues, approving this plan change would not impede or disable a future spatial planning process to any degree.

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<sup>126</sup> s32 assessment at para [56]

<sup>127</sup> Statement of Evidence of Keith Roger Tallentire 6 September 2021 at para [116]

<sup>128</sup> Summary of Statement of Evidence of Nicole Lauenstein 14 September 2021 at para [12]

<sup>129</sup> Summary of Statement of Evidence of Nicole Lauenstein 14 September 2021 at para [13]

### Economic Benefits/Costs

383. Section 32(2) provides that in assessing the efficiency and effectiveness of the provisions in achieving the objectives, the assessment must identify and assess the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of that provision, including opportunities for economic growth that are anticipated and employment that are anticipated to be provided or reduced, and if practicable, quantify the benefits and costs.<sup>130</sup>
384. In terms of benefits, PC67 has significant economic benefits. Mr Colegrave provided the only expert economic evidence on this plan change. He addressed this throughout his evidence, and in discussions, but particularly in his paragraphs [5.1] to [5.40]. Mr Colegrave identified a boost in market supply and considered that all other things being equal, the supply boost would help the market to be more responsive to growth and demand, thereby reducing the rate at which the district house prices grow over time (relevant to the status quo).
385. As noted earlier, from an economic perspective, Mr Colegrave was of the view that the 130 new lots represented a significant boost in supply. He considered it would help to foster competition in the local land market. He considered that a direct boost in supply and increased land competition had direct economic benefits from making land and dwellings more affordable than they would otherwise have been. His evidence was that it can also have broader impacts, specifically, by reducing the rate at which dwelling prices grow, future residents will spend less on weekly rent or mortgage payments than they would have otherwise which would boost disposable incomes. With a significant proportion of the extra money likely to be spent locally, lower future dwelling prices (relevant to the status quo) also create additional economic stimulus for the wider benefit of the local area through increased household spending.
386. Mr Colegrave considered that given the *“clearly divergent characteristics of West Melton dwellings, residents, and households”* it followed that the proposed plan change would help meet the NPS-UD requirement to provide a range of typologies.
387. He considered that by enabling the resident population to grow, including via additional development on the subject site, the District will eventually be able to support greater local retail/service provision and hence be less reliant on the city to meet its household needs. In his opinion, this in turn would not only support greater District economic activity and growth, but also reduce vehicle travel and the emissions associated with it. He identified more specifically that greater District critical mass, including at the subject site, would help SDC and community to realise its ambitions for a renewed Rolleston Town Centre, thereby elevating its current status as a lower order KAC to a fully-functioning town. He identified one-off economic stimulus and its direct, indirect and induced effects.

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<sup>130</sup> s32(2)(a)(i) and (ii) and (b)

388. By way of summary, he estimated that the future economic activities enabled by the proposal could boost regional GDP by \$56 million, including flow-on effects, generate employment for 600 people-years and generate \$30 million in household incomes.
389. I discussed the economic benefits with Mr Colegrave, particularly in relation to the growth just from this 130 lot proposal. He advised that overall catchment development in an economic sense was relevant. He advised that construction was a one-off 'sugar hit' but that potential growth could lead to more permanent employment. He considered enabling the resident population to grow, including via additional development on the subject site, would enable the District to eventually be able to support greater local retail/service provision and be less reliant on the City.
390. He identified that the main potential economic loss was the loss of land for rural production. Relying on the evidence, he understood that the land was not particularly valuable for rural production and that this was reflected in its value. He assessed the value as currently about \$10/m<sup>2</sup> whereas by comparison, sections in the adjacent Wilfield development were worth about \$125/m<sup>2</sup> on average. He noted that was 12.5 times higher. He considered the economic costs to be relatively immaterial.

#### Conclusion on Benefits and Costs

391. Overall, I accept that PC67 has a number of benefits. In particular, the benefits relate to the provision of additional capacity in an area where there is clearly insufficient capacity to meet demand, and, on the evidence of Mr Colegrave, it will have significant economic benefits. These go beyond benefits simply accruing to the developer.
392. In terms of costs, overall I consider they have been appropriately addressed in the s32 evaluation. In terms of the matters raised in the submissions in relation to financial costs to the community, such costs will largely be met by the developer either directly, or through development contributions, and this proposal is unlikely to impose any costs directly on the ratepayer base, which will ultimately expand if the land is developed.
393. There may be some amenity costs experienced by local residents, and particularly those near to the site. They are likely to be significantly less than minor. There will also be a loss of productive soils which I have assessed earlier in this Recommendation.

#### Risk of Acting or Not Acting

394. I am satisfied that I have sufficient information before me identifying the risks associated with acting or not acting. They have been identified and considered.

#### NPS-UD Clause 3.11 Using Evidence and Analysis

395. I have considered clause 3.11 of the NPS-UD which provides local authorities must clearly identify the resource management issues being managed, and use evidence about land and



development markets, and the results of the monitoring required by the NPS-UD, to assess the impact of different regulatory and non-regulatory options for urban development and their contribution to:

- (a) Achieving well-functioning urban environments; and
- (b) Meeting the requirements to provide at least sufficient development capacity.

396. Clause 3.11(2) requires that I must specifically refer to those matters and relevant evaluation reports and further evaluation reports prepared under s32 and s32AA.

397. I have used both the HCA and the evidence provided in relation to those issues by Mr Colegrave and Mr Sellars. I have also considered Mr Wheelans' evidence, particularly in relation to the township and its growth, and his experiences in the development market.

#### Section 32AA

398. Section 32AA requires a further evaluation for any changes that have been made to the proposal since the evaluation report was completed.

399. Section 32AA(1) provides:

*(1) A further evaluation required under this Act—*

- (a) is required only for any changes that have been made to, or are proposed for, the proposal since the evaluation report for the proposal was completed (the changes); and*
- (b) must be undertaken in accordance with section 32(1) to (4); and*
- (c) must, despite paragraph (b) and section 32(1)(c), be undertaken at a level of detail that corresponds to the scale and significance of the changes; and*
- (d) must—*
  - (i) be published in an evaluation report that is made available for public inspection at the same time as the approved proposal ... or the decision on the proposal, is notified; or*
  - (ii) be referred to in the decision-making record in sufficient detail to demonstrate that the further evaluation was undertaken in accordance with this section.*

*(2) To avoid doubt, an evaluation report does not have to be prepared if a further evaluation is undertaken in accordance with subsection (1)(d)(ii).*

400. In relation to the changes to the ODP planned, these primarily relate to the shared pedestrian/cycleway. They are to improve connectivity and, in my view, provide a real benefit.

401. The potential costs with the changes, particularly in relation to the cycleway along Weedons Ross Road, are an additional cost to the proponent and potentially delaying release of sections to the market.

402. Again, in terms of the addition of Rule 12.1.3.57A, the costs are additional financial costs to the proponent and potential cost in relation to the timing of release of the sections.
403. In relation to proposed Rule 12.1.3.57B, the potential costs are that the provisions may potentially add greater cost to purchasers of allotments in the development of their dwellings. There are also benefits, albeit unquantified, in the provisions in relation to reduction in greenhouse gas emissions, efficient use of rainwater, and improvement in terms of indigenous vegetation.
404. In relation to other changes to the text, the provision of the words “including supporting opportunities for future public transport routes” are appropriate. They have benefits in ensuring that future public transportation routes can be accommodated. There do not appear to be any costs associated with that.

### Conclusion

405. Overall, I consider that PC67 is efficient and effective. It provides a number of benefits as outlined above. It provides additional supply and choice in the residential housing market. It has economic benefits as addressed above. The amendments have addressed issues in relation to connectivity, urban form and other issues. There are some costs, but overall, having reviewed all the documents, submissions, and evidence, and in light of the relevant objectives and policies, the changes proposed and having considered the benefits, costs and risks, I consider that PC67 is the most appropriate means of achieving the objective and ultimately the purpose of the RMA.

### Section 31

406. I am satisfied that the site can be appropriately serviced. I have some concerns in relation to consolidation of urban development. PC67 can achieve integrated management of effects and would enable additional residential capacity and choice in a manner which can be achieved without the creation of significant potential effects on the environment.

### Part 2 Matters

407. Overall, I largely agree with the assessment contained in the request and addressed in the evidence of Ms Seaton and Ms White. The SDP largely reflects and addresses the relevant Part 2 matters, and the following is very much a summary of the relevant Part 2 matters for the sake of completeness.

### Section 6

408. I agree that there are no matters of national importance which are directly relevant to this site and to this proposal.

## Section 7

409. Section 7 sets out the matters to which I am to have particular regard. Section 7(b) relating to the efficient use and development of natural and physical resources is relevant; s7(c) in relation to the maintenance and enhancement of amenity values and s7(f) in terms of the maintenance and enhancement of the quality of the environment are also relevant.
410. I acknowledge concerns raised by some of the submitters in relation to their amenity values and to the quality of the environment. I acknowledge that growth may impact on the characteristics that current residents value, but in my view the scale of this proposal is not such as to threaten those. I acknowledge there is some loss of productive or versatile soils. In terms of the efficient use and development of natural and physical resources (s7(b)), I conclude, overall, that this is an efficient use and development of the natural and physical resources.

## Section 8

411. Section 8 requires that I take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi). I accept the evidence that there are no explicit s8 matters in play in this particular application. Consultation was undertaken with iwi in relation to the neighbouring development (PC59) and there was nothing explicitly identified in relation to this site that provides any concerns.

## Section 5

412. The ultimate purpose of the plan change must be to achieve the purpose of the RMA as defined in s5. I accept that in general terms the purpose can largely be assessed in the detail and breadth of the operative objectives and policies which the Applicant does not propose to change. Overall, I am satisfied that the purpose of the RMA is achieved.

## **Overall Conclusion**

413. Overall, for the reasons that I have set out above, I conclude that PC67 is appropriate in terms of the s32 tests and meets the purpose and principles set out in Part 2 of the RMA in promoting sustainable management. Specifically, it will enable people and communities to provide for their economic and cultural wellbeing by provision of additional residential development in West Melton and where the effects of that development can be acceptable and mitigated.
414. I have had particular regard to the wider strategic planning framework, and in particular the CRPS. In the wider context of a housing crisis, and in the more localised issues of capacity and demand, and given my conclusions that this will add significant development capacity and contribute to a well functioning urban environment, the rezoning is the most appropriate outcome.

## **Recommendation**

415. For the reasons above, I **recommend** to the Selwyn District Council:

- (1) Pursuant to Clause 10 of Schedule 1 of the Resource Management Act 1991 the Council approves Plan Change 67 to the Selwyn District Plan as set out in Appendix A.
- (2) That for the reasons set out in the body of my Recommendation, and summarised in Appendix B, the Council either accept, accept in part or reject the submissions identified in Appendix B.



**David Caldwell**  
Hearing Commissioner  
Dated: 10 January 2022