

BEFORE THE SELWYN DISTRICT COUNCIL

IN THE MATTER OF Clause 21 of the First Schedule of the
Resource Management Act 1991 (Plan
Change 73)

AND

IN THE MATTER OF Rolleston West Residential Limited
Applicant

RECOMMENDATION BY COMMISSIONER DAVID CALDWELL

Dated 1 March 2022

Appearances:

Council:

Ms Liz White – Consultant Planner for Selwyn District Council

Mr Chris Bender – Service Leader (Air Quality) at Pattle Delamore Partners

Mr Ben Baird – Policy Analyst with Selwyn District Council

Mr Murray England – Asset Manager- Water Services with Selwyn District Council

Mr Andrew Boyd – Solid Waste Manager with Selwyn District Council

Mr Mat Collins – Associate in Transportation Planning at Flow Transportation Specialists

Dr Jeremy Trevathan – Acoustic Engineer and Director of Acoustic Engineering Services Limited

Applicant:

Ms Jo Appleyard and Ms Lucy Forrester, Chapman Tripp – Legal Counsel

Mr Timothy Carter, Director and owner of Rolleston West Residential Limited – Company Representative

Mr Chris Jones – real estate

Mr Mike Copeland, Consulting Economist at Brown, Copeland and Company Limited – economics

Mr Greg Akehurst, Director, Market Economics – economics/capacity/demand

Mr Fraser Colegrave, Managing Director, Insight Economics – demand/economic costs and benefits

Mr Paul Farrelly, Principal Consultant at Lumen – greenhouse gas emissions

Ms Cathy Nieuwenhuijsen, Senior Air Quality Consultant at Golder Associates New Zealand Limited – odour (PRRP and PWTP)

Mr Donovan Van Kekem – air quality/odour/peer review PRRP

Mr Tim McLeod, Senior Civil Engineer at Inovo Projects Limited – infrastructure

Mr Nicholas Fuller, Senior Traffic Engineer at Novo Group Limited – traffic/transportation

Mr David Compton-Moen, Director, DCM Urban Design Limited –landscape/urban design

Ms Nicole Lauenstein, Director, +Urban – peer review urban design

Mr Mark Lewthwaite, Acoustic Consultant with Powell Fenwick – noise

Mr Jeremy Phillips, Senior Planner and Director with Novo Group Limited – planning

Submitters

Mr Ivan Thomson, Senior Planner at Ashton Consultants, on behalf of Gallina Nominees Ltd and Heinz-Wattie Ltd Pension Plan and A Smith, D Boyd and J Blanchard

Mr Michael Wakefield, Simpson Grierson – Counsel, and Mr Keith Tallentire, Director of i2i Strategies Limited – Planning, for CCC/CRC

Ms Sarah White, Planner, accompanied by Mr Stewart Fletcher, for Waka Kotahi

ABBREVIATIONS TABLE

CARP	Canterbury Air Regional Plan
CCC	Christchurch City Council
CLWRP	Canterbury Land and Water Regional Plan
CRC	Canterbury Regional Council/Environment Canterbury
CRPS	Canterbury Regional Policy Statement
FUDAs	Future Urban Development Areas
HCA	Greater Christchurch Housing Development Capacity Assessment 30 July 2021
LTP	Long Term Plan
LURP	Land Use Recovery Plan
NPS-UD	National Policy Statement – Urban Development
NZDF	New Zealand Defence Force
ODP	Outline Development Plan
Our Space	Our Space 2018-2048: Greater Christchurch Settlement Pattern Update Whakahāngai O Te Hōrapa Nohoanga
PC73	Private Plan Change 73
PDP	Proposed Selwyn District Plan
PIB	Projected Infrastructure Boundary
PRRP	Pines Resource Recovery Park
PWTP	Pines Wastewater Treatment Plant
RMA	Resource Management Act 1991
RSP	Rolleston Structure Plan
SCGM	Selwyn Capacity for Growth Model
SDC	Selwyn District Council
SDP	Operative Selwyn District Plan
UDS	Urban Development Strategy
Waka Kotahi	Waka Kotahi NZ Transport Agency

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SUBJECT TO DECISION OF COUNCIL

Introduction

1. I have been appointed to hear submissions and make a Recommendation on Private Plan Change 73 to the Operative SDP.
2. I attended and conducted a hearing at the Habgood Lounge, Lincoln Event Centre on 28, 29 and 30 September 2021. Closing submissions on behalf of the Applicant were provided on 1 November 2021. The hearing was formally closed on 29 November 2021.
3. I commence my Recommendation by briefly introducing PC73 and the process to date, recording my site visit, and addressing the site and surrounding environment.
4. I have not included a specific summary of all 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/pc73. 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.

PC73

5. PC73 is a private plan change initiated by Rolleston West Residential Limited (**the Applicant**) to rezone two areas of land on the western side of Dunns Crossing Road. The Holmes Block contains approximately 87.5 hectares. This is located on the west side of Dunns Crossing Road, south of State Highway 1 and north of Burnham School Road. The Skellerup Block contains approximately 72.2 hectares and again is located on the west side of Dunns Crossing Road between Brookside Road to the north and Selwyn Road to the south (**the Site**). The Request largely seeks the rezoning of the Site from Living 3 to Living Z Zone. On each block, and along the road frontage with Dunns Crossing Road, the Request seeks rezoning to Business 1 (Local Centre) Zone.
6. The Request also includes the insertion of new ODPs to guide development. These would replace existing ODPs and are designed to achieve an overall minimum net density of 12 households per hectare (hh/ha) to provide for the establishment of up to 2,100 new households. There is a maximum of 1,150 on the Holmes Block and 950 on the Skellerup Block.
7. A number of other amendments to existing plan provisions are sought. These are generally changes which are consequential to the rezoning.
8. PC73 was formally received by SDC on 18 November 2020. A Request for Further Information was issued on 22 December 2020. Following the provision of that further information, PC73 was accepted by SDC under clause 25(2)(b) of Schedule 1 to the RMA on 10 March 2021. Public notification occurred on 31 March 2021.

9. 50 submissions were received. The Summary of Submissions was notified on 16 June 2021. 3 further submissions were received. A late submission was also received from NZDF. Its records indicated that it was sent on 3 May 2021, but SDC's records do not indicate receipt. With the agreement of the Applicant, I determined to accept this submission. This was notified on 21 July 2021. No further submissions were received.

Site Visit

10. I undertook a site visit on 6 October 2021. I viewed the Holmes and Skellerup Blocks and the surrounding areas to identify locations identified in submissions and evidence. I spent some time driving around the area and the local roads and the State Highway.
11. I attended the PWTP and the PRRP. I was escorted on my visit to the PWTP by Mr Darryl Collins and Mr Amit Chauhan. On my visit to the PRRP I was accompanied by Mr Tony Sheard, the Manager.

The Site and Surrounding Environment

12. The site and the surrounding environment was described in the s32 evaluation.¹ Ms White provided a site description in paragraphs [11] and [12] of her s42A Report, and a description of the surrounding environment in paragraphs [13] to [16] of that report.²
13. Ms White described the land as flat and its current use was identified as for cropping and grazing. Ms White also advised that the Holmes Block contained an existing well and the Skellerup Block contained two wells which are currently being used for irrigation purposes. Ms White's description of the surrounding environment incorporated Figure 2 showing the current zoning of the Site and surrounding area under the SDP.
14. As identified by Ms White, the Holmes Block adjoins, east across Dunns Crossing Road, a Living Z Zone. The West Rolleston Primary School also adjoins the Holmes Block. This is zoned Living 3 and is designated for education purposes. There is an existing area of Living 2 zoning to the south-east of the Holmes Block. The remainder of the southern boundary, the western boundary and the northern boundary of the Holmes Block adjoin the Rural Outer Plains Zone, and the land along that block's western boundary and further to the south-west contain the PWTP and the land adjoining the south-west corner contains the PRRP. The PWTP is designated pursuant to Designations D411 and D416. The PRRP is designated pursuant to Designation D412.
15. The Skellerup Block adjoins land zoned Rural Outer Plains along its northern, western and southern boundaries. Approximately half of its eastern boundary adjoins land zoned Rural Inner Plains with the north-eastern half of the boundary adjoining the Living Z Zone again across Dunns Crossing Road.

¹ Appendix 6 to Request to Change SDP dated 17 November 2020 at paras [18] - [28]

² s42A Report 6 September 2021

Statutory Framework

16. The Environment Court has provided a comprehensive summary of the mandatory requirements in its decision in *Long Bay*.³ This was updated to reflect changes to the RMA in 2009 in the Environment Court's decision in *Colonial Vineyards*.⁴
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;⁵
 - (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;⁶
 - (c) When preparing its district plan (change) the territorial authority shall:
 - (i) Have regard to any proposed Regional Policy Statement;⁷
 - (ii) Give effect to any operative Regional Policy Statement;⁸
 - (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,⁹ and must have regard to any proposed Regional Plan on any matter of regional significance;¹⁰
 - (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;¹¹
 - (f) The policies are to implement the objectives, and the rules are to implement the policies;¹²
 - (g) The plan change shall have regard to the actual or potential effects on the environment of activities including, in particular, any adverse effects.¹³
18. Section 32 requires that:

³ *Long Bay – Okura Great Park Society Inc v North Shore City Council* A078/08

⁴ *Colonial Vineyards Limited v Marlborough District Council* [2014] NZEnvC 55

⁵ s74(1)(a) and (b) of the RMA

⁶ s75(3)(a), (ba) and (c) of the RMA

⁷ s74(2)(a)(i) of the RMA

⁸ s75(3)(c) of the RMA

⁹ s75(4) of the RMA

¹⁰ s74(2)(a)(ii) of the RMA

¹¹ s74(2)(b)(i) and s74(2A) of the RMA

¹² s75(1)(b) and (c) of the RMA

¹³ s76(3) of the RMA

- (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;¹⁴
- (d) The provisions in PC73 are the most appropriate way to achieve the objectives of the SDP and the purpose of the proposal.¹⁵

Assessment of Issues Raised by Submitters

- 19. As noted, a total of 50 submissions and 3 further submissions were received. Ms White noted that a submission was lodged by a group of landowners whose land is located in the block between Burnham School Road, Dunns Crossing Road and Brookside Road. She noted that these had been treated as individual submissions within the Summary of Submissions. She referred to those submitters collectively as the 'Dunns Crossing Residents' as the content of the submissions were the same.¹⁶
- 20. 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 [33] of the s42A Report. She identified those matters as:
 - (a) Traffic effects;
 - (b) Servicing;
 - (c) Effects on community facilities;
 - (d) Density;
 - (e) Rezoning of additional land;
 - (f) Water race, stormwater and flooding;

¹⁴ s32(1)(a)

¹⁵ s32(1)(b)

¹⁶ Those included were the following submitters: G Smith (PC73-0017); J Smith (PC73-0018); M Wright (PC73-0019); D Edwards (PC73-0020); J Edwards (PC73-0021); M Buchanan (PC73-0022); T Lonsdale (PC73-0023); A Franklin (PC73-0024); G Chamberlain (PC73-0025); L Chamberlain (PC73-0026); K Ponsonby (PC73-0027); L Ponsonby (PC73-0028); P Mason (PC73-0029); H Maule (PC73-0030); P McDermott (PC73-0031); D Clarke (PC73-0032); D Mayers (PC73-0033); D Horne (PC73-0034); C Gillies (PC73-0035); A Gillies (PC73-0036); G Gill (PC73-0037); D Alderson (PC73-0038); C Hughes (PC73-0039); S Franks (PC73-0040); K Franks (PC73-0041); T Wang (PC73-0042); J Payne (PC73-0044); A Thomas (PC73-0045); and J Thomas (PC73-0046)

- (g) Soils;
- (h) Environmental quality;
- (i) Reverse sensitivity;
- (j) The form of urban growth;
- (k) Geotechnical and ecological considerations;
- (l) Other matters.

21. I largely adopt those headings in this Recommendation.

Traffic Effects

Submissions

- 22. A number of submitters raised concerns about potential traffic effects. The concerns raised were summarised by Ms White in her paragraph [34] through to paragraph [43].
- 23. I accept and adopt Ms White's summary of the concerns raised. The submissions related to matters such as safety and congestion, particularly around the West Rolleston Primary School, existing safety issues at various intersections, speed, delays, congestion, costs and traffic management.
- 24. Submitter Chris Barrett (PC73-0016) identified a number of issues but in his tabled document focused on the state of the section of Dunns Crossing Road south of Lowes Road.
- 25. CCC (PC73-0007) and CRC (PC73-0049) were concerned in relation to a future reliance on private motor vehicles given the lack of planned public transport services, greenhouse gas emissions and wider transport and environmental impacts such as congestion and carbon emissions arising from trips into Christchurch City.
- 26. Waka Kotahi (PC73-0010) identified existing safety issues with the Dunns Crossing Road/Walkers Road/State Highway 1 intersection which were proposed to be addressed and submitted that the safety risks were such that any development occurring prior to the upgrade being completed should be limited. Provision for multi-node transport, potential land requirements and an internal connection and connections to the wider network were also identified as matters of importance to Waka Kotahi.

Evidence

- 27. The Request included, as Appendix D, a comprehensive Integrated Transport Assessment (ITA) dated November 2020. This was peer reviewed by Mr Collins, again in a very comprehensive Transportation Hearing Report, which included a number of recommended amendments.

28. Mr Nicholas Fuller provided expert traffic and transport evidence. He prepared the ITA. His evidence addressed transportation effects of the proposed rezoning, development timing in relation to intersection upgrades, integration of the plan change with the surrounding transport network, responded to submitters' concerns and responded to matters raised in the s42A Report.
29. Overall he considered that the transport effects of the proposed plan change on the transport network would be acceptable, subject to construction of intersection upgrades and deferral rules proposed within the ODPs to limit the amount of development that could occur prior to critical upgrades being completed. He also advised that the plan change site would provide financial contributions through development contributions towards other transport upgrades that were required to accommodate general growth in Rolleston. He considered the site had good accessibility and provided for a range of transport modes that could be integrated with existing passenger transport routes.
30. Mr Fuller set out the timing of development relative to the provision of transport infrastructure in paragraph [25] of his Evidence in Chief. These included:
- (a) No occupation of houses will be permitted on the Holmes Block prior to the completion of the upgrade of the State Highway 1/Dunns Crossing Road/Walkers Road intersection and the traffic signals being installed at the Dunns Crossing Road/Burnham School Road intersection;
 - (b) 148 houses may be developed and occupied at the Skellerup Block prior to the completion of the upgrades discussed above;
 - (c) The Newman Road approach to Dunns Crossing Road to be upgraded prior to the occupation of any houses on the Holmes Block; and
 - (d) Traffic signals be installed at the Granite Drive/Dunns Crossing Road intersection with the construction of the Holmes Block access to that intersection.
31. Mr Collins, following his review of the evidence, supported the amendments proposed by Mr Fuller to the ODP for the Holmes Block and Skellerup Block. He considered the proposal to enable 148 dwellings on the Skellerup Block and no dwellings on the Holmes Block prior to the completion of several intersection upgrades, while different from his initial recommendation, was satisfactory.
32. While he had some further recommendations in relation to the setback distances specified and where they were to be measured from, he confirmed that the evidence of Mr Fuller and Mr Phillips had satisfactorily addressed all matters that he had identified relevant to the immediate effects of PC73.
33. Ms Sarah White addressed the NZTA/Waka Kotahi upgrade programme. She identified that as part of the NZUP Canterbury Package, the Dunns Crossing Road/Walkers Road/State

Highway 1 intersection was proposed to be upgraded and likely to become a roundabout. She advised that funding had been allocated for the upgrade and a construction programme scheduled, but the finalised layout for the roundabout was not yet available. She noted that a key aspect in refining a design is determining land requirements and working with various adjoining landowners, and advised that it was anticipated the works would commence in 2024.¹⁷

34. Ms Sarah White addressed the importance of multi-modal transport connections including walking, cycling and public transport. She advised that the Applicant had engaged with Waka Kotahi to work through the issues identified within its submission and that the consequent amendments to the District Plan rules, ODPs and associated text were generally satisfactory.¹⁸
35. In relation to the development of the Holmes Block, she advised that the proposed amendments to the District Plan rules, ODP and associated ODP text were generally satisfactory to address issues raised by Waka Kotahi in relation to the Holmes Block.¹⁹
36. In relation to the development of the Skellerup Block, she advised that Mr Fuller had provided a further assessment on the development timing of the Skellerup Block in so far as it related to the upgrades to the State Highway 1/Dunns Crossing Road intersection. She noted that there would be a limited time period where crossover occurred between occupation of the dwellings and use of the existing State Highway 1/Dunns Crossing Road intersection. On the basis of the projected minor increase in vehicle movements and the temporary nature of any impacts, she considered such an arrangement to be acceptable.
37. Mr Keith Tallentire in his evidence on behalf of CRC and CCC addressed traffic and transportation issues, largely from a policy perspective, but did consider that PC73 would generate significant downstream effects for Christchurch City where many of the ultimate destinations of Rolleston residents lie and where levels of service in relation to traffic congestion are already poor. He advised that modelling indicates that average speeds at the am peak period could fall substantially by 2048, especially for trips between Selwyn, Waimakariri and Christchurch.²⁰ It was his view that the effects on the wider transport network were not adequately addressed by the ITA or in the transportation evidence. Overall he concluded that PC73 did not support the integration of land use and transport infrastructure (CRPS Policy 6.3.5) and would impede the maintenance of an efficient and effective transport network (CRPS Policy 6.3.4). He considered it to be inconsistent with Policy B2.1.13 of the SDP that requires *“consolidated land use patterns that will reduce the demand for transport”*.²¹
38. In relation to Mr Tallentire’s evidence, Mr Collins advised that in his experience unplanned or out-of-sequence development creates complex challenges for Councils and road controlling

¹⁷ Summary of Evidence of Sarah White 30 September 2021 at paras [2.1] – [2.3]

¹⁸ Summary of Evidence of Sarah White 30 September 2021 at paras [3.1] – [3.3]

¹⁹ Summary of Evidence of Sarah White 30 September 2021 at para [4.1]

²⁰ Statement of Evidence of Keith Roger Tallentire on behalf of CRC and CCC 20 September 2021 at para [108]

²¹ Statement of Evidence of Keith Roger Tallentire on behalf of CRC and CCC 20 September 2021 at para [116]

authorities. Assessing the effects of such development on the long term planning and funding commitments associated with bulk transport infrastructure was complex and requires assessment of multiple land use scenarios.²²

39. However, he considered that the wider area effects of “unplanned” plan changes such as PC73 may not be overly apparent in a macro scale regional traffic model. As an example he advised that Appendix C of his Transportation Hearing Report identified that PC73 would generate some 580 vehicle movements leaving the eastern boundary of Rolleston during the am peak hour. As those movements distribute across the transport network external to Rolleston, they become a smaller and smaller percentage of vehicle movements through the network.²³

Assessment and Findings

40. As can be seen from the above, there was a high level of agreement between the relevant traffic experts. Both Mr Fuller and Mr Collins considered that traffic effects had been addressed appropriately. The evidence and the ITA were comprehensive. The Applicant has engaged with a number of the submitters in relation to transportation effects and taken steps to address issues.
41. The timing of development relative to the provision of transport infrastructure was summarised by Mr Fuller in his paragraph [25], as I have recorded in paragraph [30] of this Recommendation.
42. In terms of passenger transport, the existing passenger transport network does not serve the site, although as noted by Mr Fuller, this is to be expected as there is no development at present.²⁴ The provision of changes to bus services is a matter for CRC to address.
43. The ODPs provide for multi-modal travel within and to and from the site.
44. In terms of the Ministry of Education issues, the proposed site access opposite Granite Drive is to be signalised 112 metres north of the school access. That, together with associated upgrades, will need to undergo a road safety audit process, as will the traffic signals proposed at the Burnham School Road/Dunns Crossing Road intersection. Mr Fuller considered those works will improve pedestrian safety for school children and are anticipated to be acceptable from a road transport perspective.²⁵
45. Activities in the commercial areas proposed will be subject to District Plan requirements regarding access arrangements and similar and that can appropriately be addressed at the time of resource consent.

²² Summary Statement of Evidence of Mathew Ross Collins 30 September 2021 at para [4.6]

²³ Summary Statement of Evidence of Mathew Ross Collins 30 September 2021 at para [4.7]

²⁴ Statement of Evidence of Nicholas Peter Fuller 13 September 2021 at para [31]

²⁵ Statement of Evidence of Nicholas Peter Fuller 13 September 2021 at para [44]

46. In relation to the NZDF, an assessment of the effects of the proposed plan change ahead of the proposed roading upgrades has been undertaken and deferment or limitation of development have been provided.
47. In terms of the general submissions relating to the need to upgrade the State Highway 1/Dunns Crossing Road/Walkers Road intersection, these have been addressed.
48. In relation to the submission by Mr Horne regarding traffic congestion at the Burnham School Road/Dunns Crossing Road intersection, as noted by Mr Fuller, this intersection is planned to be upgraded by SDC and a limit has been placed on the amount of development that can occur at the Holmes Block prior to that upgrade.²⁶
49. As noted by Mr Fuller, several submitters identified a need to undertake general transport improvements to the surrounding network to accommodate the traffic generation of the proposed plan change. Development of the plan change site requires upgrades to Dunns Crossing Road and Burnham School Road along the road frontages which will lead to an urbanisation of those roads and provide footpaths including, potentially, a shared path.²⁷
50. In terms of speed limits and traffic speed, as noted by Mr Fuller, several submissions had requested a consistent speed limit along Dunns Crossing Road. Mr Fuller advised that the urbanisation of Dunns Crossing Road is anticipated to lead to a consistent speed limit to provide a safe environment, particularly with the increase in accesses and intersections through development on adjacent land. The setting of speed limits is a matter for SDC.²⁸
51. In terms of the Newman Road upgrade which was queried by SDC, that issue was addressed in a manner satisfactory to Mr Collins. As to the effects on the Greater Christchurch transport network, in my view they are likely to be at the most minor. This is primarily due to the dispersal of traffic movements from Rolleston throughout the Christchurch City. I accept the evidence of Mr Collins in that regard.
52. In terms of public transport and greenhouse gases, these will be considered in more detail in my discussions in relation to the CRPS and NPS-UD.
53. Overall, I am of the view that the traffic impacts have been appropriately addressed.

Servicing

Submissions

54. A number of concerns were raised in the submissions in relation to servicing. These are summarised in paragraph [54] of Ms White's s42A Report. I accept this is an appropriate summary of the matters raised, and I adopt it for the purposes of this Recommendation.

²⁶ Statement of Evidence of Nicholas Peter Fuller 13 September 2021 at para [52]

²⁷ Statement of Evidence of Nicholas Peter Fuller 13 September 2021 at para [54]

²⁸ Statement of Evidence of Nicholas Peter Fuller 13 September 2021 at para [56]

Evidence

55. The Request included an infrastructure assessment dated 12 November 2020, prepared by Mr Tim McLeod of Novo Projects. This identified, in relation to wastewater, a number of upgrades which would be needed in relation to the reticulation infrastructure.²⁹ In terms of capacity, it identified that the plan change could be supported with new infrastructure servicing the plan change area.³⁰
56. In terms of potable water, the Infrastructure Report concluded that from a water supply perspective, the plan change could be supported with upgrades or extensions of existing infrastructure to service the plan change area.
57. Mr Murray England provided officer comments in relation to infrastructure as part of the s42A Report. In terms of water availability, he noted that there was potential for plan changes outside of the RSP area to be recommended for decline due to water availability limitations, but in this instance he was satisfied that sufficient water could be made available to service the plan change on the basis that the consents CRC203009 and CRC203010 are vested in Council. He considered that capacity within the reticulated network to service the plan change is available and/or further capacity upgrades are proposed and planned for, and therefore future water conveyance capacity can be provided. Vesting of land to facilitate capacity upgrades would be required.³¹
58. In terms of wastewater, Mr England discussed the PWTP. He advised that SDC had consulted on the expansion of the PWTP to cater for growth as part of the 2021-2031 LTP. He noted that the PWTP is currently at or near capacity, with upgrades currently underway and additional upgrades planned and budgeted for. He advised that the PWTP is designed to be progressively upgraded to accommodate up to 60,000 person equivalents (PE) of incoming flow, with plans to increase the treatment capacity to 120,000 PE being prepared. The current connected catchment in 2021 has a PE of approximately 42,000 – 45,000. He advised that connections from Darfield and Leeston are planned for the next 3-4 years and that those connections, along with projected growth, were estimated to require additional treatment processes (beyond the 60,000 PE) to be developed. These were planned and budgeted for within the 2021-2031 LTP. He advised that completion of the PWTP upgrade programme was necessary to ensure that there was sufficient capacity to provide for additional growth, including that which would be enabled by the proposed plan change.³²
59. He advised that in terms of the wastewater conveyance in terms of the Holmes Block, connection of the development's wastewater network to the Council's reticulated network was feasible and would be the subject of an engineering approval process in the future. In relation

²⁹ Infrastructure Report dated 12 November 2020 at para [4.1]

³⁰ Infrastructure Report dated 12 November 2020 at para [4.2]

³¹ Officer Comments of Murray England at paras [25] and [26]

³² Officer Comments of Murray England at paras [28] – [31]

to the Skellerup Block, he advised that Council had begun the master planning process for the Southern Rolleston Catchment. He discussed in some detail the planning which was underway to expand the ultimate treatment capacity of the PWTP to a 120,000 PE capacity – known as Pines 120. He discussed in considerable detail what the upgrades would include.³³ He also outlined the consents which are potentially required for the proposed Pines 120 upgrade.³⁴

60. He concluded that the ultimate planned development of the PWTP would have capacity to accept and treat wastewater from the proposed plan change areas and that infrastructure to convey wastewater could be provided by the Applicant in agreement with the Council. Mr England had significant concerns around potential reverse sensitivity issues which could obstruct the consenting and upgrade programme. I address that issue separately.
61. Mr Tallentire addressed infrastructure through a planning lens, and particularly identified CRPS Policy 6.3.5(2). He acknowledged that Mr England states he is satisfied that feasible options are available and there are processes in place to consider the detail of those options through the subdivision and engineering approval processes. He also noted Mr England's advice that the PWTP was currently at or near capacity with upgrades currently underway and additional upgrades planned and budgeted for and that the current connected catchment (2021) has a PE equivalent of approximately 42,000 – 45,000.³⁵ Mr Tallentire advised of his understanding that the current operational consents granted by CRC for the PWTP allow for up to 47,777 PE and that there had been no application to increase this.
62. He noted that land within the Rolleston FUDA had already been enabled through consents granted pursuant to the fast-track consenting process under the COVID-19 Recovery (Fast-track Consenting) Act 2020 or subject of notified plan changes, and that significant planned development is signalled for the wider townships of Selwyn that is ultimately relying on capacity of the PWTP.³⁶ His concern was that approving PC73 could undermine the timely delivery of land already identified for urban development within the PIB that would be reliant on the remaining infrastructure capacity at the PWTP until such time as the upgrades are completed and the full range of consents are obtained.³⁷

Assessment and Findings

63. I am satisfied that the site can be developed with adequate on demand potable water services and that this would be enhanced with the transfer of existing water take consents to Council. I am also satisfied that planned upgrades to the water reticulation network, in conjunction with extensions of the water supply network associated with the development of the plan change site would improve supply pressure to existing residential properties in the area. I am satisfied

³³ Officer Comments of Murray England at paras [54] – [57]

³⁴ Officer Comments of Murray England at para [59]

³⁵ Statement of Evidence of Keith Roger Tallentire on behalf of CRC and CCC 20 September 2021 at para [94]

³⁶ Statement of Evidence of Keith Roger Tallentire on behalf of CRC and CCC 20 September 2021 at para [97]

³⁷ Statement of Evidence of Keith Roger Tallentire on behalf of CRC and CCC 20 September 2021 at para [98]

that in terms of stormwater discharge, there are no obvious impediments to the obtaining of stormwater discharge consent for disposal of stormwater to ground via soak pits and appropriate treatment devices where required.³⁸ Likewise, I am satisfied that power and communication network extension requirements can be carried out prior to any subdivision occurring and that there is nothing apparent which would prevent such extensions.³⁹

64. The issue in relation to wastewater and the PWTP are, in my view, not as clearcut. I accept on the evidence of Mr McLeod and Mr England that the options identified by the Applicant to convey wastewater to the PWTP are feasible.⁴⁰ There was no evidence otherwise.
65. In terms of the capacity of the PWTP, it is my understanding that the Pines 120 project is well underway, including a master plan having been developed and the option of a primary treatment and anaerobic digestion system has been budgeted within the LTP.⁴¹ Mr England was clear in his evidence that the extension of the PWTP to 120,000 PE capacity had been identified and funded in the LTP with the design and consenting works programmed for the forthcoming years to allow for development within the District, including that proposed in this plan change request.⁴²
66. Overall I accept the evidence of the experts in relation to infrastructure and the capacity for this plan change to be serviced. There is, of course, some uncertainty. The PWTP is at or approaching capacity. There is considerable reliance on planned but at this stage unconsented expansion. There are issues with some of the components of the PWTP which have generated odour complaints. I acknowledge that SDC has considerable experience with dealing with growth and its impacts on infrastructure and has, through a combination of good planning, and at times responsive planning, met the demand.
67. Infrastructure and capacity for the plan change to be serviced are not such, of themselves, to render the rezoning inappropriate but given the scale of this proposal, and its location outside of the PIB, in my view infrastructure remains relevant to the overall question of whether this plan change is the most appropriate option.

Effects on Community Facilities

Submissions

68. As identified by Ms White, several submitters⁴³ raised concerns in relation to additional pressure on existing schools. The Ministry of Education raised concerns that there had been a lack of consultation with them regarding this matter and that its school network planning and investment in Rolleston is guided by SDC's advice on future development which has been

³⁸ Statement of Evidence of Timothy Douglas McLeod 13 September 2021 at para [21.5]

³⁹ Statement of Evidence of Timothy Douglas McLeod 13 September 2021 at para [21.6]

⁴⁰ Officer Comments of Murray England at paras [33] and [36]

⁴¹ Officer Comments of Murray England at paras [52] and [53]

⁴² Officer Comments of Murray England at para [66]

⁴³ J Munro (PC73-0002); B & H Mitchell (PC73-0004); J Horne (PC73-0006); M & X Bentley (PC73-0012) and Ministry of Education (PC73-0048)

shaped by the PIB and areas already identified for development through ODPs. The submission stated further that the current school network has generally not been designed to accommodate any development outside of those areas. It sought consultation and provision of site to accommodate school age children. The submission also raised issues in relation to potential precedent for development occurring outside existing planned areas.

Evidence

69. By letter dated 27 September 2021 (tabled) the Ministry of Education advised that it had been working with the Applicant and their agent to address submission points. It identified amendments which had been proposed including to Rule 12.1.4.76 of the SDP. It supported the upgrades to the intersections which it identified as being nearby to West Rolleston Primary School and expressed its preference that the upgrades to those intersections were included in the ODPs or rules or standards in the SDP. It supported the amendments to the Holmes Block ODP in relation to walking/cycle links extending around the periphery of the school. The Ministry also reinforced its view that the rezoning of additional land outside of PC73 be rejected. If the above matters were adopted, the Ministry considered its submission points appropriately addressed.
70. Mr Phillips confirmed that the Applicant had consulted with the Ministry and supported the amendments to the SDP which were set out in attachments to his evidence.

Assessment and Findings

71. In terms of the effects on other community facilities, including that raised by submitters M Green (PC73-0008) and K Green (PC73-0009) in relation to medical facilities, I do not consider they are such as to warrant declining the plan change request. I accept Ms White's evidence that such impacts would arise in relation to any further growth of the township and are not sufficient to preclude the rezoning of the site.⁴⁴
72. Overall, I am satisfied that the effects on community facilities have been appropriately addressed.

Density

Submissions

73. Again as identified by Ms White, CCC (PC73-0007) sought a minimum density requirement of 15hh/ha to better achieve efficiencies in coordination of land use and infrastructure and for other reasons. Conversely M & X Bentley (PC73-0007) were concerned that PC73 proposed a far greater density than either the PDP or the SDP provided.

⁴⁴ s42A Report 6 at para [66]

Evidence

74. Ms White noted that the CRPS only requires a minimum net density of 10hh/ha in greenfield areas in the Selwyn District. She considered that the minimum net density of 12hh/ha was consistent with the CRPS and was also comparable to the density in other greenfield areas in Rolleston which are subject to an ODP.
75. Mr Tallentire noted the concerns of CRC and CCC in relation to the proposed density and housing typologies and referenced CRPS Policy 6.3.7. He acknowledged that Policy 6.3.7(3) specifies minimum densities to be achieved in various locations but that does not account for the development of unplanned proposals such as PC73. He also acknowledged the proposed average minimum density of 12hh/ha was above that required for greenfield priority areas. Nevertheless, he considered that in light of the trends in housing needs identified in the 2021 HCA, and the requirement for a significant increase in the supply of smaller and multi-unit dwellings, PC73 did not go far enough. He was also concerned that PC73 did not specify the location or quantum of any medium or comprehensive development component so there is no certainty that any housing typologies enabled through the medium density comprehensive lot sizes would eventuate. He referenced Action 3 in Our Space and the review of appropriate densities, noting that had been completed and had concluded that on a case by case basis, 15hh/ha is desirable and feasible as the minimum net density in new greenfield areas.⁴⁵
76. Ms Lauenstein identified that the low density environments provided for by the Living 3 Zone in these PC73 sites was no longer considered suitable. She considered the densities proposed by PC73 are the appropriate response to a current development pattern in Rolleston and in line with the NPS-UD requirements as to density and capacity for developments in close proximity to a key centre.⁴⁶
77. Mr Compton-Moen considered that the proposed plan change is more consistent with the current urban development practice with a view to creating densities of 12hh/ha and greater. He was supportive of that approach.⁴⁷
78. While Mr Nicholson did not specifically address the 12 v 15hh/ha directly, he did identify that the increase in numbers from the current zoning increased the potential number of people who might be adversely affected. This was because in general the people who are most affected by low levels of connectivity are people who live in the less connected areas and have fewer opportunities and higher costs.⁴⁸ That discussion was in relation to the Holmes Block noting the increase from the maximum of 97 houses permitted on the Holmes Block under the operative rules whereas PC73 would permit up to 1,150.

⁴⁵ Statement of Evidence of Keith Roger Tallentire on behalf of CRC and CCC 20 September 2021 at para [123]

⁴⁶ Statement of Evidence of Nicole Lauenstein 13 September 2021 at para [57]

⁴⁷ Statement of Evidence of David John Compton-Moen 13 September 2021 at para [28]

⁴⁸ Statement of Evidence of Hugh Nicholson on behalf of SDC September 2021 at para [10.10]

79. Mr Nicholson had the same concerns in relation to the Skellerup Block with the increase from 51 houses permitted to 950 houses under PC73.⁴⁹

Assessment and Findings

80. Having considered the evidence, if the Request were to be granted, then I accept that the proposed minimum net density of 12hh/ha is consistent with the CRPS and comparable to the density in other greenfield areas. Any increase in that minimum net density would not be, in my view, appropriate.

Rezoning of Additional Land

Submissions

81. A number of submitters raised this prospect. The Dunns Crossing Residents⁵⁰ were concerned that PC73 would rezone land either side of their own and as such may leave a central area that they consider is ideally suited for housing bound by current Living 2 and Rural Outer Zone frameworks. They submitted it was reasonable that their land be included.
82. A Smith, D Boyd and J Blanchard (PC73-0015) and Gallina Nominees Ltd and Heinz-Wattie Ltd Pension Plan (PC73-0047) identified that the plan change site is part of several land areas where urban development has been sought through submissions on the PDP. They considered the Holmes and Skellerup Blocks were strategically located to facilitate an integrated, comprehensive and orderly expansion to the Rolleston urban growth area.
83. In the event that the rezoning was outside of scope, the submitters requested a design to future-proof or facilitate rezoning of adjoining land including extension of the ODPs to include land (PC73-0015). Gallina Nominees Ltd and Heinz-Wattie Ltd Pension Plan sought amendment to the rules relating to the odour constrained area and associated setbacks on the ODPs such that they would cease to have effect upon the adjoining land being zoned for urban purposes with related amendment made to the legend of the ODPs.

Evidence

84. Ms White considered there was some benefit in considering, in a comprehensive manner, the potential rezoning of other land parcels in the vicinity of the site, but alongside other potential options for the Rolleston Township.⁵¹ Ms White considered that the submissions were outside the scope of the Request because the Request related to the land parcels identified and does

⁴⁹ Statement of Evidence of Hugh Nicholson on behalf of SDC September 2021 at para [11.8]

⁵⁰ This incorporates the following submitters: G. Smith (PC73-0017); J. Smith (PC73-0018); M. Wright (PC73-0019); D. Edwards (PC73-0020); J. Edwards (PC73-0021); M. Buchanan (PC73-0022); T. Lonsdale (PC73-0023); A. Franklin (PC73-0024); G. Chamberlain (PC73-0025); L. Chamberlain (PC73-0026); K. Ponsonby (PC73-0027); L. Ponsonby (PC73-0028); P. Mason (PC73-0029); H. Maule (PC73-0030); P. McDermott (PC73-0031); D. Clarke (PC73-0032); D. Mayers (PC73-0033); D. Horne (PC73-0034); C. Gillies (PC73-0035); A. Gillies (PC73-0036); G. Gill (PC73-0037); D. Alderson (PC73-0038); C. Hughes (PC73-0039); S. Franks (PC73-0040); K. Franks (PC73-0041); T. Wang (PC73-0042); J. Payne (PC73-0044); A. Thomas (PC73-0045); and J. Thomas (PC73-0046)

⁵¹ s42A Report at para [74]

not include additional parcels identified by the submitters. As a consequence, she considered the parties who are potentially affected by the additional rezoning sought would not have understood, upon notification of the Request, that the proposal could include rezoning of the additional land.⁵²

85. She noted that aside from the scope issue, there was insufficient evidence to consider the appropriateness of the rezoning of those sites. She considered that to be more appropriately considered through a separate and comprehensive plan change process.
86. In terms of the future-proofing, she noted that the ODP for the Skellerup Block provided for connections through to adjoining land and a further connection was recommended to ensure that connectivity was not precluded.
87. She did not consider that the making of amendments to rules and the ODP legend in relation to the odour constrained areas were appropriate.
88. Mr Ivan Thomson provided expert evidence on behalf of both the Gallina Nominees Ltd and Heine-Wattie Ltd Pension Plan, and A Smith, D Boyd and J Blanchard.
89. He accepted that there was likely to be a scope issue with aspects of the relief sought for the reasons set out in Ms White's report but, if PC73 was to be approved, as a minimum, particular regard should be had as to how the two ODPs promote a medium to long term development option for the remainder of the land fronting Dunns Crossing Road, Selwyn Road and State Highway 1.

Assessment and Findings

90. I did not receive any submissions in relation to scope for the rezoning of the submitters' land and that relief was, properly, not a matter pursued with any vigour by Mr Thomson.
91. Mr Thomson's evidence was helpful and thorough, but there was no expert evidence from the relevant specialties such as traffic, urban design, infrastructure and similar.
92. I do not consider I have anywhere near sufficient evidence to determine the appropriateness or otherwise of the requests for additional land to be rezoned. I acknowledge the amendments to the ODPs provide for appropriate connectivity between the Skellerup and Holmes Blocks and neighbouring lands, and would not impede future development on the neighbouring lands.
93. In relation to the proposed amendments seeking amendment to the rules relating to the odour constraint area and associated setbacks as sought by Gallina Nominees Ltd and Heinz-Wattie Ltd Pension Plan, I agree, for the reasons expressed by Ms White, that those potential amendments are more appropriately considered at the time a change of zoning for that adjoining land is proposed.

⁵² s42A Report at para [75]

94. I recommend the submissions seeking rezonings of additional land outside PC73 be rejected.

Water Race, Stormwater and Flooding

Submissions

95. T Dawson-McMurdo (PC73-0011) expressed concerns in relation to realignment of the water race and its potential impact on biodiversity and habitat. The submitter raised potential health and safety concerns for the school resulting from proposed stormwater swales and sought amendment of PC73 so that no stormwater swales are included and that further research is undertaken in relation to the best approach to the realignment of the water race.
96. E Lancaster (PC73-0014) raised concerns about the submitter's home being at risk of increased flooding if the stormwater soak pits on the Holmes Block are overwhelmed. The submitter sought a flood risk assessment to be completed at the plan change stage to ensure any excessive runoff could be managed by existing infrastructure.

Evidence

97. Mr McLeod, in reference to Mr Lancaster's submission, noted that there were currently no soak pits on the site so that during extreme storm events all rain falling on the site could contribute to overland flow and therefore flooding downstream. Development of the residential site would enable direct discharge of rainwater into the underlying gravel with the overall effect that runoff from the site may actually decrease in extreme events.⁵³
98. Mr McLeod also noted that the subdivision would be designed, and subject to assessment at the consenting stage, in such a way as to direct any secondary flow paths to follow the path of natural servitude and therefore would not change the risk of flooding to existing properties downstream.⁵⁴
99. Mr England advised that should the plan change go ahead, the engineering approval stage will require evidence that stormwater is managed and disposed of on-site for up to a 50 year rainfall event. In his opinion, this ensured no adverse flooding effects off-site.⁵⁵

Assessment and Findings

100. On the basis of the expert evidence cited above, I am satisfied that any potential flood risk can appropriately be addressed at subdivision and engineering approval stage.
101. In relation to the water race, this flows across the north-west corner of the Holmes Block and then south-west along the western boundary before passing under Burnham School Road.

⁵³ Statement of Evidence of Timothy Douglas McLeod 13 September 2021 at para [17]

⁵⁴ Statement of Evidence of Timothy Douglas McLeod 13 September 2021 at para [18]

⁵⁵ Officer Comments of Murray England at para [71]

102. Mr England advised that there are a number of ways to treat the water race including incorporation within the development, closing it, diverting it, or piping it.⁵⁶ He advised that SDC's water race closure process requires 80% of downstream users' approval prior to going out for consultation and ultimate Council decision, and that the ultimate treatment of the water race could be determined at subdivision stage.⁵⁷
103. I accept the evidence of Mr England in particular that the ultimate treatment of the water race can be determined at subdivision consent stage.

Soils

Submissions

104. There were two issues relating to soils raised in submissions. Mr Munro (PC73-0002) opposes what he described as "excellent growing land" being built on. The Ministry of Education (PC73-0048) acknowledged the Preliminary Site Investigation (PSI) concluded the site was suitable for residential use, but also recommended a Detailed Site Investigation (DSI) is carried out prior to any earthworks or building consents being granted. The Ministry was concerned that the presence of contaminated land could be an issue for the West Rolleston Primary School during site excavation and supported the DSI being undertaken prior to development.

Assessment and Findings

105. In terms of soils, I received no expert evidence in relation to the nature of the soils on the site. Ms White recorded that the site is not identified as containing any Class 1, 2 or 3 soils under the Land Use Capability system. She also noted that a form of residential development was in any case anticipated under the current Living 3 Zone and she did not consider the loss of land from rural production was of any particular relevance to this plan change.
106. I agree with Ms White's opinion in this regard.
107. In relation to the contamination issue raised, Ms White advised that the PSI had been reviewed by the Contaminated Land Team at CRC which agreed with the recommendation for a DSI to be undertaken to assess the HAIL activities identified prior to large-scale earthworks being undertaken or houses being built. The Team also advised that if the DSI identified any contaminants exceeding the soil contamination standards, a remedial action plan and site validation report should be provided detailing the results of any remedial works undertaken.
108. Ms White noted that the mechanism for managing this was through the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NESC). That applies at subdivision stage or change in use.

⁵⁶ Officer Comments of Murray England at para [76]

⁵⁷ Officer Comments of Murray England at paras [77] and [78]

109. Overall, I accept Ms White's opinion on this issue and likewise I am satisfied that there are no contamination matters which preclude the rezoning of the site.

Environmental Quality

Submissions

110. Ms White helpfully identified the submissions which had raised concerns about the impact the plan change will have on the amenity or environmental quality of the surrounding area. These included increase in noise, dust, heavy traffic, enjoyment of property, impacts on children attending school, impacts on the rural character in the area generally, and rural outlook of houses which were purchased for their semi-rural views including potential impact on property prices and enjoyment of those homes, pollution, contamination and health and safety issues, and one raising increased density resulting in increased crime.
111. The relevant submitters were J Munro (PC73-0002), T Parker (PC73-0003), J Horne (PC73-0006), T Dawson-McMurdo (PC73-0011), E Lancaster (PC73-0014), K & E Shaffer (PC73-0013), B & H Mitchell (PC73-0004), M Green (PC73-0008), K Green (PC73-0009), and M & X Bentley (PC73-0012).
112. As noted by Ms White, T Dawson-McMurdo also opposed the proposed medium density area and business zoning behind the West Rolleston Primary School due to effects this may have on environmental quality around the boundary and sought that they be moved.
113. The Ministry of Education (PC73-0048) was concerned about the potential impact that the proposed Business 1 (Local Centre) Zone in the Holmes Block and increased density of housing development may have on the amenity of the West Rolleston Primary School including in terms of visual effects, bulk and location, noise and traffic. It submitted that the interface between the school and the plan change areas was not addressed and sought mitigation measures in the event the plan change was approved.

Evidence, Assessment and Findings

114. In terms of construction effects, I accept Ms White's opinion that the effects resulting from construction can be appropriately managed through existing mechanisms and through subdivision consent conditions relating to the construction phase. I also accept Ms White's view that matters relating to crime, pollution, contamination of waterways, quality of potable water, rubbish, and health and safety are addressed through existing mechanisms which would apply to the development of the site, including controls that sit outside the District Plan.⁵⁸
115. Ms White was of the view that any expansion of an urban area will alter peoples' experience of that area and she did not consider it reasonable to expect that townships remain static. It was her view that neither the RMA, nor the District Plan, require protection of the amenity

⁵⁸ s42A Report at para [95]

derived from the current use of the site. She also noted that the amenity derived from the site by the adjoining landowners results from the current land use, not what is anticipated under the current zoning.⁵⁹

116. In relation to landscape and visual effects, Mr Compton-Moen considered that the proposal would result in an overall change in character from open and rural (current) to one that is denser and more suburban than is anticipated within the operative Living 3 zoning. He noted the countryside area strip in the current zoning, and considered this to be somewhat redundant now with the growth of Rolleston to the west.⁶⁰ In his opinion, in terms of landscape character and the values of the area, subject to the mitigation measures proposed, the proposal would result in an acceptable magnitude of change on the existing rural landscape character and values. He noted the existing character of the plan change area is already highly modified with no natural features of note. The open character of the site would change to a character which is more compartmentalised into smaller units, but could be partially mitigated through fencing controls and landscape planting to retain a high level of amenity. He noted the change to open character was already anticipated in the current Living 3 zoning.⁶¹
117. Mr Compton-Moen also considered that the receiving environment would maintain aspects of openness through the creation of green corridors and that management of fencing and bulk and location of the development would help create a sense of openness throughout the site.
118. Mr Compton-Moen did not agree with Mr Nicholson's opinion that the landscape character change would have a moderate-high impact. He noted that both blocks were already zoned for residential development. He considered that in the Living 3 Zone, proposed dwellings would be clearly visible across Dunns Crossing Road and the 'countryside area' which in all likelihood would have an urban, albeit high amenity character. He agreed that there would be change, but that any adverse effects would be low.
119. In relation to the submission by the Ministry of Education, Mr Compton-Moen advised that this had been addressed with the inclusion of a Business 1 Zone interface treatment along the block's southern boundary to ensure any potential adverse effects on amenities relating to visual impact, bulk and location, noise and traffic are addressed. He noted that a road connection and greenway with a shared path had also been added into the corridor between the school and the Business 1 Zone creating a clear gap between the school and the proposed business zone.
120. As a result of Mr Nicholson being unavailable to attend the hearing, I directed expert conferencing of the urban design/landscape experts, being Mr Compton-Moen, Ms Lauenstein and Mr Nicholson. That was undertaken on Thursday 23 September 2021 and a Joint Witness Statement provided on 24 September 2021.

⁵⁹ s42A Report at para [94]

⁶⁰ Statement of Evidence of David John Compton-Moen 13 September 2021 at para [32]

⁶¹ Statement of Evidence of David John Compton-Moen 13 September 2021 at para [33]

121. In relation to landscape character and visual effects, the Joint Statement recorded that there was agreement between Mr Nicholson and Mr Compton-Moen that the landscape character and visual effects of PC73 would be localised and would primarily affect neighbours fronting Dunns Crossing Road. The disagreement relating to the scale of the impact on landscape character remained. Mr Nicholson considered it to be moderate to high due to the change from an existing open landscape to a more enclosed suburban landscape, and Mr Compton-Moen considering it is low due to the changes being localised and already anticipated due to the residential development potential under the Living 3 zoning.
122. Overall, while I largely agree with Mr Nicholson in relation to the change of character, I would place that at moderate given it is localised and, to a degree, is anticipated by the residential development potential under the Living 3 zoning. It will certainly lead to a much more compartmentalised and more urban environment than either the existing use of the site, or that anticipated by the Living 3 zoning.

Overall Conclusion on Environmental Quality

123. Overall, I consider that the effects on environmental quality, including the landscape and amenity effects raised by submitters, are not, of themselves, sufficient to render the Request inappropriate. I do not accept those submissions seeking decline largely on that basis. Nevertheless, such effects may be relevant to the ultimate determination as to whether or not the rezoning is the most appropriate option.

Reverse Sensitivity

Submissions

124. Waka Kotahi (PC73-0010) supported acoustic measures proposed to address potential reverse sensitivity effects from the development of sensitive activities adjacent to the State Highway network.
125. J Horne (PC73-0006) opposed housing in proximity to the chicken farm due to noise and odour from those farms.
126. CRC (PC73-0049) was concerned, notwithstanding the odour assessment provided, that residential development of the land could give rise to reverse sensitivity, particularly in regard to the planned expansion of the PWTP and the PRRP. They submitted that these facilities comprise important strategic infrastructure to the Selwyn District and that Policy 6.3.5(3) of the CRPS seeks to ensure the efficient and effective functioning of the infrastructure is maintained, and the ability to maintain and upgrade that infrastructure is retained.
127. Ms White considered that there were a range of activities in the vicinity of the site that could give rise to reverse sensitivity effects relating to noise and/or odour. These included State Highway 1, Dunns Crossing and Burnham School Roads; the PWTP; the PRRP; and the poultry farm located at 243 Dunns Crossing Road.

128. I note that the NZDF filed a neutral submission which identified that the Burnham Military Camp hosts a wide variety of activities and reverse sensitivity can represent a major challenge to the continued operation of the NZDF's facilities. It sought to ensure that the operation of the Burnham Military Camp was not affected by the plan change and resulting increased residential and commercial development in the surrounding area.

129. I address the reverse sensitivity issues firstly in relation to noise and secondly in relation to odour.

Noise

130. I had the benefit of receiving expert acoustic evidence from Mr Lewthwaite on behalf of the Applicant and Dr Trevathan as part of the officers report. Mr Lewthwaite's evidence addressed reverse sensitivity noise effects and specifically potential effects arising from State Highway 1 and the Main South Railway Line noise affecting the Holmes Block; the PRRP noise which included both on-site and noise generated from vehicle movements on public roads affecting the Holmes Block; PWTP noise affecting the Holmes Block; poultry farm noise affecting the Skellerup Block and future infrastructure expansion.

131. Mr Lewthwaite provided a design advice memorandum as Addendum 1 to the RFI response. This addressed noise from the PRRP, PWTP and poultry noise on the Skellerup Block as well as commenting on local road traffic environments.

132. In relation to the State Highway 1 noise and Main South Line noise, Mr Lewthwaite advised that he had undertaken an assessment comparing factors affecting the noise generated by State Highway 1 at the Holmes Block to those same factors at the established Stonebrook and ODP 3/8 residential subdivisions located to the east with State Highway 1. He outlined the methodology which had been adopted in relation to that issue, and provided, in tabular form, a comparison of subdivision rules and the NZTA guidance NZS6803. Mr Lewthwaite recommended that the existing rule wording and noise level criteria in Rules 4.9.3 and 4.9.4 apply to the Holmes Block. This would be consistent with the Stonebrook subdivision and equal to or better than wider design guidance for road traffic noise. Essentially this involves a prohibition of habitable spaces of dwellings less than 40 metres from the carriageway and internal design sound levels of 35 dB $L_{Aeq}(24hr)$ in bedrooms and 40 dB $L_{Aeq}(24hr)$ in living areas 40-100 metres from the carriageway.⁶² He recommended an acoustic fence alongside State Highway 1 and specified the design criteria for that. In terms of height, he was satisfied that the barrier height may be made up in whole or in part by a landscaping bund. In terms of rail noise, he noted the presence of the Main South Line to the north of State Highway 1 and given the additional distance to the Holmes Block and occasional rail movements only, the noise effects would be less than that of State Highway 1 and in any case, attenuated by the proposed State Highway 1 mitigation measures.⁶³

⁶² Statement of Evidence of Mark Lewthwaite 13 September 2021 at para [24]

⁶³ Statement of Evidence of Mark Lewthwaite 13 September 2021 at para [27]

133. In terms of the PRRP noise, Mr Lewthwaite summarised the observations and measurements which had been conducted on 26 January 2021. He did not consider on-site activities were likely to have any effect even in lower ambient noise situations given the separation distance of over 300 metres from the dumping location to the closest corner of the Holmes Block, and setbacks to the boundary proposed.
134. With regard to heavy vehicle movements along Burnham School Road servicing the PRRP, Mr Lewthwaite referred to a telephone conversation he had with Mr Andrew Boyd, the SDG Solid Waste Manager, and recorded his understanding that there were approximately 7 H-marked truck and trailer movements each day between 0400-1300 h taking waste from the site. 2-3 could be expected to be before 0800 h, being the end of the night-time period in the SDP.
135. He considered that at those hours, even in low traffic levels, sleep disturbance could result from short, loud noise events. These could be up to and in the order of 85 dB L_{Amax} at 5 metres from the road. Mr Lewthwaite addressed the initially proposed acoustic fence and considered that would be appropriate.
136. Mr Lewthwaite also identified that a preference had been expressed from urban design experts to avoid an acoustic fence along Burnham School Road. Given the early morning source of road noise from the PRRP trucks and trailers, and the reported future increase in those truck and trailer movements, he recommended the implementation of a setback or acoustic insulation of bedrooms only along the PRRP heavy vehicle route – including Dunns Crossing Road. He was satisfied that bedrooms greater than 15 metres from the carriageway would have lower noise exposure and would tend to be on the side of the dwelling with only one external wall exposure to the bedroom.
137. He proposed an external to internal noise reduction of 30 dB rather than design internal noise levels. He explained that this was because at low vehicle volumes, prediction of equivalent continuous noise levels is not reliable; maximum noise events are the issue to be addressed; determination of suitable maximum noise event levels would result in differing outcomes from one engineer to another; the noise exposure is reasonably known; the rules should be straightforward and cost-effective to assess by an acoustic engineer without specific site assessment; it is an enhancement level that is reasonably practicably implemented. He also suggested that alternative ventilation should be included for bedrooms within that 15 metre setback as in reasonably foreseeable cases the windows would need to be closed to meet the noise reduction requirement.
138. He provided an equivalency assessment of the proposed setback rule or acoustic insulation approach to the earlier proposed 2 metre acoustic fence.
139. Dr Trevathan also provided evidence. In his Summary, he noted that there was a high level of agreement between Mr Lewthwaite and himself on the key technical issues which included controls for the Holmes Block in relation to State Highway noise; moderate noise levels emitted

from the PRRP and PWTP, and moderate noise levels from the poultry farm activities given the setbacks proposed.

140. Dr Trevathan noted there were some compromises with the approach now proposed by the Applicant. These included the need for people to keep windows closed and rely on mechanical ventilation and, in some unusual cases, elevated internal levels may be experienced in bedrooms that are more than 15 metres from the road. Overall, however, he considered that the proposed rule was a reasonable and balanced way to address the possible truck noise issue and was likely to ensure no noise related reverse sensitivity effects arise.
141. In terms of the noise generated from on-site activities at the PRRP and the PWTP, both Mr Lewthwaite and Dr Trevathan agreed they were unlikely to be an issue, primarily due to distance. Again, both were in agreement in relation to the poultry farm noise. In discussions during the hearing, Dr Trevathan advised that he had been unable to perceive any noise on his site visit. We discussed issues raised by the submitter in relation to the nature of the noise. Dr Trevathan was content that the setback distances were appropriate.

Finding on Noise Related Amenity and Reverse Sensitivity Effects

142. Overall, in terms of the noise aspects, I am satisfied that there are unlikely to be significant amenity effects and any consequential reverse sensitivity effects given the mitigation proposed. I accept the clear and thorough evidence and conclusions of both of the noise experts.

Odour

143. Odour effects, and potential reverse sensitivity effects relating to odour from the PRRP and PWTP was, arguably, more contentious. The issue of reverse sensitivity effects was also raised in relation to odour from the poultry farm (J Horne – PC73-0006). In terms of odour effects, I benefited from expert evidence from Ms Nieuwenhuijsen and Mr Van Kekem for the Applicant, and Mr Bender on behalf of Council. I also received legal submissions from Ms Appleyard on behalf of the Applicant, and commentary from the planning experts.

Tegal Poultry Sheds

144. The odour assessment accompanying the Request recommended a setback of 150 metres based on dispersion modelling undertaken in 2008. This was again addressed in the RFI response of 1 February 2021. Overall Mr Bender considered the emission factors to be appropriate and likely to be conservative.⁶⁴
145. Mr Bender recorded that the Tegal poultry sheds were already adjacent to residential areas to the east of the sheds with the nearest houses being around 70 metres directly to the east of the shed and downwind of the predominant wind direction for the area. If there were odour

⁶⁴ Memorandum of Chris Bender – Plan Change 73 – Odour Assessment Review 3 September 2021 at para [30]

issues associated with the operation of the poultry sheds, he anticipated they would likely be affecting the existing residences. Assuming there have been no complaints, he considered a 150 metre separation distance from the poultry sheds is likely to be adequate. He confirmed this in his Summary Statement of Evidence.⁶⁵

146. On the basis of the information supplied with the Request, the response to the RFI, and the evidence, I am satisfied that the 150 metre separation distance is adequate in terms of amenity and to avoid reverse sensitivity effects on the Tegal poultry sheds.

PRRP

147. The Applicant proposes a recommended odour control area which is illustrated on Figure 1 of ODP39 (Holmes Block). This provides a setback of approximately 600 metres from the composting area.

Evidence

148. Mr Andrew Boyd, the Solid Waste Manager for SDC, provided evidence. He has the responsibility of managing Council's solid waste activities for both strategic planning and operations. This includes the PRRP and composting which occurs there. He has a range of other responsibilities in relation to District kerbside collection, preparation of activity management plans and waste minimisation and management plans.⁶⁶
149. His evidence addressed the plan change Request primarily in relation to proximity of dwellings to the PRRP and the operations associated with it. His concerns were that the development of residential activities near the PRRP would result in reverse sensitivity issues that would affect the ongoing operation of the PRRP. He described this as a core Council service to residents and businesses, and a key facility for Selwyn to meet its obligations under the Zero Carbon Amendment Bill. He was concerned that the flow-on effects of reverse sensitivity issues would be significantly increased costs associated with mitigating effects, and the potential for Council to have to look at relocating the site or no longer being able to accept the District's kerbside, commercial and public organic material for composting.⁶⁷
150. He described the activities undertaken on the site noting that for the year ending 30 June 2021, the site received 21,136 tonnes of general waste which was an increase of 16% of the 2019/20 year, and 7,957 tonnes of organics, together with 982 tonnes of hardfill and other recyclable and hazardous waste streams. He noted that some sorting and separation of waste occurs and this is expected to increase over time. He advised that residual waste and recovered materials are consolidated before being (generally) trucked off site for further processing.⁶⁸

⁶⁵ Summary Statement of Evidence of Christopher James Bender 29 September 2021 at para [3.9]

⁶⁶ Officer Comments of Andrew Boyd at para [3]

⁶⁷ Officer Comments of Andrew Boyd at para [6]

⁶⁸ Officer Comments of Andrew Boyd at para [8]

151. He advised that the facility is currently undergoing a significant expansion staged over several years, and this would include the provision of a reuse shop, salvage yard, micro enterprise units, education centre, garden hub, multipurpose waste hub, landscape supplies yard and high temperature pyrolysis plant processing waste materials into oil and gas for beneficial reuse.⁶⁹
152. He noted that efforts to reduce waste are planned to intensify. He advised that within kerbside refuse bins, considerable food waste exists and that Council plans to trial food waste caddies within households, with biodegradable liners, in an effort to extract that material from general waste. He advised that these food caddy liners would be placed in the kerbside organics wheelie bins which are collected and taken to the park for composting. He noted that as food waste content grows, the potential for odour increases.⁷⁰
153. Figure 1 to his evidence provided a helpful identification of the various activities and their location on the site.
154. In discussions during the hearing, he described the compost turning process and issues that can arise if the compost turns anaerobic. He also discussed difficulties if the compost rows get “wet feet” and advised that anaerobic conditions can occur even when compost is mature.
155. Mr Boyd discussed the Living Earth composting facility at Bromley and noted that despite the composting operation being in place for decades, with significant capital expenditure to upgrade it, CCC had looked to enclose the entire facility. He advised that the cost of that was expected to be \$23 million but tenders came in significantly higher and so CCC is now investigating moving the composting operation in its entirety. He advised that this scenario is what he wanted to avoid for Selwyn.⁷¹ He advised that the PRRP (and the PWTP) were specifically located to avoid reverse sensitivity issues and advised of his understanding that SDC had specifically planned for growth to occur to the south of Rolleston so that urban areas did not encroach on “this critical Council infrastructure”. He advised this was reflected in the RSP.⁷²
156. He noted that at present there was no requirement in relation to forced aeration of static piles, or tunnel composting, and this was largely due to the separation of the facility from sensitive activities. If such were to be required, they would come at considerable capital expense to the ratepayers of Selwyn.⁷³
157. It was his view that the controls in the Odour and Dust Management Plan (ODMP) were typical of any well-managed windrow composting system and it was his view that a more appropriate point at which to take the setback buffer would be from the edge of the maturation area which

⁶⁹ Officer Comments of Andrew Boyd at para [9]

⁷⁰ Officer Comments of Andrew Boyd at para [10]

⁷¹ Officer Comments of Andrew Boyd at para [15]

⁷² Officer Comments of Andrew Boyd at para [18]

⁷³ Officer Comments of Andrew Boyd at para [19]

is where the screening and loading out of mature compost occurs and there is a potential for odour and dust effects to result and reverse sensitivity issues for the composting operations from the residences within the PC73 Holmes Block area. He considered a compromise between the current 600m and the Victorian EPA recommended 2,000m could be “a more agreeable 1,000m setback”.⁷⁴

158. He addressed concerns in relation to sensitive receptor density, noting the current zoning of the Holmes Block allowed for 97 properties on large sections, and at the typical occupancy of 2.8 people per house, he would expect 271 residents. Under PC73, with 1,100 lots, he advised they could expect 3,080 residents, and that common sense dictated that the mathematical probability of someone taking issue with odour would be greater.⁷⁵
159. Mr Boyd also reviewed the odour assessment provided with the Request and identified what he considered to be a number of errors. He identified that in section 2.2.2 of the odour assessment, it had relied on the basis that the throughput was maintained close to the current throughput (4,200 tonnes per annum (tpa)), and there was a high degree of control in the manufacture of the compost and leachate management, a 600m buffer was considered to be reasonable. He advised that condition 2 of CRC211594 provides for 53,000 tpa and Council expected an increase to that figure over the duration of consent.⁷⁶
160. He commented on the further information response dated 25 February 2021, which considered it unlikely that the throughput will be able to substantially increase beyond what is currently being undertaken within the footprint defining the current consent application.
161. Mr Boyd considered that assumption was factually incorrect as the maximum limit of a 53,000 tpa was established as appropriate for the composting area. He noted at present that is partially used for storage of overburden and the existing area had been under-utilised, and it was his view that with more efficient utilisation of the entire available space, the maximum volume of 53,000 tpa could be composted. He also noted that the assumption that composting operations could be extended west was incorrect as the composting operations are directly adjacent to the border pine plantings which are a requirement of the site designation.
162. Mr Boyd advised that a minimum 1,000m odour setback would be more appropriate and acceptable when measured from the boundary of the mature compost area.
163. Mr Bender in his Summary of Evidence of 29 September 2021 concluded that the proposed separation distance of 600m from the active composting areas of the PRRP is likely to be sufficient for avoiding adverse effects of odour from normal operations at PC73. There was however potential for reverse sensitivity effects from the open air composting operations at the PRRP due to potential for abnormal emissions and the projected increased volumes of organic and green waste and increased proportion of kerbside organics.

⁷⁴ Officer Comments of Andrew Boyd at para [21]

⁷⁵ Officer Comments of Andrew Boyd at para [22]

⁷⁶ Officer Comments of Andrew Boyd at para [27]

164. He advised that composting operations are hard to address. In response to questions, he tentatively accepted the 600m setback as appropriate. He noted that at that distance, and at capacity, he would expect some odour to be detectable but not necessarily at nuisance levels. He considered the biggest issues were the risk of it turning anaerobic and the proportion of organic material. He advised that the additional challenges could be addressed by a more frequent turning and similar. He noted that even fresh compost had an odour. He discussed sensitivity and noted that some receivers can be sensitive and others may not find it an issue. He advised that separation distances are a trigger. He considered the 2,000m setback was excessive and that according to some guidelines, it would be appropriate to set it at 1,000m. He considered 600m to be "okay on the face of it" but remained concerned about upset conditions.
165. Ms Nieuwenhuijsen provided a Statement of Evidence dated 13 September 2021, a Summary of Evidence dated 28 September 2021, and a Statement of Evidence in Reply dated 1 November 2021.
166. Ms Nieuwenhuijsen focused on the appropriate setback from the composting operation at the PRRP. She noted that consent had recently been granted for composting operations having inputs of up to 53,000 tpa and noted that it was granted on a non-notified basis. She identified condition 15 of that consent which provides that the discharge shall not cause odour or particulate matter (including airborne pathogens) which is offensive or objectionable beyond the boundary of the property on which the consent is exercised.
167. She noted this was an increase from the 4,200 tpa that she had previously assessed. She advised that while she considered that there could be some level of increase within the existing footprint, this was a larger scale than she had anticipated.⁷⁷ She discussed the conditions which had been added to the consent including the Odour Management Plan (OMP) and identified what she considered to be the key measures to mitigate odour included in the consent conditions and the OMP. She considered the leachate management systems were a key mitigation measure that was expected to significantly reduce the potential for off-site odour. She also noted the consent conditions identified the area for active composting which effectively limited the throughput of the operation; process controls including temperature monitoring and oxygen requirements and specified carbon:nitrogen ratios; and raw material control with limitations on material type, material acceptance criteria and time limits for storage of the raw materials.
168. Based on her understanding and experience of the activities at the PRRP, and a review of the three Australian EPA buffer criteria, she considered that a buffer distance of 600m from the active area was appropriate for the 4,200 tpa throughput. She noted that the Australian buffer guidance for the throughput is between 1,000m and 2,000m, depending on which

⁷⁷ Evidence of Catherine Nieuwenhuijsen 13 September 2021 at para [15]

State's guidance documents were considered, and agreed with Mr Bender's statement that they were guidelines only.

169. She considered the consented turned windrow system to be a low technology system with a higher risk of upset conditions compared to, for example, covered forced aeration systems. She advised that she had only been able to undertake a desktop analysis based on the assessment of the composting operation. Her evidence was that having reviewed the application, conditions of consent, including raw material inputs and the existing receiving environment, there was likely to be an observable odour on occasions beyond the PRRP site boundary and on occasions it was possible that this may cause an off-site effect that is more than minor. She considered that for the current receiving environment, as the composting operation increases in scale to its consented limit, further onsite mitigation at the PRRP was likely to be required to ensure acceptable off-site limits.⁷⁸
170. Ms Nieuwenhuijsen addressed the changes to the receiving environment noting that there were currently two existing houses within 600m of the composting plant and under the currently operative ODP for the Living 3 zoning, four more houses could be established on the Holmes Block within that distance. She noted that this proposal would remove the allowance for those unbuilt houses within 600m.⁷⁹
171. In relation to the area within 650m of the composting operation, she noted that the current zoning allows for up to nine houses, being three existing and six that can be established. Based on a review of possible subdivision plans for the Holmes Block if rezoned, she advised that the proposal will provide for approximately 29 dwellings between 600m and 650m and if a 700m distance was considered the number of houses increased from 14 (current) and approximately 68 (proposed).
172. Overall, she considered that the number and location of houses currently allowed under the existing ODP and those proposed, lead her to, on balance, *"consider the proposal does not change the receiving environment from that which is currently established or can be established under the current plan zoning"*. She then advised her reasons for this were primarily due to the increased distance provided by the proposal (no houses within 600m), and the existing environment already allowing a number of houses on the Holmes Block. She considered there was already a high sensitivity to odour effects due to the residential nature of the current zoning, and the proposed additional dwellings did not change that. She considered the Living 3 Zone amenity expectations were not substantially different to Living Z Zone amenity expectations.
173. She considered that the requirement of the composting facility to avoid off-site odour effects is dictated by the existing environment and this proposal, including the proposed 600m

⁷⁸ Evidence of Catherine Nieuwenhuijsen 13 September 2021 at para [23]

⁷⁹ Evidence of Catherine Nieuwenhuijsen 13 September 2021 at para [25]

setback, was not a “substantial change to that environment that would require further mitigation should upset conditions occur ...”.⁸⁰

174. By way of conclusion, she agreed with Mr Bender that upset conditions are the most likely conditions when off-site odour may occur, but she considered that the management plan required by the conditions of CRC211594 will reduce the risk of these.⁸¹ She also concluded that the increased density of housing may potentially result in additional complaints but if odour occurs off-site, the risk of complaints is being reduced by increase in distance to the nearest dwelling⁸² and the existing (current zoned) environment is equally or more sensitive due to potentially closer houses.⁸³
175. Ms Nieuwenhuijsen provided a further Statement of Evidence in Reply dated 1 November 2021 where she further addressed the 600m buffer. This arose, at least partly, from discussions I had with Ms Nieuwenhuijsen during the hearing. Ms Nieuwenhuijsen identified that I had asked her about what she considered to be the change in the sensitivity of the environment if the underlying current zoning was ignored and whether the 600m would be appropriate in that situation. She advised that she had not considered that previously as she had understood that the existing environment against which she had to assess the change included the houses allowed by the existing zoning.
176. She advised that if the underlying zoning was not already in place, then the sensitivity of the receiving environment would obviously increase as a result of the PC73 proposal but again she advised that she understood from Mr Phillips that the underlying zoning is considered as part of the receiving environment. She noted that Mr Van Kekem was more familiar with the operations and odour management at the PRRP whereas her review was desktop based. She advised this reduced level of assessment “is a contributing factor” to her lower confidence in the 600m being appropriate to avoid offsite effects. Her evidence was, however, that she was confident the 600m buffer for this proposal was appropriate to avoid reverse sensitivity effects given the current zoning being part of the receiving environment.
177. Mr Van Kekem provided further expert evidence. Mr Van Kekem holds a Bachelor’s Degree in Biochemistry from the University of Canterbury and a Post Graduate Diploma in Forensic Science from the University of Auckland, and is a member of the Clean Air Society of Australia and New Zealand and a Certified Air Quality Professional. He provided examples of his relevant work experience.
178. His evidence was limited to potential effects on the Holmes Block from the PRRP composting operation, although he provided a brief comment on the appropriateness of Ms Nieuwenhuijsen’s recommended buffer distances.

⁸⁰ Evidence of Catherine Nieuwenhuijsen 13 September 2021 at para [40]

⁸¹ Evidence of Catherine Nieuwenhuijsen 13 September 2021 at para [38]

⁸² Evidence of Catherine Nieuwenhuijsen 13 September 2021 at para [39]

⁸³ Evidence of Catherine Nieuwenhuijsen 13 September 2021 at para [40]

179. Of particular relevance to this proposal, Mr Van Kekem advised that he had provided expert advice to SDC and CRC in developing appropriate consent conditions on SDC's recent air discharge consent application (discussed earlier). Through that review, he concluded that there was a low potential for adverse air quality effects beyond the boundary of this site, and advised that the current Living 3 zoned Holmes Block was included within that review.
180. Mr Van Kekem discussed his previous involvement in some detail.⁸⁴ He confirmed that he was initially engaged by CRC to review a s127 application to amend condition 1 to effectively remove any numerical limit on the volume of compost that could be processed on site. He discussed the review he undertook of the Specialist Environmental Services' (SES) technical assessment in support of that s127 application which recommended a buffer/separation distance of 500m from the green waste composting operations. He advised that SES assessment considered that a numerical limit was not needed as the composting remained within the area designated.
181. He advised he undertook a site visit, reviewed the current facility, and had a number of discussions with both SDC and site operators. He had identified the odour and dust emission points across the composting operation. He had provided advice on best practicable operations for a composting operation and he advised CRC that a new consent should have a set of conditions to provide clearer bounds to the activity. He discussed his extensive involvement in the development and refining of the proposed consent conditions. He calculated that a conservative maximum volume of compost that could be processed on the site using the static windrow system consented was 53,000 tonnes per year.
182. He considered the limiting factor in terms of the volume of material which could be processed on-site was its location in the areas marked, rather than the consent condition limit.
183. Mr Van Kekem again addressed the existing environment noting the Living 3 zoning for the Holmes Block and that there was provision for up to four dwellings within the 600m buffer distance with the closest being approximately 500m from the active composting area. He also identified two other properties including a rural dwelling at 155 Burnham School Road and a dwelling at 362 Brookside Road approximately 570m from the active composting area.
184. Based on his interpretation of the SDP, he considered that the currently zoned Living 3 Holmes Block would have an expectation of amenity values most pleasant for living and the proposed Living Z zoned land would also have that expected amenity value. He noted that the sensitivity of a receiving environment to nuisance odour is discussed in Table 4 of the Ministry for the Environment's Good Practice Guide for Assessing and Managing Odour. He advised that residential zones were listed as high sensitivity to odour nuisance with rural residential listed as having a moderate to high sensitivity.

⁸⁴ Statement of Evidence of Donovan Van Kekem 13 September 2021 at paras [15] – [31]

185. He considered the key question to be whether or not having a more densely populated area beyond the 600m buffer would result in any increase in potential for adverse nuisance effects.
186. He advised that whilst PC73 would enable more dwellings which have a high sensitivity to the odour discharge, beyond 600m, in his opinion this did not increase the potential for adverse effects as the odour discharge from the PRRP composting operation would not be observable/result in adverse effects to the current dwellings within 600m.⁸⁵
187. He concurred with Ms Nieuwenhuijsen that the frequency and duration of the winds that would blow towards those receptors would remain the same and removing the closest dwellings – the four dwellings which could legally be established within 600m of the PRRP, the peak intensity of odour discharge at the nearest sensitive receptor would be lower due to progressive dispersion of the odour plume.⁸⁶
188. He discussed the potential for upset conditions resulting in observable odour within the Holmes Block beyond the 600m. He agreed that at other poorly run/higher risk composting operations in New Zealand nuisance odour has been observed well beyond 600m but considered that the current consent conditions and the associated stipulated management practices would limit the potential for these upset conditions to occur. Further, he considered the likelihood that these upset conditions occur at the same time as the wind is blowing towards the Holmes Block (12% of the time) is even lower.⁸⁷
189. He noted that condition 15 of the current air discharge consent required that activities did not result in offensive or objectionable effect beyond the boundary of the site. If they did, as Mr Bender considered, result in offensive odour being observed beyond 600m, that would be a breach of the current consent condition. In his view, that was regardless of whether the Holmes Block was developed under its current ODP or under the proposed PC73, so there would be sensitive receptors/land use beyond 600m in both instances. He considered that the only one of the FIDOL⁸⁸ factors and assessment tools that “might” change beyond 600m would be the location factor but he considered that the sensitivity of Living 3 and Living Z zoning remains the same.⁸⁹
190. Mr Van Kekem provided evidence in reply. He addressed his understanding of Mr Boyd’s concern that as the PRRP composting operation grows to meet the increased demand, population growth and Government directions to divert organic waste away from landfills, there would be an increased risk of odour nuisance.
191. He contended that this growth and subsequent potential for adverse effects was specifically addressed in the recent air discharge consent application.⁹⁰

⁸⁵ Statement of Evidence of Donovan Van Kekem 13 September 2021 at para [56]

⁸⁶ Statement of Evidence of Donovan Van Kekem 13 September 2021 at para [57]

⁸⁷ Statement of Evidence of Donovan Van Kekem 13 September 2021 at para [58]

⁸⁸ Frequency, Intensity, Duration, Offensiveness/Character and Location – Table 3, MfE Good Practice Guide for Assessing and Managing Odour

⁸⁹ Statement of Evidence of Donovan Van Kekem 13 September 2021 at para [60]

⁹⁰ Evidence in Reply of Donovan Van Kekem 1 October 2021 at para [6]

192. Mr Van Kekem spent some time in his evidence in reply addressing the documents provided with the s127 Change of Condition application which had originally sought there be no numerical limit on the amount of compost that could be processed on-site. He noted the report stated *"that a gradual increase in scale of composting operations (as the district grows) has not, and is not likely to, result in adverse effects"*.
193. He noted that the increase in the composting rates was specifically acknowledged and assessed as not being likely to result in adverse odour effects beyond the site boundary in a number of reports which supported the consent application which he listed.⁹¹
194. He advised that all of the above reports had specifically acknowledged and assessed the potential for effects on the Living 3 zoned Holmes Block despite those houses not having been built yet.
195. Mr Van Kekem advised that during his review, he was of the opinion that it was not appropriate to have no limit on the volume of compost. He considered that the then ODMP and historic consent conditions did not contain sufficient detail to ensure that the operation would be operated in accordance with industry best practice.⁹²
196. He again discussed the preliminary advice that he had provided to SDC and CRC after his initial site visit which included additional controls around leachate management, windrow monitoring, raw material mixing, contingency measures and other matters.
197. From a planning perspective, Mr Phillips, relying on the 600m buffer and the evidence of Mr Van Kekem and Ms Nieuwenhuijsen, considered that it would adequately avoid reverse sensitivity effects associated with the operation of the PRRP currently and in an expanded capacity as has been consented. He considered the additional matters in relation to proposed assessment matters, including no complaints covenant, would bolster the buffer as the principal means of avoiding effects. He was therefore of the view that there were no odour related reverse sensitivity effects from the proposal which should preclude the proposed rezoning.⁹³
198. Ms White in her Summary Statement of 28 September 2021 remained concerned. Based on the evidence of Mr Bender, she continued to have concerns that the proposed setback from the PRRP may not be sufficient to avoid potential for reverse sensitivity effects to arise. She advised that her reliance on Mr Bender's evidence was also based on the consideration of s32(2)(c) in terms of the risks associated with the implementation of what subsequently turned out to be an insufficient buffer distance. She therefore favoured a more cautious approach, as once houses were established, then they could not realistically be removed if a problem arises and instead the PRRP would be required to address those issues.

⁹¹ Evidence in Reply of Donovan Van Kekem 1 October 2021 at para [9]

⁹² Evidence in Reply of Donovan Van Kekem 1 October 2021 at para [12]

⁹³ Statement of Evidence of Jeremy Goodson Phillips 13 September 2021 at para [46]

199. In Reply Submissions, Counsel for the Applicant submitted that the existing zoning does provide for a 'quasi permitted baseline' to be considered as part of the existing environment. They submitted that under the existing Living 3 zoning, residential land use is a permitted activity but subdivision requires consent. As subdivision would likely occur prior to the land use, a resource consent would be required for the subdivision in order for the land to be used for residential purposes. They submitted the relevant matters of consent for subdivision of the zone are pro forma and not unusual for a subdivision application and could easily be accommodated by the Applicant. In a real world analysis, and in particular the likelihood that houses can establish at the densities provided for the Living 3 Zone, this forms the existing environment against which the change brought about by the plan change is to be assessed.⁹⁴ The Reply Submissions emphasised that reverse sensitivity effects do not arise where the first in line activities are being conducted outside the scope of a resource consent, or where the activity is not yet consented, and submitted that this was the case for both the PRRP in relation to concerns relating to upset conditions which would be in breach of their conditions of consent, and the PWTP concerns regarding the Council's intention to upgrade the facility.
200. Notwithstanding the above, the submissions recorded that the Applicant has proposed conditions, supported by multiple experts, to alleviate these concerns and otherwise manage effects to an appropriate level.⁹⁵

Discussion

201. The PRRP is clearly, on the basis of Mr Boyd's evidence, important strategic infrastructure for the SDC. That was not disputed. Indeed the s32 analysis provided as part of the Request states:

*Notwithstanding, recognising the strategic importance of this infrastructure and the potential need for increased operations at these facilities in response to population growth in the District, Golder Associates have considered potential growth in the scale of composting activity at the RRP, increased volumes of waste handled by the waste transfer operation at the RRP ...*⁹⁶

202. The 600m setback from the composting area was addressed in the odour assessment dated 11 November 2020 and forming part of the Request (Appendix A). This identified the South Australia, Victoria, Western Australia EPA recommended buffer distances. The South Australia EPA provides an evaluation distance of 1,000m for composting operations greater than 200 tonnes per year. The Victoria EPA guidance again is noted as providing examples of appropriate buffer criteria depending on the throughput of the operation, type of material being processed, and the type of composting process being used. The assessment records that it is "notable" that open air composting systems for processing mixed soils and separated

⁹⁴ Closing Legal Submissions on behalf of the Applicant 1 November 2021 at paras [35] – [38]

⁹⁵ Closing Legal Submissions on behalf of the Applicant 1 November 2021 at paras [39] – [41]

⁹⁶ s32 Evaluation at para [94]

kerbside (garden waste/food waste) is not recommended and no buffer criteria are provided, but for an open air, with only green waste operation with a throughput of up to 1,200 tonnes per year, a buffer distance of greater than 600m is recommended and for up to 14,000 tonnes per year, greater than 1,100m is recommended. The Western Australia EPA recommends a buffer distance of 1,000m.

203. The assessment records:

In summary on the basis that the throughput is maintained close to the current throughput, i.e., limited to 4,200 tonnes/annum and there is a high degree of control in the manufacture of the compost, the leachate management (particularly maintaining both of these in an aerobic state), and given the location of the proposed residential area, a buffer distance of 600m is considered to be reasonable. This is consistent with the distance to the existing dwelling to the north east of the compost operation.

204. As a result of the information provided with the Request, and in light of the subsequent consenting of the increased capacity, I discussed with Ms Nieuwenhuijsen what if any impact that had on her confidence in the 600m setback.

205. During these discussions, Ms Nieuwenhuijsen quite properly confirmed that the 600m setback recommendation was on the basis of her understanding of the then 4,200 tpa maximum. She advised that there may be some odour beyond 600m. Ms Nieuwenhuijsen advised that she did not have as much confidence as Mr Van Kekem that that would be acceptable, but noted that there had been a significant improvement in the documented conditions.

206. Mr Bender agreed that odour is likely to be strong at 100m but drops off after that. At times there could still be an odour at 500-600m and he remained concerned in relation to upset conditions potential for odour effects beyond that.

207. Ms Nieuwenhuijsen, in her Reply Evidence, referred to Mr Van Kekem's greater familiarity with the composting operation. I accept that Mr Van Kekem has considerable knowledge and understanding of the operation of the PRRP and the conditions of consent. It is fair to say that Mr Van Kekem had a high level of confidence that the 600m setback from the active composting area would avoid reverse sensitivity effects. His intimate knowledge and involvement with the consenting process for the site does, in my view, make it appropriate to give his evidence some weight.

208. In terms of the "baseline" argument, I am not convinced that there can be a reliance on a de facto permitted baseline when undertaking an analysis under s32 of the RMA. I do of course acknowledge that in the comparative analysis as to what is the most appropriate zoning, the ability to construct four dwellings, albeit of a rural residential nature, within the 600m setback is relevant. The proposed zoning does of course obviously enable a considerably higher number of sensitive activities on the site, albeit beyond the 600m setback proposed.

209. Both Mr Bender and Ms Nieuwenhuijsen advised that odour is likely to be perceptible at 600m. I acknowledge that there are various matters in terms of frequency which are relevant, particularly given that it is the south-west wind which is most relevant for determining odour effects in the Holmes Block and the evidence was that that is essentially 12% of the time.

210. I accept that the 600m setback is likely to be sufficient for avoiding adverse effects of odour from the future residents of the Holmes Block from the normal operations of the PRRP. I remain concerned that there is potential for odour and consequential reverse sensitivity effects from the open air composting operations as a result of abnormal emissions and the projected increased volumes of organic and green waste and increased proportion of kerbside organics. Upset conditions can occur even at well-run composting operations. In my view, that risk is relevant to the overall appropriateness.

PWTP

211. The s32 evaluation assessed odour and associated reverse sensitivity effects on the PWTP. It noted the odour assessment had accounted for the lawfully existing environment (accounting for designations, permitted activities, and any applicable air discharge consents) on the basis that it would be speculative to do otherwise and that any further growth of odour-generating activities would be subject to further assessment, management and potential mitigation through an application for an air discharge consent as a minimum by the consent holder.⁹⁷

212. Notwithstanding that, and in recognition of the strategic importance of the infrastructure and the potential need for increased operations of these facilities, the assessment considered potential growth of the PWTP capacity of 80,000 PE rather than the current 30,000 PE design capacity. It also assessed potential reverse sensitivity effects accounting for possible (albeit not presently consented) future increases in activity at the PWTP operating with a capacity of 120,000 PE. It concluded that even for an expanded PWTP facility up to and potentially beyond 120,000 PE, the proposed setbacks on the Holmes Block would adequately avoid reverse sensitivity effects.⁹⁸

213. The s42A Report included an assessment from Mr Bender. Mr Bender considered a separation distance of 500m to be appropriate from the wastewater treatment plant to minimise the risk of reverse sensitivity for the PWTP. He noted that distance did not impinge on the proposed plan change areas and did not result in the need for odour control setback areas in either the Holmes or the Skellerup Blocks.⁹⁹ In terms of biosolids handling, he noted that the biosolids dried in a drying facility for which Golder had adopted a recommended separation distance from the ACT EPA guidelines of 400m. In terms of discharge of biosolids to land, he noted that the PWTP does not currently discharge biosolids to land but this was allowed for under the existing consent and noted that a 500m separation distance from the potential area

⁹⁷ s32 Evaluation at para [93]

⁹⁸ s32 Assessment at para [95]

⁹⁹ Memorandum of Chris Bender – Plan Change 73 – Odour Assessment Review 3 September 2021 at para [9]

for disposal of biosolids was adopted by Golder. Again, these did not impinge on the proposed plan change areas.

214. Mr Bender noted that Mr England stated that they had received 11 odour complaints regarding the operation of the PWTP during the three year period August 2018 to August 2021, although the locations were not stated.
215. Mr Bender was comfortable with the separation distances proposed and noted that the Holmes Block was located 800m and the Skellerup Block 1,700m from the PWTP treatment infrastructure which he considered a sufficient separation from the odour generating activities.
216. In terms of the treated wastewater spray irrigation, he noted the conditions of consent (CRC153952) allow the irrigation of treated wastewater on land up to 25m of the boundary of the areas designated for the irrigation, and that was increased to 200m when the wind is blowing towards the boundary or if there is a potential for wastewater to be anaerobic. Mr Bender agreed with Golder that if the wastewater was adequately treated to comply with the water quality criteria as described in the resource consent, and aerobic conditions were maintained, then adverse odour effects were unlikely to occur from disposal to land of the treated wastewater.
217. He agreed that a separation distance of 100m was sufficient to protect against adverse effects from bacteria and viruses, and provided the PWTP maintained an internal separation of 25m from the site boundary, the odour control setback of 75m from the boundary was appropriate for the Holmes Block.¹⁰⁰
218. Ms Nieuwenhuijsen addressed the PWTP on behalf of the Applicant. She noted her recommended buffer distances but, in light of what appeared to be agreement between the odour experts, did not address the PWTP in any detail in her evidence other than recording the buffer distances for the various aspects of the PWTP facility.
219. Mr Bender, by reference to Mr England's evidence, noted the complaints and recorded that he understood that the adverse odour discharges had occurred because the PWTP is currently operating at the upper end of the current design capacity of 30,000 PE. He advised his understanding that with the progressive upgrades, the plant would have additional wastewater treatment capacity controls which are expected to mitigate the effects of odour particularly from the sludge drying activities on the site. However he had formed the view that until the upgrades are made to the PWTP, there is potential for nuisance levels of odour to occur beyond the site which may extend into the PC73 area.
220. Mr England confirmed in his evidence that the PWTP is significant infrastructure and its ongoing expansion is critical to allow for the future growth of Rolleston and the other townships the plant treats. He considered it was critical that this plan change and specifically the Holmes

¹⁰⁰ Memorandum of Chris Bender – Plan Change 73 – Odour Assessment Review 3 September 2021 at para [18]

Block proposal does not cause any reverse sensitivity issues which would obstruct the future Pines 120 consenting and upgrade process or lead to an increase in odour or other complaints relating to the PWTP. He noted that if reverse sensitivity issues result in obstructing the Pines 120 programme, then there will be insufficient wastewater treatment capacity to provide for additional growth, including growth sought to be enabled by the proposed plan change. If PC73 were to be approved, he sought measures to avoid reverse sensitivity issues arising from sensitive activities establishing on the Holmes Block. He identified one way that this could be achieved was through the imposition of a setback area within the Holmes Block preventing sensitive activities from establishing.

221. He referred to Mr Phillips' evidence proposing a new rule limiting the establishment of residential allotments within 1,500m of the PWTP prior to certification that the necessary regulatory approvals of the upgrade had been obtained, or 31 December 2025, whichever is sooner. He also noted the proposed inclusion of a no complaints covenant to the odour constraint area and a new assessment matter seeking staging of development westwards from Dunns Crossing Road.¹⁰¹
222. He advised that these measures went some way to addressing his concerns in terms of the future consenting of the PWTP, but he remained concerned that it would not address the potential for complaints after regulatory approvals are obtained, or after 31 December 2025 (whichever is sooner).
223. His concern was that the Applicant's proposal may not fully address the Pines 120 operation itself and was concerned that reverse sensitivity issues could be directed at the operations of the Pines 120 upgrade, including in relation to any unforeseen circumstances. These unforeseen circumstances might have odour impacts on the operations. He advised that these may include high potency/concentration of trade waste discharge, failure of plant components, extreme climatic conditions and similar. He sought the extension of the odour constrained area and for a no complaints covenant to be extended within a proposed 1,500m setback area.
224. During discussions at the hearing, Mr England advised that the majority of the complaints arose from Burnham Road to the west of the site and the majority of those were from one property, but there were also others. The property generating the majority of complaints was estimated to be some 1,500m away, but he noted that there had been complaints as far away as 2.5km. He advised that the process does have an odour and will always have one. In response to a request from Ms Appleyard, I asked Mr England whether he had read Mr Bender's evidence. He advised that he had and that it did not address his concerns as there had been complaints from 1,500m away.
225. In her reply evidence, Ms Nieuwenhuijsen commented on the complaints and her understanding, from responses to my questioning of Mr England, that these had been up to

¹⁰¹ Summary Statement of Murray England 28 September 2021 at para [13]

1,500m away. She noted that Mr England's concerns were that additional dwellings on the Holmes Block within that distance could be expected to increase the number of complaints and therefore result in a reverse sensitivity effect.¹⁰² Ms Nieuwenhuijsen advised that she did not have access to any PWTP investigation but based on her previous discussions with Mr England, she understood that a number of complaints were associated with the drying hall operation being operated beyond design capacity. She confirmed that the setback distances she recommended were based on the plant design and with a capacity of 120,000 PE. She noted that, as set out in the Vic EPA 2013, the separation distances take into account the upset conditions expected as part of good practice operation and that they were not an alternative to mitigating source emissions. She concluded that if there were odour effects beyond those distances, further mitigation may need to be considered by PWTP.

Assessment and Findings

226. The PWTP is undoubtedly critical infrastructure for Selwyn and its growth. As advised by Mr England, if the upgrades to 120,000 PE cannot be obtained, then essentially there would be no capacity for further growth in the Selwyn District.
227. The amendments proposed by the Applicant have been shaped to respond to the issues raised by Mr England in particular and his concern about the consenting process. The proposal that no residential allotments may be created within 1,500m of the PWTP buildings prior to certification that the resource management approvals have been obtained (or 31 December 2025, whichever is sooner) has some benefits in terms of the surety of the consenting process. It obviously limits potential objections.
228. However, if the Holmes Block is rezoned on that basis, there is potential that that may still impede the consenting process, or potentially result in more constraining conditions and additional costs. The no complaints covenant proposed is helpful but not, in my view, a 'cure-all' if complaints are made, and the no complaints covenants do not restrict CRC's compliance and enforcement obligations.
229. Overall, and on the basis of the expert evidence, I accept that the probability of reverse sensitivity effects is low. If significant reverse sensitivity effects were to arise, that creates a real concern given the absolutely critical nature of the PWTP in enabling growth in the District. If the SDC cannot obtain the relevant consents then, on Mr England's evidence, that stops all growth in Selwyn. In discussions he stated that there was no 'Plan B'. In my view, a precautionary approach is appropriate.

¹⁰² Evidence in Reply of Cathy Nieuwenhuijsen 1 November 2021 at para [9]

Conclusion on Reverse Sensitivity

230. In my view, the potential, albeit of low probability, of reverse sensitivity effects in relation to the PRRP and the PWTP should be given some weight in the overall consideration of the appropriateness of the rezoning sought.

Economic Effects

231. The s32 evaluation addressed economic effects somewhat briefly in its text but provided, as Appendix G, an economic assessment.
232. I received considerable expert economic evidence on behalf of the Applicant from Mr Copeland and Mr Colegrave in particular.
233. Mr Colegrave addressed the likely economic costs and benefits in addition to the land market competition benefits from a direct 'boost' in supply and increased land competition. He considered that the Request could have broader impacts including by reducing the rate at which dwelling prices grow, future residents will spend less on weekly rent or mortgage payments than would otherwise have been the case and this would boost disposable incomes. I discussed this with Mr Colegrave during the hearing, particularly in relation to the apparent correlation in some economic literature between the increase in property values and increased spending. Mr Colegrave was discussing the 'real' increases in disposable income here.
234. Mr Colegrave addressed the critical mass to support greater local retail/service provision. In his Table 5, he calculated that future households on the site when fully built out would spend \$148.2 million on a range of household goods and services, many of which he considered would likely be purchased from the Rolleston Town Centre resulting in significant commercial support for Rolleston businesses.¹⁰³ He also identified the one-off economic stimulus from the construction of 2,100 new homes quantified by using the multiplier analysis, and in summary concluded that the future construction activity enabled by the proposal could boost regional GDP by \$450 million, including flow-on effects, generate employment for 4,880 people years, and generate \$230 million in household incomes, translating, assuming a ten year construction period, to \$45 million in regional GDP.¹⁰⁴
235. The main economic cost was identified as the loss of land for rural production, noting the Land Use Capability Class 4 soil classification. Mr Colegrave also addressed potential adverse impacts on the Rolleston key activity centre from the small local centres intended. He considered they would fulfil a much narrower yet complementary role.
236. Mr Copeland considered that the residential development enabled by the proposed plan change would bring expenditure, incomes and employment opportunities for local businesses and residents within the Selwyn District and elsewhere within Greater Christchurch. He

¹⁰³ Statement of Evidence of Fraser Colegrave 13 September 2021 at para [88]

¹⁰⁴ Statement of Evidence of Fraser Colegrave 13 September 2021 at paras [94] and [95]

considered that the extent to which the proposed rezoning would generate additional expenditure, incomes and employment for the Selwyn District and Christchurch City would be limited to the extent that the rezoning results in greater overall residential development within the Selwyn District and Greater Christchurch.¹⁰⁵ He advised that increases in expenditure, incomes and employment within the local Selwyn District economy during the construction phase, and the subsequent increased population within the District, are not in themselves measures of improvements in economic welfare or economic wellbeing, but that there are economic welfare enhancing benefits associated with increased levels of economic activity and population. He identified these as one or more of:

- (a) Increased economies of scale;
- (b) Increased competition;
- (c) Reduced unemployment and under-employment of resources; and
- (d) Increased quality of central government provided services.

237. In terms of economic costs he assessed these as lost agricultural production, retail effects, but noted the retail centres proposed were intended only to meet the convenience needs of local residents, would not undermine the viability, vibrancy and amenity values of existing larger centres within Rolleston or elsewhere. Mr Copeland also identified externality costs can arise when utilities provided are not appropriately priced requiring their provisions to be cross-subsidised by other District ratepayers. In this Request, he noted development contributions, rates and user charges will cover costs and there will be no need for Selwyn District ratepayers, residents or businesses to cross-subsidise the proposed rezoning and subsequent development.¹⁰⁶

238. In terms of transport costs, he noted that any additional transport costs are internalised to owners or renters of the newly developed properties. He did not consider that there would be additional transport externality costs.

Finding/Conclusion on Economic Effects

239. Provided there is no displacement, the figures identified by Mr Colegrave show the benefits are significant.

The Form of Urban Growth

Submissions

240. A number of submitters raised issues relating to urban growth form.

¹⁰⁵ Statement of Evidence of Michael Campbell Copeland 13 September 2021 at para [48]

¹⁰⁶ Statement of Evidence of Michael Campbell Copeland 13 September 2021 at para [66]

241. CCC (PC73-0007) supported growth in townships in Selwyn but identified that this was outside the areas identified for development in the CRPS and within Our Space, and considered that as it did not give effect to the CRPS it must be declined. It also submitted that the additional capacity provided by the plan change was in excess of what was needed to meet housing capacity and that the rationale as to why development was directed to particular areas was relevant for determining the appropriateness of the proposal.
242. Waka Kotahi (PC73-0010) identified that it should be considered against the UDS, including settlement patterns in Our Space and CRPS. It submitted further that while the proposal would increase housing supply, consideration to prioritising development within areas within the PIB should be promoted.
243. M & X Bentley (PC73-0012) submitted the rezoning will shift the suburban edge of Rolleston too far west, and this would push out traditional large lot residential options and blur the boundary between Rolleston and Burnham. They also raised a concern about the Business 1 zoning and considered it unnecessary.
244. CRC (PC73-0049) submitted it was inconsistent with Objective 6.2.1(3) and Policy 6.3.1(4) of the CRPS as it was not a Greenfield Priority Area and was outside the PIB. It submitted that neither Our Space nor the CRPS identified the land as necessary for future growth demands. It submitted further it was not within the Urban Growth Overlay notified as part of the PDP and noted that Policy 6.3.9(7) of the CRPS directs that rural residential development is not to be regarded as a transition to full urban development. It submitted that urban development would be more appropriately considered through a comprehensive review and long-term strategic growth planning. CRC also identified concerns with density, and the prevalence of land covenants in the District inhibiting affordability. It also submitted that PC73 did not give effect to a number of key objectives and policies in the NPS-UD.

Evidence

245. In response to submissions, Ms White in her s42A Report noted that there was no proposal for larger rural lifestyle zoning beyond the site and could not be considered at this stage, and in any event Mr Nicholson did not consider it likely that PC73 would blur the boundaries of Burnham and Rolleston.¹⁰⁷
246. Ms White, while acknowledging that there was no specific requirement to consider PC73 against the PDP, considered that the site's location outside the areas anticipated for further urban intensification reinforced that increased density of the site is not currently anticipated in the future growth planning in Rolleston.¹⁰⁸
247. Ms White identified Mr Nicholson's concerns in relation to 'peninsula' urban form surrounded by roads, infrastructure and rural land; the Holmes Block not being well connected to the

¹⁰⁷ s42A Report at para [132]

¹⁰⁸ s42A Report at para [135]

existing township or any future urban development in adjacent areas, and summarised the concerns Mr Nicholson identified in terms of connectivity. She identified Mr Nicholson's concern with the Skellerup Block that it will not contribute to a compact urban form, again being largely surrounded by rural land with only the northern half of the Dunns Crossing Road frontage located opposite Living Z zoned land.

248. Ms White noted Mr Nicholson's support for additional capacity being identified and provided through a more comprehensive and strategic process and that would allow the costs and benefits of alternative growth options to be assessed and discussed with the wider community. Ms White ultimately concluded that the adverse effects identified by Mr Nicholson in terms of lack of connectivity and consolidation can only really be resolved through growth in the west being considered comprehensively, rather than the Skellerup Block's zoning being considered in isolation. She confirmed that a private plan change is to be considered on its merits. However she shared Mr Nicholson's view that while the Skellerup Block may be suitable for a future growth option, rezoning at this time would pre-determine suitability. Importantly, in her view, this would effectively pre-determine that higher density residential development to the west of the current township is appropriate in the absence of it being considered against other growth options such as to the east or south.¹⁰⁹
249. Ms White accepted that there was a counter-argument that the current zoning allows for a level of development to occur and that there is a risk that if the rezoning was not approved and the site instead developed at the lower density, that would cause difficulties in intensification in the future. She did not consider that risk to be sufficient, on its own, to justify the rezoning.¹¹⁰
250. Ms White was concerned that rezoning would lose the transition/hybrid function anticipated and reduce this type of housing choice. In her opinion, it was difficult to make a determination as to the appropriateness of that in isolation, particularly given the rezoning did not allow for consideration of alternate areas that may be suitable to provide for rural residential development to replace the loss of this type of capacity.¹¹¹
251. Overall it was her opinion that the adverse effects of PC73 on urban form, and while acknowledging those effects could be mitigated to an extent, could not be overcome through the current plan change process.

Expert Evidence

252. Mr Nicholson was unable to attend the hearing. He did provide a written brief. With the agreement of the Applicant, I directed that Mr Nicholson, Mr Compton-Moen and Ms Lauenstein conference.

¹⁰⁹ s42A Report at para [142]

¹¹⁰ s42A Report at para [143]

¹¹¹ s42A Report at para [144]

253. The conferencing was held on 23 September 2021 and resulted in a Joint Witness Statement. The areas of agreement were:

- (a) That future growth options in Rolleston are likely to extend primarily to the west, the south and south-east and that proposed development should not preclude future growth options;
- (b) That if approved, the revised ODPs would provide an appropriate urban form and would allow for future connections to adjacent land;
- (c) Both blocks would provide neighbourhood commercial areas within a walkable distance of the plan change area and that the town centre, schools and recreation areas would be reasonably accessible;
- (d) Both blocks would provide reasonable access to green space;
- (e) Revised ODPs would provide appropriate future connections to adjoining areas to allow for future connectivity and would not preclude adjoining areas from being rezoned for residential use;
- (f) That fully formed shared pedestrian/cycle facilities along Dunns Crossing Road would be a positive contribution and that footpaths should be provided on both sides of the road;
- (g) Medium density residential should be incorporated to achieve appropriate urban densities;
- (h) In terms of the Holmes Block ODP:
 - (i) Agreement that revised ODP would provide improved urban design outcomes compared to that notified and that additional connections onto Burnham School Road and Dunns Crossing Road provide improved connectivity supported by the removal of the bund and provision of direct property access off Burnham School Road;
 - (ii) Additional pedestrian/cycle link should be provided to Dunns Crossing Road to the northern section to improve connectivity;
 - (iii) Providing a road at the interface between the commercial (Business 1) and the school to reduce potential adverse effects;
 - (iv) The shared pedestrian/cycle facility along Burnham School Road should connect from the plan change area in front of the West Rolleston School to the intersection with Dunns Crossing Road;

- (v) That a connection with the future Burnham-Rolleston cycleway along State Highway 1 would be desirable but final location needed to be confirmed;
 - (vi) The State Highway forms a barrier to the north and the PWTP forms a barrier to the west on the Holmes Block with no opportunities for further connection and that it is an appropriate response for properties along these interfaces to be larger to accommodate setbacks.
- (i) In terms of the Skellerup Block ODP the specific areas of agreement were:
- (i) Primary road connections along Dunns Crossing Road should align with east-west primary roads in PC70, located to the east of PC73;
 - (ii) The number and location of future road connections through adjoining properties in the revised ODP would provide appropriate levels of connectivity and would not preclude development of adjoining sites;
 - (iii) Provision of two pedestrian/cycle priority crossing facilities on Dunns Crossing Road as shown on the revised ODP would provide appropriate level of accessibility for pedestrians and cyclists;
 - (iv) Not providing larger lots along the rural interface for the Skellerup Block is appropriate to allow for future connectivity to potential residential development on adjacent land.

254. The areas of disagreement remained as follows:

- (a) Scale of impact on landscape character with Mr Nicholson considering it moderate-high and Mr Compton-Moen considering it low due to the changes being localised and already anticipated due to the residential development potential under the Living 3 zoning;
- (b) Disagreement as to the most appropriate method to enable future urban growth and development in Rolleston being the private plan change/comprehensive strategic planning exercise. The experts put that difference to one side for the purposes of expert conferencing;
- (c) Mr Nicholson considered that PC73 on its own did not contribute to a compact shape/urban form while acknowledging if surrounding areas were rezoned as residential it did not preclude a compact form. Mr Nicholson remained of the view that both blocks were peninsulas but acknowledged that could change over time if surrounding areas were rezoned;
- (d) Mr Nicholson considered there are other options to accommodate future urban growth and that a more comprehensive and strategic approach would allow the costs and

benefits of alternative growth options to be assessed and discussed with the wider community.

255. There were a number of agreements recorded between Ms Lauenstein and Mr Compton-Moen being as follows:

- (a) Both considered the blocks to be natural extensions of existing urban form, and given the Living 3 zoning, the extension of urban form in this direction is anticipated and is a logical consequence of the growth pattern of Rolleston and in general accordance with the NPS-UD;
- (b) They considered the RSP has provided clear guidance and created the underlying composition of the urban form of Rolleston but anticipated urban growth has nearly reached completion and considered PC73 was a natural extension of the underlying urban structure and the western side of Dunns Crossing Road is the next logical step to accommodate future urban growth;
- (c) Both considered the plan change process to be a valid tool to direct urban design matters including urban form and growth, and did not preclude SDC from making comprehensive and strategic decisions on growth options. Both agreed the plan change process also allows for wider community to get involved and voice opinions through public notification process;
- (d) Both considered that the perceived insularity of the development to the existing urban form is only a temporary situation and is a natural occurrence as part of any urban development and growth. Both noted awareness of other development proposals 'underway' (their original quotation) for areas both south and north of the Skellerup Block and that development to the west of Dunns Crossing Road is a matter of when not if. Both agreed these would further assist in achieving a consolidated urban form along the western edge of Rolleston and create the desired connectivity between neighbourhoods.

256. Mr Compton-Moen and Ms Lauenstein, in their evidence summary, put considerable weight on the matters of agreement arising from the joint witness statement. Ms Lauenstein, in her summary, noted that the general disagreement between Mr Compton-Moen and herself on the one hand, and Mr Nicholson on the other, was as to the appropriate method. She recorded her view that this particular discussion point straddled the boundaries into planning expertise. She recorded her view that from a purely urban design perspective, plan changes play a significant role in the direction and manifestation of growth, providing a high level of detailed information specific to a PC site and the immediate surroundings, and that fed valuable information back into the wider urban growth process.¹¹²

¹¹² Summary of Evidence of Nicole Lauenstein 28 September 2021 at para [12]

257. Ms Lauenstein identified the RSP and from a purely urban design perspective she considered that to be less detailed and a more aspirational or visionary plan that provides a broad physical structure of the township and assists in guiding the direction of growth. Due to the lack of site specific detail and the fact that it has to project far into the future, she did not necessarily consider the specific physical extent as finite. It was her view that a new structure planning exercise was not required to determine the next step for urban growth for Rolleston as the structure plan had already laid out the overarching physical structure of the township and determined the direction and pattern of growth. She considered PC73 to be a logical continuation of the direction and patterns already in place.
258. In relation to the second area of disagreement, being the compact urban form, her Summary recorded that it was agreed that each PC73 block in itself would achieve a compact urban form and that if other areas to the south and north of the blocks were developed, the entire area west of Dunns Crossing Road would contribute to a wider connected and consolidated urban form.¹¹³
259. She recorded Mr Nicholson's view that PC73 alone did not contribute to a wider compact urban form and lacked sufficient connectivity. As set out in her full evidence, she considered this to be a natural occurrence as growth mostly occurs in small clusters and always create some temporary anomalies in form and connectivity. Once the gaps between the newest developments are completed, the full extent of connectivity will be achieved and desired consolidated urban form can be experienced.¹¹⁴
260. Again Mr Compton-Moen in his Summary of Evidence recorded that he remained of the opinion that PC73 "as an extension of the existing residential zone" is an appropriate use of land from an urban design and landscape perspective.¹¹⁵ He recognised that there was disagreement about the future urban form of Rolleston and its growth pattern. Again he was of the opinion that the RSP is important as a guide for growth but its relevance is reducing due to lack of updating. He considered how (his original emphasis) the document is updated is a planning matter rather than an urban design matter. He considered that through the revised ODPs it was established that good urban design can be achieved, creating well-functioning urban environments independent of any process.¹¹⁶ He confirmed his view that the growth to the west and south-west was the next logical move and the Holmes and Skellerup Blocks were the first sections to be rezoned.
261. In relation to landscape character changes, he remained of the opinion that the magnitude of change was low given that residential activity on both blocks is already anticipated, it was just at a higher density.

¹¹³ Summary of Evidence of Nicole Lauenstein 28 September 2021 at para [16]

¹¹⁴ Summary of Evidence of Nicole Lauenstein 28 September 2021 at para [17]

¹¹⁵ Summary of Evidence of David Compton-Moen 29 September 2021 at para [3]

¹¹⁶ Summary of Evidence of David Compton-Moen 29 September 2021 at para [8]

262. I issued a Minute following the hearing seeking some clarification in relation to Mr Nicholson's position. Mr Nicholson provided his response on 8 October 2021. Mr Nicholson advised that while he did not consider that the PC73 area would be well connected with Rolleston if approved at the present time given it is surrounded on three sides by rural land, the agreement recognised they may be approved. If I were minded to do so, there could be some confidence that the proposed ODPs would provide an appropriate urban form and would allow for future connections to adjacent land.
263. Mr Nicholson advised that there were two separate urban design issues being referred to in my question. The first could be broadly termed 'accessibility' or 'walkability' which relates to the provision of access to public services and facilities, and placing a high priority on walking, cycling and public transport. He noted that in the Joint Witness Statement there was agreement that the commercial areas, schools and recreation areas would be reasonably accessible from PC73 but that that did not imply that there was a high level of connectivity between the PC73 area and Rolleston.
264. In relation to 'connectivity', he explained that relates to creating streets that are joined together in city-wide networks that provide choice and support increased resilience and safer places. By reference to the Skellerup Block, he noted that the ODP provides for three streets running north-south and four streets running east-west, and if all of these were able to be formed, this would provide a good level of connectivity with surrounding areas.
265. Again, because the Skellerup Block was surrounded on three sides by rural land, the plan change only proposes four street connections to the east onto Dunns Crossing Road and in his view that would provide a low level of connectivity with Rolleston Township. He acknowledged that if the adjacent rural land was to be rezoned, the proposed ODP would allow the Skellerup Block to become more connected but he considered that relying on the rezoning of the adjacent rural land to provide positive outcomes for PC73 leads to the Applicant effectively pre-supposing the preferred direction of future urban growth for Rolleston and the outcome of future rezoning processes for the adjacent rural land.

Assessment and Findings

266. In my assessment of this matter, I have focused my consideration on PC73 itself. I note that, post-hearing on PC73, Private Plan Change 81 (PC81) and Private Plan Change 82 (PC82) have been lodged. PC81 abuts the Skellerup Block of PC73 to the south-west. That was lodged on 14 October 2021 and proposes the rezoning of approximately 28 hectares of rural land to Living Z to accommodate approximately 350 households. PC82 was lodged on 26 October 2021. This abuts the Skellerup Block to the north-west. This is proposed to accommodate approximately 1,320 households.
267. Both PC82 and PC81 incorporate some of the land which the submitters represented at the hearing by Mr Thomson sought to be rezoned by way of submissions. Both are at an early stage in the process and their merits or otherwise is not a matter which is before me.

268. While the urban design and landscape evidence for the Applicant was thorough and helpful, I discerned a considerable reliance on what may occur in the future.
269. I explored this in discussions with Mr Compton-Moen and Ms Lauenstein. Mr Compton-Moen advised that he did not rely on PC70 for his conclusions, but it would be “good”. He saw PC70 and PC73 as a natural progression in terms of urban growth. In terms of the other land in-between the two blocks, again in discussions he advised that PC73 would probably accelerate the growth into the western area.
270. Ms Lauenstein discussed the nature of sequential developments and that there may be some delay in achieving planned connectivity to other adjacent areas. She noted that development does occur in clusters and relies on the willingness of landowners to develop and there will always be some temporary anomalies in the form of connectivity. She considered this was evident throughout all of the new areas of development in Rolleston. Once the gaps between the newest developments are completed, the full extent of connectivity will be achieved and the desired consolidated urban form can be experienced.¹¹⁷ She considered the parcels of land between the two PC73 blocks fell within the same category as the plan change land and that they provide the few possible future growth paths for Rolleston and, similar to PC73, they would be the next logical growth sequence. She did not consider the situation of a parcel of land being surrounded by residential development on three sides to be a long-term scenario.¹¹⁸
271. I am of the view that relying on what may or may not happen in the surrounding environment in the future to assess the urban form creates some difficulties. It is uncertain. The lodging of PC81 and PC82, and Mr Thomson’s evidence for his clients in relation to their development intentions, is relevant in illustrating landowner intentions. However, any future development between the two PC73 blocks or otherwise abutting them, will be subject to separate processes and assessment. To give weight to what may or may not happen in the future would, in my view, be unduly speculative.
272. PC73 must be assessed on its merits. I agree with Mr Nicholson that as matters now stand, the Holmes Block, and to a greater degree, the Skellerup Block, are in essence peninsulas which do not contribute to a compact urban form.
273. In considering the appropriateness, I am conscious of Ms Lauenstein’s opinion that the Living 3 Zone density presently enabled was important. She considered it was ill-suited to facilitate the consolidated form and connectivity required for future urban growth. From that perspective, she considered PC73 to be a major improvement in consolidated form and connectivity.¹¹⁹
274. Mr Compton-Moen also identified and discussed examples in Rolleston where large lot subdivisions had caused problems with integration and connectivity.

¹¹⁷ Statement of Evidence of Nicole Lauenstein 13 September 2021 at para [67]

¹¹⁸ Statement of Evidence of Nicole Lauenstein 13 September 2021 at para [69]

¹¹⁹ Statement of Evidence of Nicole Lauenstein 13 September 2021 at para [70]

275. I accept that the present zoning may not be ideal if urban growth is to be accommodated to the west of Dunns Crossing Road. However there is nothing which anticipates that in any of the relevant planning and other statutory and non-statutory documents.
276. In assessing the appropriateness of PC73 on its merits, I am not satisfied that it provides for an appropriate and compact urban form.

Geotechnical and Ecological Considerations

277. Ms White assessed the geotechnical and ecological considerations in her paragraphs [146] to [149]. She concluded that on the basis of the technical reports and the conclusion of the peer reviews, she was satisfied that there were no geotechnical or ecological matters that preclude the rezoning of the site for residential purposes. I agree and adopt that for the purposes of this Recommendation.

Other Matters

278. As noted by Ms White, M & X Bentley (PC73-0012) considered that the consequence of the changes proposed to various rules throughout the District Plan would affect other properties within the District, not just the plan change site, removing restrictions from Living 3 Zones.
279. I agree with and adopt Ms White's analysis at paragraph [151] where she notes that the amendments to the proposed District Plan rules through the Request would only affect the application of those rules to the site and not alter the current regime applying to Living 3 Zones in other areas.

Conclusion on Effects and Other Matters Raised in Submissions

280. Having considered all of the submissions, the evidence, reports and other documents provided, I consider that a number of the specific concerns raised by submitters have been appropriately addressed in so far as they are relevant at this stage. These include concerns in relation to transportation effects, effects on community facilities, density (in the event that it is rezoned), effects on water race, stormwater and flooding, soils, environmental quality, and geotechnical and ecological considerations.
281. I received undisputed economic evidence that the rezoning of the land, and subsequent development, would have, potentially, significant economic benefits.
282. I remain concerned in relation to the form of urban growth. I am not satisfied that PC73 would lead to the provision of an appropriate compact urban form.
283. In relation to infrastructure, particularly in relation to the PWTP, I accept that once the proposed upgrades are consented and in place, capacity will be available for the treatment of wastewater generated by the development of the PC73 land. The infrastructure in so far as it relates to

conveyance is not a concern. It seems clear that those matters can be appropriately addressed through the subdivision stage.

284. My residual concern is what happens in the interim period while the PWTP is consented and upgraded. PC73 is outside the RSP and the PIB. I did not receive any specific technical evidence on the CRC's concern, expressed by Mr Tallentire, that there may be impacts on the ability to provide sufficient capacity for planned growth in the interim period.
285. I remain concerned around the potential for reverse sensitivity effects. I acknowledge that on the expert evidence, reverse sensitivity effects are of low probability but, given the absolutely critical nature of the PWTP and the PRRP to the future growth and development of Rolleston, and indeed the wider Selwyn District, a degree of caution is appropriate.

Statutory Documents

Responsive Planning Under the NPS-UD

286. Before undertaking my assessment of the plan change against the relevant statutory documents, I address the relationship between the NPS-UD and the CRPS. This is a critical issue which was the subject of thorough and detailed submissions of Counsel. It was also addressed in the relevant planning evidence. I note that this is an issue which has been raised in a number of other plan changes in the Selwyn District and I have addressed it in earlier Recommendations. There are some subtle differences between the submissions that I have received in this plan change.
287. In considering this issue, I have applied the principles of statutory interpretation. There appears to be no dispute as to what those principles are, rather the differences are in the application.
288. This part of my Recommendation addresses 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. Or, expressed another way, as Mr Wakefield submitted, does giving effect to Chapter 6 of the CRPS demand that PC73 is declined?
289. I received detailed submissions from Ms Appleyard for the Applicant, both in her opening and in her closing submissions which responded to CCC and CRC's legal submissions and evidence.¹²⁰ I have also reviewed a Memorandum provided by Mr Paul Rogers which addresses this issue in the context of plan changes and submissions on the PDP.¹²¹ I note that Memorandum, by its very nature, is of somewhat wider focus.
290. I received comprehensive legal submissions from Mr Wakefield on behalf of CCC and CRC.

¹²⁰ Legal Submissions on Behalf of Rolleston West Residential Limited 28 September 2021 and Closing Submissions 1 November 2021

¹²¹ Memorandum from Adderley Head of 13 September 2021 Subject: NPS – CRPS – Plan Changes to the ODP and Submissions on the PDP

291. I do not propose to repeat the legal submissions and the contents of Mr Rogers' Memorandum in this Recommendation. I have considered those in full. I will identify the key matters as appropriate.

292. I consider that Ms Appleyard summarised the question when she submitted "*The question that is to be asked is how the [C]RPS is to be interpreted in light of the NPS-UD?*".¹²² She expanded that question by identifying that this was especially so because the CRPS contains an avoid policy with respect to development outside Map A, yet the later in time, and higher order, NPS-UD contains Objective 6 and Policy 8 which requires a responsive planning approach to out-of-sequence and unanticipated development.

Key Objectives and Policies

CRPS

293. The key objective and policy of the CRPS which trigger this question 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;*

¹²² Legal Submissions on Behalf of Rolleston West Residential Limited 28 September 2021 at para [12]

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

294. I note that the objective and policy identified above are implemented through Objective B4.3.3 and Policy B4.3.1 of the SDP being:

- (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

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

- (a) Objective 1:

New Zealand has well-functioning urban environments that enable all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future.

- (b) Objective 2:

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

- (c) 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.

(d) Objective 3: (my emphasis)

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:

- (a) the area 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.*

(e) 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.*

(f) 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.*

(g) 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.

296. 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, which defines, in a non-exclusive manner, well-functioning urban environment.

Parties' Submissions

297. Ms Appleyard identified the potential inconsistency as being between Objective 6.2.1.3 of the CRPS and Objective 6 and Policy 8 (and relevant clauses) of the NPS-UD.
298. Ms Appleyard submitted that it had been decided by case law in relation to some RMA planning documents that the ordinary meaning of the word 'avoid' means "not allow" or "prevent the occurrence of". Ms Appleyard cited *EDS v New Zealand King Salmon*¹²³ for that proposition. Taken literally, Objective 6.2.1.3 provides that decision-makers must not (original emphasis) allow urban development outside of existing urban areas or the greenfield priority areas identified in Map A.¹²⁴ Ms Appleyard submitted that adopting that interpretation of the CRPS would not reconcile it with Policy 8 of the NPS-UD and would in essence result in an interpretation which would be contrary to the very purpose of the NPS-UD including Policy 8, would prevent the NPS-UD from achieving its purpose, and would interpret the word 'avoid' in a vacuum and outside the context of reading the CRPS and NPS-UD together.¹²⁵
299. Ms Appleyard submitted that a rigid interpretation of the word 'avoid' in the CRPS inherently prevents local authorities from being responsive in the very way required by the NPS-UD as it prevents them from even considering the merits of a plan change that might otherwise add significantly to development capacity and contribute to well-functioning urban environments (the criteria for Policy 8 NPS-UD) where these fall outside of greenfield priority areas.¹²⁶ Ms Appleyard submitted further that the requirement of the NPS-UD for local authorities to be responsive to development capacity providing certain criteria were met even if unanticipated or out-of-sequence was clearly intended to target this type of objective in the CRPS and essentially to say that the 'avoid' policy in the CRPS prevented all developments that fall outside Map A would be to act in a manner contrary to the specific direction of the NPS-UD.¹²⁷
300. In light of the context, Ms Appleyard submitted it was appropriate to "read down" or soften the interpretation of 'avoid' in the CRPS to give effect to the NPS-UD (at least until such time as the CRPS gave full effect to the NPS-UD). This can be done by grafting a limited exception onto the objective but only where a development could meet the NPS-UD because it adds significantly to development capacity and contributes to a well-functioning urban environment.

¹²³ *Environmental Defence Society v New Zealand King Salmon* [2014] NZSC 38 at [93]

¹²⁴ Legal Submissions on Behalf of Rolleston West Residential Limited 28 September 2021 at para [23]

¹²⁵ Legal Submissions on Behalf of Rolleston West Residential Limited 28 September 2021 at para [24]

¹²⁶ Legal Submissions on Behalf of Rolleston West Residential Limited 28 September 2021 at para [26]

¹²⁷ Legal Submissions on Behalf of Rolleston West Residential Limited 28 September 2021 at para [27]

301. Mr Wakefield advised that CCC and CRC accept that the NPS-UD is a higher order document but they disagreed that it should be interpreted as having primacy over the CRPS (and its avoid framework) in the manner suggested. He submitted that the NPS-UD and CRPS can be read and applied together, with no reasonable interpretive grounds (or need) for suggesting that the NPS-UD should take precedence over the CRPS.
302. Mr Wakefield submitted that the SDC Memorandum of 13 September 2021 was based on a flawed interpretation that misconstrues the NPS-UD and focuses on select provisions only.¹²⁸ He submitted that characterising this Request as a contest between the NPS-UD and the CRPS is incorrect, and the proper approach is to attempt to reconcile these two planning instruments in a manner that accords with the wider statutory context and the hierarchy of planning documents outlined in *Colonial Vineyards*.¹²⁹ He submitted that if the Rolleston West Residential Limited/Adderley Head approach to interpreting and applying the NPS-UD was accepted, the consequence was that the recent Change 1 to the CRPS, and the core urban growth strategy established by the CRPS, would be undermined. He submitted the CRPS framework should not be disregarded in favour of isolated policies in the NPS-UD that (properly interpreted) provide an administrative pathway only, which does not direct the enabling of development over and above integrated and strategic planning.
303. Mr Wakefield also identified *King Salmon* noting that as recognised by the Supreme Court, the cascade of planning documents under the RMA are intended to give effect to s5 and Part 2 of the RMA by giving:
- ... substance to its [the RMAs] purpose by identifying objectives, policies, methods and rules with increasing particularity both as to substantive content and locality.*¹³⁰
304. He submitted that the NPS-UD provided higher level direction and the CRPS provided more particularised regional (and in particular sub-regional) direction in relation to similar matters, as well as other relevant policy matters for the purpose of giving effect to other NPSs and other requirements of Part 2 of the RMA.¹³¹ He submitted that there could be no dispute that under s75(3) of the RMA a district plan must give effect to any NPS and any regional policy statement, again citing *King Salmon* that “give effect to” something means “implement”.¹³²
305. Mr Wakefield developed his argument by noting that there were a number of relevant directions in both the NPS-UD and the CRPS that have varying degrees of directiveness. He submitted this may be relevant when seeking to reconcile those planning documents, with the nature and expression of the relevant objectives and policies being significant. He submitted that the NPS-UD as can be expected given its national application, contains a number of

¹²⁸ Legal Submissions for CCC and CRC 29 September 2021 at para [1.7]

¹²⁹ Legal Submissions for CCC and CRC 29 September 2021 at para [1.8]

¹³⁰ Legal Submissions for CCC and CRC 29 September 2021 at para [2.3] citing *Environmental Defence Society Incorporated v New Zealand King Salmon Company Limited* [2014] NZSC 38

¹³¹ Legal Submissions for CCC and CRC 29 September 2021 at para [2.4]

¹³² Legal Submissions for CCC and CRC 29 September 2021 at para [2.5]

directions expressed with a greater degree of abstraction but is more explicit for the Tier 1 local authorities in relation to certain requirements.¹³³

306. He then addressed the CRPS noting that given its regional focus it provides more specific direction on a multitude of resource management matters, including urban growth, particularly that of Greater Christchurch. He submitted this is to be expected given the CRPS represents the more particularised expression of the higher order objectives and policies, and direction on other Part 2 matters in accordance with the regional council's functions. He submitted that so long as the highly directive framework for urban growth achieved the outcomes directed by the NPS-UD, there was no reason why it should not be considered a valid approach to giving effect to the NPS-UD.¹³⁴

SDC Memorandum of 13 September 2021

307. I have read and considered Mr Rogers' Memorandum of 13 September 2021. Again it provides a thorough assessment. That Memorandum was not prepared to specifically address Mr Wakefield's submissions on this Request. Rather, it addressed the wider submissions which arose through the PDP hearings. In this part of the assessment I will refer to them as the Simpson Grierson submissions.
308. The Memorandum addresses the purpose and the text of the NPS-UD, noting that the RMA allows the Government to prescribe objectives and policies for matters of national significance relevant to sustainable management under the RMA. The Memorandum records that those matters need to be borne in mind because it was considered to have an influence on the interpretative exercise because the NPS-UD is dealing with matters of national significance.
309. Mr Rogers referenced the Supreme Court decision *Commerce Commission v Fonterra Cooperative Group Ltd*¹³⁵ and quoted paragraph [22] of that decision. I agree that that is a significant case and I include the full quotation of paragraph [22] here:

*It is necessary to bear in mind that section 5 of the Interpretation Act 1999 makes text and purpose the key driver of statutory interpretation. The meaning of an enactment must be ascertained from its text and in the light of its purpose. Even if the meaning of the text may appear plain in isolation of purpose that meaning should always be cross-checked against purpose in order to observe the dual requirements of section 5. In determining purpose the court must obviously have regard to both the immediate and the general legislative context. **Of relevance too may be the social, commercial or other objective of the enactment.***

310. Mr Rogers considered the social objective of the NPS-UD to be influential if not critical in the interpretative exercise noting Objective 2 which states:

¹³³ Legal Submissions for CCC and CRC 29 September 2021 at para [2.8]

¹³⁴ Legal Submissions for CCC and CRC 29 September 2021 at para [2.9]

¹³⁵ *Commerce Commission v Fonterra Cooperative Group Ltd* [2007] NZSC 36

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

311. The Memorandum notes that the NPS-UD, particularly the responsive planning provisions, have come into force against a context of what is frequently described as a national housing supply crisis. The supply crisis impacts upon affordability of housing nationally.

312. The Memorandum notes that Policy 1(d) “more pointedly” addresses competition in land development markets:

... have planning decisions contribute to well-functioning urban environments which are urban environments that, as a minimum support, and limit as much as possible adverse impacts on, the competitive operation of land and development markets.

313. The Memorandum also identifies Objective 6 which provides:

Local authority decisions on urban development that affect urban environments are integrated with infrastructure planning and funding decisions and strategic over the medium term and be responsive, particularly in relation to proposals that would supply significant development capacity.

314. Mr Rogers agreed that the CRPS is to be included as part of any merits assessment but not in the determining manner which Simpson Grierson advance. To apply and weight Objective 6.2.1 in that manner, in his opinion, clashed directly against the NPS-UD responsive planning provisions and would frustrate the objective of the NPS-UD.

315. Mr Rogers addressed the words “give effect to”, drawing attention to s75(3) which details the contents of district plans and in sub-section (3)(a) provides a district plan must give effect to any national policy statement. He stated that if decision-makers accorded, when making planning decisions under the NPS-UD, the CRPS priority, it is very difficult to see how decision-makers would be complying with, let alone respecting, both the directive to have particular regard to the NPS-UD in reaching a decision as well as satisfying s75(3)(a). This was particularly so when the CRPS is not fully giving effect to the NPS-UD and submitted that “*such an outcome does not recognise an NPS prescribed actions via objectives and policies for matters of national significance which we consider must and should prevail over regional matters*”.¹³⁶

316. The Memorandum concluded by stating that it recognised that the hierarchy of plans, as well as recognising the NPS-UD deals with matters of national significance, assists in resolving what at first may appear to be an irreconcilable choice for decision-makers.¹³⁷

317. Mr Rogers addressed Objective 6.2.1 and recorded his understanding that the purpose of the objective is to avoid ad hoc development, particularly urban development in locations that are

¹³⁶ Memorandum 13 September 2021 at para [123]

¹³⁷ Memorandum 13 September 2021 at para [124]

not supported by infrastructure and transportation services and networks, employment opportunities, and proximity to community assets, services and supplies.¹³⁸

318. As well the size of an area identified for development within the CRPS is intended to meet anticipated demand for development, for which demand has been assessed by a number of exercises such as Our Space.¹³⁹
319. Mr Rogers' view was that if Simpson Grierson's approach was correct then effectively within the Greater Christchurch area the responsive planning provisions in the NPS-UD would be placed on hold until such time as the CRPS is reviewed, next scheduled for 2024. Again, Mr Rogers considered that, given the NPS-UD seeks to ensure unanticipated and/or out-of-sequence developments are considered responsively provided they add significant land development capacity and contribute to well-functioning urban environments, the NPS-UD specifically recognises and provides for an exception or legitimate departure from restrictive objectives such as CRPS Objective 6.2.1.
320. The Memorandum concluded at paragraph [167] that, provided the plan change via evidence submitted at a merits hearing delivered on the development capacity and well-functioning urban environments outcomes sought by the NPS-UD, and proper regard was had to the purpose of the restrictive Objective 6.2.1, then a positive planning decision determined following a full merits hearing can be seen as a well-considered and supportable decision and not an unlawful one.

Evaluation

321. I have carefully considered all of the matters raised in the legal submissions which I have summarised above, and in the relevant planning evidence. I accept that this is a difficult and somewhat complex issue given that a district plan must give effect to (a) any national policy statement; and ... (c) any regional policy statement.
322. There are a number of provisions of the NPS-UD which are particularly relevant to the interpretation issue. I consider the social context is relevant, particularly when considering that there is a focus, albeit not a complete focus, on housing supply and affordability. Objective 2 seeks:

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

323. Objective 3 provides, relevantly:

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: ...

¹³⁸ Memorandum 13 September 2021 at para [151]

¹³⁹ Memorandum 13 September 2021 at para [152]

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

324. On its face and text, the direction in Policy 8 appears to me to be very clear. This 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.*

325. Policy 8 specifically identifies responsiveness in the context of plan changes. In my view, “unanticipated” must be read to include circumstances where planning documents (and here the CRPS as reflected in the SDP) contain avoidance objectives. Development in areas outside of those identified in Map A is clearly “unanticipated”.

326. To find otherwise would amount, in my view, to a significant watering down, and potentially an undermining, of the responsive provisions of the NPS-UD and I agree with Mr Rogers’ view that it would lead to a conclusion that responsive planning provisions of the NPS-UD did not apply to plan changes within Greater Christchurch.

327. I do not accept that the avoidance objective and policies in the CRPS, implemented by Objective B4.3.3 and Policy B4.3.1 of the SDP, mean the proposal must be declined.

328. Overall, it is my view, in light of the position the NPS-UD holds in the hierarchy of documents; that it is the latter in time; that it was promulgated in the context of a housing crisis; and after carefully considering its text, its purpose and other contextual matters, it enables appropriate plan changes to be assessed on their merits, notwithstanding the avoidance objectives and policies of the CRPS.

329. This is a complex and important issue and I appreciate the comprehensive manner in which Counsel in particular have addressed it. Overall, I accept the submissions of Ms Appleyard and the conclusions reached by Mr Rogers. I acknowledge they reached their conclusions by a slightly different approach.

330. The assessment will of course entail careful consideration as to whether the plan change meets the requirements of responsive planning provisions including whether or not it provides significant development capacity; whether it contributes to a well-functioning urban environment; and is well connected along transport corridors. I note that a finding that the proposal does provide significant development capacity is not, of itself, a ‘trump card’. It is a matter to which I am to have particular regard if the qualifying matters are met. This approach does not mean that Chapter 6 of the CRPS is not relevant. They need to be carefully considered and are an important part of the overall planning framework.

Statutory Assessment

Statutory Tests

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

Functions of Territorial Authorities

332. Ms White identified the relevant functions of territorial authorities pursuant to s31 in paragraphs [152] to [154] of her s42A Report.

333. By way of summary, 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;¹⁴⁰ 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;¹⁴¹ and the control of any actual or potential effects of their use, development or protection of land, including for the specified purposes.¹⁴² For completeness I note its functions include the control of the emission of noise and the mitigation of the effects of noise.¹⁴³

334. While of course all the functions are relevant, there has been a degree of focus on development capacity and I address that issue in my subsequent assessment of the NPS-UD.

Part 2 Matters

335. As noted by Ms White in her s42a Report, pursuant to s74(1), a territorial authority must prepare and change its district plan in accordance with the provisions of Part 2 of the RMA. Ms White was of the opinion that notwithstanding the notification of the PDP, the purpose of the Act was currently reflected in the settled objectives and policies of the District Plan which PC73 does not seek to change and I agree with that general proposition. Notwithstanding that, in the context of this plan change, I am of the view that it remains appropriate to specifically address the higher order documents.

NPS-UD

336. The NPS-UD was understandably the focus of legal submissions and planning evidence.

337. Mr Phillips identified what he considered to be the principal issues to be determined in respect of the NPS-UD at paragraph [61] of his evidence. He identified these as follows:

¹⁴⁰ s31(1)(a)

¹⁴¹ s31(1)(aa)

¹⁴² s31(1)(b)

¹⁴³ s31(1)(d)

- (a) Does Policy 8 apply, noting it and Subpart 2, clause 3.8 provides for the consideration of proposals that are otherwise unanticipated or out-of-sequence with the CRPS and SDP? Specifically:
 - (i) Will the plan change *add 'significantly to development capacity'*?
 - (ii) Will the plan change *'contribute' to 'well functioning urban environments'*?
 - (iii) Will the development capacity enabled by the plan change be *'well-connected along transport corridors'*?
- (b) Is there *'at least sufficient development capacity to meet expected demand' 'at all times'* as required by Policy 2, and is the information relied on to inform this determination *'robust'* and *'frequently updated'* as required by Objective 7?
- (c) Can a decision on the proposal be integrated with infrastructure planning and funding, strategic over the medium and long term, and responsive as required by Objective 6?
- (d) Will the proposal be consistent with Objective 8 that New Zealand's urban environments support (Mr Phillips' emphasis) reductions in greenhouse gas emissions?

338. While I address those matters in a slightly different order, I agree with Mr Phillips' summary of the principle issues.

Will the Plan Change Add Significantly to Development Capacity?

339. Mr Tallentire did not consider either Rolleston or the Selwyn District to be the appropriate frame of reference for assessing significant development capacity. He preferred an interpretation that assesses the matter in relation to the agreed urban environment of Greater Christchurch.¹⁴⁴ He agreed with Ms White's report that the ultimate development capacity provided by PC73 is significant in the Greater Christchurch context but considered that a closer inspection was required.¹⁴⁵ In his Summary of Evidence, Mr Tallentire confirmed his opinion that PC73 does not provide significant development capacity because:

- (a) The scale of the development able to be delivered at pace is not significant in relation to the urban environment;
- (b) Sufficient development capacity is already identified to meet expected housing demand over the medium-term, and the proposed housing typologies do not go far enough to align with the housing needs stated in the 2021 HCA; and

¹⁴⁴ Statement of Evidence of Keith Roger Tallentire on behalf of CRC and CCC 20 September 2021 at para [62]

¹⁴⁵ Statement of Evidence of Keith Roger Tallentire on behalf of CRC and CCC 20 September 2021 at para [63]

- (c) It would not contribute to a well-functioning urban environment that is well-connected along transport routes.¹⁴⁶

340. It was his opinion that PC73 should not engage with Policy 8 of the NPS-UD.¹⁴⁷

341. Given that there did not appear to be any disagreement that numerically, the provision of 2,100 household units was significant even in the context of Greater Christchurch, I do not need to spend any time in this Recommendation focusing on what is the appropriate urban environment for assessing significance. I do however record it is my view that the NPS-UD allows for a more nuanced approach of significance and how that is assessed and that determining significance only by reference to Greater Christchurch would require plan changes to meet an unreasonable threshold.

342. The Ministry for the Environment Guidance¹⁴⁸ identifies that it is appropriate to have consideration of:

- (a) Significance of scale and location;
- (b) Filling identified demand;
- (c) Timing of development; and
- (d) Availability of infrastructure.

343. Recognising that the guidance does not form part of the NPS-UD and has no legal effect in terms of its application and interpretation, I have kept those matters in mind in my assessment.

Scale of Development Able to be Delivered “at pace”

344. Mr Tallentire noted that as outlined in the evidence provided by the Applicant, the proposal is to preclude occupation of any dwellings on the Holmes Block and enable establishment and occupation of 148 dwellings on the Skellerup Block prior to various roading upgrades. He noted Waka Kotahi’s submission that completion of the State Highway 1 intersection upgrade is anticipated to be by 2026 and that this effectively limited what he would consider to be the “at pace” development of PC73 to 148 dwellings. On that basis, he did not consider the applicable scale of development to be significant in relation to the urban environment.¹⁴⁹

345. I discussed the likely timing of development with Mr Tim Carter. This was largely in the context of risk and developer margins, but he noted that property development was not like a term deposit. Development takes a long time to get to market. Mr Carter advised me that taking into account earthworks, servicing, construction of roads, the selling of sections and

¹⁴⁶ Summary Statement of Keith Tallentire, planning, for CRC and CCC 29 September 2021 at para [7]

¹⁴⁷ Summary Statement of Keith Tallentire, planning, for CRC and CCC 29 September 2021 at para [8]

¹⁴⁸ Ministry for the Environment (2020). National Policy Statement on Urban Environment 2020, Understanding and implementing the responsive planning policies, Ministry for the Environment: Wellington, pages 5-6

¹⁴⁹ Statement of Evidence of Keith Roger Tallentire on behalf of CRC and CCC 20 September 2021 at para [65]

construction of properties, that the deferral would not materially affect the development. He noted that the requirements were in relation to occupation and did not delay preparatory works being undertaken.

346. Ms Sarah White for Waka Kotahi discussed the timing of the proposed works on the State Highway improvement. She advised that she had been provided with an estimate by Mr Phillips that 223 and 224 certification for the 148 dwellings would likely occur late 2023/early 2024 with dwelling construction and occupancy to follow.
347. Ms Sarah White advised that the intersection upgrades are scheduled to commence in 2024 and therefore there would be a limited time period where crossover occurs between occupation of these dwellings and use of the existing State Highway 1/Dunns Crossing Road intersection. In discussions, Ms Sarah White discussed the process including designations. She noted that funding had been confirmed. She advised that in terms of the relevant intersection, this would be the first part of the entire construction process. She advised that the construction period would be approximately six months, subject to final design. She also advised that once the construction of the roundabout commenced, there would be traffic management in play.
348. Ms Appleyard referenced Ms Sarah White's evidence in her closing submissions. Ms Appleyard submitted that development capacity, particularly of some 2,000 homes, will inherently take some years to develop and noting that earthworks and subdivision are required. She submitted that *"There is only so quickly development can occur (sic)"*. Ms Appleyard addressed Mr Tallentire's reference to Mr Wheelans' evidence on Plan Change 67 that he could construct houses within a year. Ms Appleyard identified the significant difference in scale between that plan change and this one and noted that in any event the deferral did not prevent the actual construction of homes as the proposed condition related to occupation and not construction. I generally accept those submissions in terms of the transport related upgrades and delay.
349. As identified in paragraph [221] of this Recommendation, the Applicant has proposed a new rule preventing the establishment of residential allotments within 1,500m of the PWTP prior to certification that necessary regulatory approvals have been obtained or 31 December 2025, whichever was sooner. That line is shown on Figure 1 on the proposed ODP and covers a reasonably significant area. That would delay the creation of those lots until, potentially, 31 December 2025.

Findings

350. While the provisions incorporating deferral of development of the Holmes Block, and to a lesser extent the Skellerup Block, will obviously impact on the release of residential allotments to the market, taking a realistic view of the development process, I do not consider those deferrals to be fatal to a finding that the capacity remains significant. As outlined by Mr Carter,

it appears that there will be considerable works that the Applicant can be undertaking in the meantime.

351. Overall, I generally accept the Applicant's submissions in relation to the delay issue and overall accept that the plan change would provide significant development capacity.

Is There at Least Sufficient Development Capacity to Meet Expected Demand at all Times?

352. Policy 2 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 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.

353. 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.*

354. Sufficient development capacity is defined as:

- (a) Plan enabled – that is, in relation to short term, zoned in an operative district plan; in relation to medium term, zoned in an operative or proposed district plan; and in the long term, zoned or identified for future urban use or intensification in an FDS;¹⁵⁰
- (b) Infrastructure ready – that is, development infrastructure is available for short term, funded for medium term, or identified in a local authority's infrastructure strategy for long term;
- (c) Feasible and reasonably expected to be released; and
- (d) For Tier 1 and Tier 2 local authorities, is required to meet the expected demand plus the appropriate competitiveness margin.

355. Mr Tallentire considered that there was sufficient development capacity already identified to meet the expected housing demand over the medium term, and the proposed housing typologies do not go far enough to align with the housing needs stated in the 2021 HCA.¹⁵¹

¹⁵⁰ NPS-UD 2020 Part 3 – Subpart 1, clause 3.4(1)

¹⁵¹ Summary Statement of Keith Tallentire, planning, for CRC and CCC 29 September 2021 at para [7(b)]

Applicant's Evidence

356. Mr Christopher Jones, a Real Estate Agent with 12 years experience selling down residential subdivisions, including in the Selwyn District, provided evidence relating to the Rolleston housing market, demand and supply. He identified a number of factors which drive people towards Rolleston being value; availability of standalone houses on reasonably sized sections at an affordable price; people moving to Rolleston in order to work in the immediate area; increase in modern amenities; and easier commute to Christchurch with the new motorway.¹⁵²
357. In terms of demand, he considered there was an acute residential land shortage in Rolleston with demand significantly surpassing supply. He considered that this had led to inflated prices of almost 100% from the year before. He advised there had been a move away from larger section sizes with buyers looking more and more for residential sites of around 400-500m². He noted his understanding of the current zoning, which would enable much larger lots (mainly 4,000 – 5,000m²). He advised that while the larger sites would sell, the demand for that section size is nowhere near what it used to be and the same size site could better be utilised to accommodate ten modern and affordable homes for ten families.¹⁵³
358. In terms of demand, he identified what he considered to be the key driver of the price increases, being the lack of availability. He described the market in Rolleston as particularly frantic. It was his view that if the significant shortage of residentially zoned land was not addressed soon, it would only be a matter of time before the average house and land package in Rolleston would be around \$1 million as had happened in Halswell. In his view, the number of sections that could become available if the various proposed plan changes in Rolleston were approved, did not seem “particularly high” because they would not all be going on to the market and developed at the same time. In his view, it was important to enable a supply of sections capable of being released in the medium and long term, and many of these sections had already been sold, subject to zoning. He was concerned that if zoning of site is put off any longer there would be a window of no residential land being available for purchase in Rolleston which would lead to a further increase in prices. In his view, there was no risk arising from over-supply and in fact this would help appease the spike in housing prices by increasing competition and reducing panic purchases.
359. I heard from three economists, Mr Copeland, Mr Akehurst and Mr Colegrave. I have discussed the economic benefits earlier in this Recommendation. In the following paragraphs, I am addressing the supply/demand issue.
360. Mr Copeland provided a comprehensive brief which I have considered in full. For the purposes of this Recommendation I predominantly reference his Summary. Mr Copeland advised that in the period 2001 to 2020 the Selwyn District's population has grown nearly 5 times faster

¹⁵² Summary of Evidence of Chris Jones 28 September 2021 at para [3]

¹⁵³ Summary of Evidence of Chris Jones 28 September 2021 at para [6]

than New Zealand as a whole, 8 times faster than Christchurch City, and 2 times faster than Waimakariri.

361. Mr Copeland advised that the proposed development of up to 2,100 dwellings represents up to 8% of the existing dwellings in the District and up to 27% of the existing dwellings in Rolleston. He noted the Applicant's expectation that once approved development would occur over an eight year period for the Skellerup Block and then approximately over a seven year period for the Holmes Block from 2025 to 2031. He noted the Housing and Business Development Capacity Assessment Update (2020)¹⁵⁴ identified in section 4.1 additional housing demand of 7,127 during the 2020-2030 and 8,690 between 2030 and 2050. He also advised that the Housing and Business Development Capacity Assessment Update (2020) identifies Selwyn District's sufficiency of housing capacity of +2,543 in the short term (2020-2023), -2,737 in the medium term (2020-2030) and -18,337 in the long term (2020-2050). He noted that all of the plan change requests as at January 2021 provided for a total of 10,567 additional dwellings including those under PC73. He identified a number of factors which could result in plan changes, even if approved, not resulting in full development and noted that only when supply or potential supply exceeds expected demand could reductions in upward pressures on residential land and house prices be expected to occur.
362. Mr Akehurst set out his expertise and noted that he had particular experience in assessing the effects of growth on existing economies and on urban form and that he had carried out significant work in assessing requirements for housing and business land to assist Councils in setting development and growth strategies and to meet their obligations under national directions.
363. Again, I do not propose to recite Mr Akehurst's evidence in full. The key points that I have taken from his evidence is that the recent growth history shows that numbers in the past nine years far exceed Statistics New Zealand's "high" projections (2018-2021) and the projection sets utilised in the SCGM.¹⁵⁵ He considered Council ran the risk of significantly under-counting future growth in the short to medium term, thereby under-supplying capacity to meet that future growth, failing to meet their obligations under the NPS-UD and driving prices up.¹⁵⁶ His evidence was that it was clear that uptake has exceeded modelled growth by a significant margin. Excluding FUDAs which are not yet plan enabled, capacity would last 3.5 years before completely exhausted based on short term growth matching the average of the past five years. He was concerned that the net result would be significant price rises as developers would be able to charge more in the face of significant supply constraints.
364. In relation to capacity, he advised that his company (Market Economics) had developed the SCGM originally in 2017 and the model used by SDC was based entirely on the Capacity for Growth Model which he explained.

¹⁵⁴ Prepared for SDC meeting of 25 November 2020 by Ben Baird

¹⁵⁵ Statement of Evidence of Gregory Michael Akehurst 13 September 2021 at para [23]

¹⁵⁶ Statement of Evidence of Gregory Michael Akehurst 13 September 2021 at para [24]

365. He considered there were issues with the estimates of capacity included in the model. He identified a number of examples which cause him concern, particularly if they represent the tip of systemic errors in over-estimated capacity.¹⁵⁷ Matters he identified of concern included Darfield and Leeston forming part of the capacity. He considered Darfield and Rolleston would appeal to very different markets and capacity provided in Rolleston, or not provided, cannot be substituted for capacity at Darfield. He considered the same reasoning applied to Leeston and Rolleston.
366. He identified concerns with the allocation methods and data issues at the parcel level. These included: inclusion of non-urban capacity in urban measure of capacity; setbacks and reserves being included; inclusion of developed sites as capacity; inclusion of non-residential parcels; and development density assumptions. He concluded that given all of the issues, there is potentially a significant overstating of capacity within the model as it currently stands. He considered that Council should be seeking to encourage additional capacity provided by plan changes such as PC73 in order to avoid residential price rises brought about by scarcity leading to a deterioration in housing affordability.¹⁵⁸
367. Mr Colegrave provided expert evidence in relation to supply/capacity. In his summary, he concluded that SDC is currently not meeting its NPS-UD obligations over either the short, medium or long term because its estimates of demand for additional dwellings are inordinately low while its estimates of likely capacity to meet that demand appears to be grossly overstated.
368. In his opinion, due to the issues he identified, additional land needs to be identified and rezoned as soon as possible to meet the NPS-UD obligations and to enable the efficient operation of the local land market.
369. Mr Colegrave considered the demand projections used in the 2021 HCA significantly understated recent trends and the corresponding estimates of capacity were “fundamentally flawed”. He agreed that the HCA process can be a useful avenue to provide for future capacity, but in his view was not the only, or necessarily the best way. He considered the issue to be one of timing. Given the three year gap between each HCA and the very long lead-in times associated with both land development and house construction, relying on the HCAs to address capacity shortfalls was, in his opinion, flawed.
370. Mr Ben Baird provided a Memorandum outlining the expected growth in current and future capacity in the context of the broader strategic planning occurring across Greater Christchurch and Selwyn. He advised that the monitoring of take-up, remaining capacity and potential future demand is critical in understanding how growth is occurring within the District and how that fits with the District’s strategic planning. He noted that this was primarily done through the SCGM, a spreadsheet based model that determines demand based on population projections and identifies development capacity and available land supply.

¹⁵⁷ Statement of Evidence of Gregory Michael Akehurst 13 September 2021 at para [35]

¹⁵⁸ Statement of Evidence of Gregory Michael Akehurst 13 September 2021 at para [88]

371. In terms of household demand, he advised this was generally derived from the Statistics New Zealand population or household projections with the key inputs also from Statistics New Zealand being population age, living arrangements and household formation rates which determines births, deaths and household compositions. He noted that modelled demand for housing changed depending on the Statistics New Zealand projections applied. He advised that in the past five years there had been three different projections produced for SDC. The first was developed in the Greater Christchurch 2017 Capacity Assessment; the second was developed in 2019 for the LTP and update to the SCGM; and the third was developed recently to inform the 2021 HCA using a 2018 high projection. Mr Baird's Memorandum recorded that following the nationwide lockdown in 2020, building consents have been at a record high. It recorded that what was driving that was not clear, and the growth in building consents was not in response to nationwide growth. He identified internal migration increasing as one of the potential explanations for the increase in building consents.

372. The Memorandum identified surplus and shortfalls in paragraph [56] identifying a medium term shortfall of 2,089 and a long term shortfall of 13,130 within the Selwyn District. In terms of Rolleston, the medium term identified a shortfall of 2,232 and in the long term 5,174.

Findings

373. What appears to me to be readily apparent is that despite the application of the higher growth scenario in the SCGM, the number of new dwellings has significantly exceeded SDC's predictions. It appears that the model may have been under-estimating demand. This raises a risk of SDC not meeting Policy 2.

374. Mr Baird's Memorandum recorded that the shortfall could be met by the FUDA, some in Darfield and Leeston, and potential intensification work. Mr Colegrave and Mr Akehurst had concerns with the inclusion of Darfield and Leeston. Darfield and Leeston are not within the Greater Christchurch area and arguably do not provide capacity in the areas where there is the most significant demand.

375. Overall, I find that in recent times, and notwithstanding the best efforts of SDC, there appears to be insufficient development capacity in Rolleston, together with clear evidence of significant demand. SDC and CRC have taken steps to address capacity, in particular the identification of FUDAs in Rolleston, through PC1 to the CRPS. Parts of the FUDA area are subject to plan change requests and other areas within it have been granted resource consent through the COVID-19 process.

376. The evidence for the Applicant is clear that there has been, and remains, significant demand within Rolleston. The evidence was also clear that there has been insufficient capacity to meet that demand. Mr Baird's Memorandum largely supports that. I acknowledge that the lack of capacity is not the only driver for the price escalations. However, the NPS-UD focuses on supply and relies heavily on the competitive operation of land and development markets to achieve, at least, a move towards price stability.

377. In that context, it is my view that in light of the demand and the various matters addressed above, the capacity provided by this plan change is significant and there are clear capacity issues. In the context of what has been described as a housing crisis, the development capacity provided by PC73 should be given some considerable weight. To do so, however, it has to meet the remaining qualifiers in Policy 8.

Well-functioning Urban Environments

378. 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.

379. 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. These include the benefits of urban development that are consistent with well-functioning urban environments as described in Policy 1.

380. 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
- (c) Meets the criteria set out in Clause (3), and as noted no criteria has been set.

381. Policy 1 directs that 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.*

Policy 1(a)(i) and (ii)

382. In essence, by adopting the Living Z zoning, the proposal is likely to provide housing of a typology which is largely reflective of that already existing in Rolleston. The Living Z provisions do provide for a variety. As noted in Mr Phillips' analysis, the zoning provides for a variety of residential densities, including low density (average allotment size of 650m² and a minimum allotment size of 550m²), medium density small lot (maximum average of 500m² with a minimum of 400m²) and medium density comprehensive (maximum average of 350m² with no minimum site size) with the higher density 15hh/ha residential areas located adjacent to key open spaces and green corridors. Mr Phillips' assessment noted that the proposal enables a variety in housing but other than by way of adopting existing density rules, it does not specifically prescribe them.
383. I accept that in terms of the overall Greater Christchurch market, the plan change does assist in providing a variety of homes, particularly given the level of intensification occurring in Christchurch City itself.
384. It does however, and as identified by Ms White, remove the large lot/rural residential zoning. In doing so, it will, to a degree, reduce choice and variety in and around Rolleston. Given that this is a private plan change in relation to particular blocks of land, this does not enable an assessment of where that large lot/rural residential capacity can be replaced or provided.
385. In relation to enabling Māori to express their cultural traditions and norms, Mr Phillips' assessment noted that while there was nothing specifically addressing that issue, it would otherwise enable Māori to express their cultural traditions and norms to the extent relevant to the site and context. I acknowledge that no specific issues have been identified in relation to the site context. I consider it is essentially neutral in that regard.

Policy 1(b)

386. In terms of Policy 1(b), local retail facilities are proposed for residents within the plan change site.

Policy 1(c)

387. Ms White shared the concerns of some of the submitters that the proposal would provide limited accessibility between the proposed housing area and jobs (her emphasis) by way of active transport. She considered that the location of the site does not provide sufficient local employment to meet the needs for the potential residents and therefore relies on residents travelling for employment. She advised that it was her understanding there were not enough employment opportunities within Rolleston itself for the additional households created, and the distance to employment opportunities in Christchurch would mean active transport opportunities are not practicable.

388. In terms of active transport connection, Ms White noted that a number of recommendations had been made. Ms White accepted that if the recommendations were accepted, that would provide active transport accessibility between the site and local (her emphasis) jobs and facilities. In terms of public transport, Ms White considered there was nothing about the site that would mean it could not be served by public transport. She also noted that Our Space seeks to direct additional capacity to Rolleston (relevantly) in order to support public transport enhancement opportunities.¹⁵⁹ She considered the Request would therefore be consistent with that direction in broad terms. She also noted that having a compact urban form increases the ability to contribute to the uptake of public transport opportunities as well as reduced trip distances that enable active modes of transport.
389. Mr Phillips' assessment noted Policy 1(c) does not specify what form the accessibility should take. It simply seeks good accessibility for all people. In that context, his assessment considered that the site has very good accessibility given its proximity to State Highway 1, the local roading network, the rail corridor (and any future opportunities it may bring), the provision for alternative transport modes, varied densities, commercial centres, green links and reserves, and proximity to schooling.

Findings

390. I accept Ms White's opinion, and the view expressed by some of the submitters, that the proposal would provide limited accessibility between the proposed housing areas and jobs by way of active transport. This is on the basis that the location of the site does not provide sufficient local employment to meet the demands for potential residents. I agree that Christchurch is likely to remain of significant importance in terms of jobs. That makes accessibility by way of active transport somewhat difficult.
391. In terms of public transport, the site is not currently served by public transport, as is to be expected in an area which is not presently developed. Rolleston itself is reasonably well serviced by public transport and there is considerable work being done on possibilities for expanding that public transportation network. This includes consideration of rapid transit. The proposal is in accordance with the Our Space direction to direct additional capacity to Rolleston in order to support public transport enhancement opportunity.

Policy 1(d)

392. I have summarised the expert evidence of Mr Jones, Mr Akehurst, Mr Colegrave and Mr Copeland above. In my view, this proposal can clearly be seen as supporting and limiting, as much as possible, impacts on the competitive operation of land and development markets.

¹⁵⁹ Our Space page 28

Policy 1(e)

393. In relation to Policy 1(e), I received expert evidence from Mr Paul Farrelly. His evidence addressed a number of matters, including greenhouse gas emissions from existing land use and future anticipated greenhouse gas emissions from the plan change. Mr Farrelly considered it important to evaluate both the emissions from the existing land use and the anticipated emissions arising from the new land use. He advised a considerable level of greenhouse gas emissions were already occurring on the Holmes and Skellerup Blocks as a result of livestock being grazed. He noted this is primarily methane which has a greater impact on global warming than carbon dioxide.
394. He advised that while new emissions will arise from the construction and operation of the dwellings, and travel undertaken by residents, those emissions would likely occur elsewhere in New Zealand if this development does not proceed, due to the need to build more houses to accommodate a growing population. Over a 90 year life-cycle, he considered energy usage the most significant source of emissions and that occurs in residential developments followed by embodied carbon building materials.
395. He advised that standalone or detached housing emissions are much lower on a per metre basis than the emissions of apartments or multi-storey developments, primarily as a result of different construction materials. He noted the potential for solar PV uptake is much greater on standalone homes due to the much greater ratio of useable roof area to floor area.
396. He identified the greenhouse gas emissions arising from increased travel between Rolleston and Christchurch and identified that as an issue but over time the frequency of travel between Rolleston and Christchurch will reduce due to working from home becoming more prevalent, and Rolleston's growth would result in a greater proportion of trips remaining within the local area. He also considered the greenhouse gas emissions impact of commuting trips is likely to reduce with the uptake of electric vehicles which he considered likely to be faster in the "commuter-belt" areas such as Rolleston where the daily commute distance is such that there is a strong economic incentive via fuel cost savings and the round trip distances not so long that range anxiety becomes an issue. He further noted that the uptake of EVs is likely to be greater in properties with a garage as opposed to residences located in denser urban areas.
397. In terms of the existing use of the site, he calculated emissions based on a total of 840 cows. He identified the Living 3 Zone had taken effect in March 2012 but given the land use had not changed in nine years that suggested to him the economic case for low density housing was not strong enough to encourage its development. As such he expected that if the plan change were not to go ahead, the land would most likely continue to be used for grazing. He calculated the existing land use produced 1,435 tonnes of CO₂-e per annum, excluding fossil fuels used on the farm, fertiliser application and similar. If he applied the Global Warming Potential value of 28 for calculating methane, then the emissions increase to 1,607 tonnes CO₂-e. He advised that was the equivalent of 16 million vehicle kilometres travelled in a typical New Zealand vehicle or the average annual electricity usage emissions for approximately 2,300 houses. He

also considered that from an emissions intensity perspective (that is, emissions per resident) there is a benefit in increasing the density of housing in the development from the current zoning. For a number of reasons, he considered that the emissions/per person arising from housing can be expected to be lower for houses developed under the applicable Living Z Zone rules than those which would be developed under Living 3 rules.

398. In response to the CCC's submission, he acknowledged that 40% of people in Rolleston North currently travel into Christchurch for work or school, but he expected to see a significant reduction in the occurrence of travel between Rolleston and Christchurch as Rolleston grows and working from home becomes embedded as a new normal.
399. Overall, on balance, he considered the proposed development likely supports a reduction in greenhouse gas emissions, relative to other development opportunities available in the Greater Canterbury region.

Discussion and Findings

400. I agree with Mr Phillips' opinion that the NPS-UD is focused on New Zealand's urban environments as a whole when addressing greenhouse gas emissions rather than strictly mandating reductions on a site by site basis. By reference to his Attachment 5, he noted that the proposed ODPs provisions for alternative transport modes, connectivity and accessibility, and the potential for servicing by public transport, would directly support reductions in greenhouse gas emissions. He considered the evidence of Mr Farrelly otherwise addresses how the proposal will support reductions including increased EV uptake and work from home, destocking and associated reduction in methane emissions, and reduced lifetime energy usage emissions associated with the predominant standalone housing typologies.¹⁶⁰
401. Mr Tallentire, in his Summary, referenced the suggested uptake of electric vehicles and that current travel patterns would change as increased levels of home working became more imbedded in employment practices. He considered that those changes were at an early stage and are not without challenges in their implementation. He considered that, understandably, no authoritative evidence is provided to substantiate or quantify the veracity of those trends and that any such shifts would largely be derived from advances unrelated to PC73 itself.¹⁶¹
402. I found Mr Farrelly's evidence helpful and informative. We discussed matters at some length during the hearing process. While there was no quantification of anticipated emissions from commuting, there were discussions about the increased use of working from home and the growth in electric vehicles.
403. Other than the change from the existing land use, there was nothing proposed by the Applicant to specifically address greenhouse gases or to encourage sustainable energy use. I acknowledge that linkages via pedestrian/cycle paths may assist. I also acknowledge that Our

¹⁶⁰ Statement of Evidence of Jeremy Goodson Phillips 13 September 2021 at para [66.1]

¹⁶¹ Summary Statement of Keith Tallentire, planning, for CRC and CCC 29 September 2021 at para [12(c)]

Space seeks to direct additional capacity to Rolleston (in so far as it relates to the Selwyn District) to support public transport enhancement opportunities.

Overall Finding on Policy 1

404. I remain concerned in relation to the compact form issue and what I consider to be reliance on future “infilling” to provide a compact form. Looking at PC73 on its own merits, I have some residual concern as to whether or not it contributes to a well functioning urban environment.
405. However, I accept Ms White’s opinion that the proposal can broadly be considered to contribute to a well functioning environment. There are however a number of caveats on that and particularly what I perceive to be a reliance on proposals which are not presently before me and do not form part of this proposal. Notwithstanding those misgivings, on balance I consider it appropriate to have particular regard to the development capacity provided by the proposal.

CRPS

406. As identified earlier in this Recommendation, there is a clear inconsistency of this plan change with Objective 6.2.1(3), Objective 6.2.6, Policy 6.3.1 and Policy 6.3.6. But for the NPS-UD and the responsive planning provisions, this Request would have faced an insurmountable hurdle.
407. The Request contained an assessment of the plan change provisions against the CRPS.¹⁶² Ms White considered that assessment identified the relevant objectives and policies and agreed with the assessment except where she expressly stated otherwise.
408. Ms White addressed Objective 5.2.1 and identified the following as particularly relevant:

- 1 *Achieves consolidated, well-designed and sustainable growth in and around existing urban areas as the primary focus for accommodating the region’s growth;*
 - 2 *Enables people and communities, including future generations, to provide for their social, economic and cultural wellbeing and health and safety; and which: (relevantly)*
- ...
- (b) *provides sufficient housing choice to meet the region’s housing needs;*
- ...
- (f) *is compatible with, and will result in the continued safe, efficient and effective use of regionally significant infrastructure;*
- (g) *avoids adverse effects on significant natural and physical resources including regionally significant infrastructure, and where avoidance is*

¹⁶² Table 9 of Attachment 6: Section 32 Evaluation

impracticable, remedies or mitigates those effects on those resources and infrastructure;

...

(i) *avoids conflicts between incompatible activities.*

409. In terms of consolidation and well designed growth, Ms White noted Mr Nicholson's view that the Holmes Block was poorly connected and isolated from the Rolleston Township, and that the Skellerup Block would have low levels of connectivity with Rolleston and would not contribute to its compact urban form.

410. Ms White considered that Objective 5.2.1 was particularly relevant with respect to the PWTP which falls within the CRPS definition as 'regionally significant infrastructure' but considered that Objective 5.2.1(g) and (i) were also relevant to the PRRP. Ms White also noted her view that the direction in both Objective 5.2.1 and 6.2.1 was particularly relevant to the plan change and ultimately requires that the development facilitated by the Request:

- (a) Does not affect the continued operation of the PWTP but also does not adversely affect the ability for upgrades and future planning associated with it to be implemented; and
- (b) Does not impede the optimal use of either the PWTP or PRRP or result in conflict between the proposed higher density residential use and those facilities.

411. While noting that Mr Bender generally considers that the various proposed setback distances are appropriate to address the potential for reverse sensitivity effects to arise as a result of the odour from the PWTP and PRRP, she had concerns about the appropriateness of the proposed separation distance from the PRRP composting activity and that there was potential for reverse sensitivity effects on the PRRP to result. She also noted Mr England's concerns that the Request had the potential to frustrate the consenting and ultimately the delivery of the proposed expansion to the PWTP which was required to service this site as well as other planned growth. In its current form, Ms White considered it did not give effect to Objectives 5.2.1 and 6.2.1.

412. Ms White also had concerns in relation to Policy 6.3.5 and recorded her view that to satisfy the direction in that policy there would need to be:

- (a) Satisfaction that provision of infrastructure to service the site could be done in such a way that it would not undermine coordination of the integration of infrastructure with other planned development; and
- (b) Satisfaction that the development would not compromise the efficient and effective functioning of the PWTP and PRRP.

413. In her s42A Report, Ms White expressed her view that the Request did not achieve those.

414. Mr Phillips identified that he was in agreement with Ms White that the proposal is contrary to those provisions which direct where urban growth is to be located, albeit Policy 8 of the NPS-UD overcomes this conflict and allows for responsive decision-making.
415. In relation to the matters where Ms White considered conflict or tension existed, he noted that Mr Compton-Moen and Ms Lauenstein generally had addressed how the proposal will support consolidated and well designed urban form and growth and accordingly he considered the proposal (incorporating amended rules and ODP provisions) will give effect to Objective 5.2.1.
416. Referencing the evidence of the air quality experts and amendments to the rules, he concluded that the proposal would not affect the continued optimal operation of the PWTP or PRRP or the ability for upgrades and future planning associated with the PWTP to be implemented, nor result in conflict in the form of reverse sensitivity effects and accordingly would give effect to Objectives 5.2.1 and 6.2.1. He considered the proposal gave effect to the CRPS.
417. Mr Tallentire's evidence focused on Chapter 6 noting that some of the Issues and Objectives within Chapter 5 applied across the entire Canterbury Region, while others applied outside the Greater Christchurch area.
418. He advised that Chapter 6 was promulgated to promote a more sustainable urban environment and tackle the challenges identified in the Issues. That introduced a directive framework for urban growth and development and sought to consolidate existing urban settlements. He noted this was considered as being the form of development most likely to minimise adverse effects of travel for work, education, business and recreation, minimise the costs of new infrastructure and avoid adverse effects of development on sensitive landscapes, natural features and areas of high amenity.¹⁶³
419. He considered that Map A and the directive objectives and policies provided for certainty for development, encouraged sustainable and self-sufficient growth of the key towns, enabled efficient long term planning and funding for strategic, network and social infrastructure such as schooling and healthcare, and protected significant natural and physical resources.
420. In his paragraph [46], he identified a number of other provisions that he considered to be relevant including:
- (a) Objective 6.2.1a – that sufficient, feasible development capacity for housing is enabled in Greater Christchurch in accordance with the targets set out in Table 6.1;
 - (b) Objective 6.2.4 and Policies 6.3.4 and 6.3.5 in relation to transport effectiveness and integration of land use and infrastructure;
 - (c) Policy 6.3.7 in relation to densities; and

¹⁶³ Statement of Evidence of Keith Roger Tallentire on behalf of CRC and CCC 20 September 2021 at para [37]

- (d) Policy 6.3.11 in relation to review and methods to demonstrate that there is available supply of residential and business land and the circumstances for initiating a review.

421. Mr Phillips in his Summary provided at the hearing addressed aspects of Mr Tallentire's evidence. He considered it important to draw attention to a number of provisions. In terms of Objective 5.2.1, he identified (b) – provides sufficient housing choice to meet the region's housing needs; and noted the anticipated environmental results; 10 – Greenfield development is provided for at a rate that meets demand and enables the efficient provision and use of infrastructure; and 21 – Sufficient opportunities for development are provided to meet the housing and business needs of people and communities – both current and future¹⁶⁴.
422. It was Mr Phillips' opinion that the provisions underpin and explain the rationale for the framework described by Mr Tallentire. Mr Phillips concluded that the housing needs and demands referred to are not adequately met. It was therefore his view that while the growth proposed by PC73 was not expressly provided for by the CRPS and related SDP provisions, it was not necessarily inconsistent with the outcomes (his emphasis) sought.
423. Mr Phillips also addressed Mr Tallentire's evidence in relation to CRPS Policy 6.3.5. He considered that it ultimately seeks the coordination of development and infrastructure. He also identified that Policy 6.3.5(2) specifically seeks that the nature, timing and sequencing of new development is "*coordinated with the development, funding, implementation and operation of ... infrastructure*". He noted that clause (2)(e) of the policy seeks that appropriate infrastructure is in place at the time new development occurs.

Discussion and Finding on CRPS

424. The issue of whether or not this proposal gives effect to the CRPS is of course somewhat complicated by the strong avoidance objectives which I have addressed above. While I have concluded that they do not preclude the approval of this plan change, those provisions, and the reasoning underlying them, remain relevant.
425. As noted by Ms White, Objective 6.2.1 is broader than simply referring to locations for urban growth, and also seeks that recovery, rebuilding and development are enabled within Greater Christchurch through a land use and infrastructure framework that:
9. *integrates strategic and other infrastructure and services with land use development*
 10. *achieves development that does not adversely affect the efficient operation, use, development, appropriate upgrade, and future planning of strategic infrastructure and freight hubs;*
 11. *optimises use of existing infrastructure;*

¹⁶⁴ Statement of Evidence of Jeremy Goodson Phillips 13 September 2021 at para [24]

426. I agree with Ms White's view that the direction in both Objective 5.2.1 and 6.2.1 is particularly relevant to the plan change and ultimately require that the proposal does not affect the continued operation of the PWTP, adversely affect the ability for upgrades and future planning associated with it, and does not impede the optimal use of either the PWTP or PRRP or result in conflict between the proposed higher density residential use and those facilities.¹⁶⁵
427. Policy 6.3.5 is directly relevant. It focuses on the recovery of Greater Christchurch being assisted by the integration of land use development with infrastructure. These include identifying the priority areas for development; ensuring timing and sequencing of new development is coordinated with development, funding, implementation and operation of infrastructure. It also directs the maintenance or enhancement of the operational effectiveness, viability and safety of existing and planned infrastructure; protection of investment in existing and planned infrastructure; and ensuring new development does not occur until provision for appropriate infrastructure is in place.
428. The remaining provisions of the Policy address the maintenance of efficient and effective functioning of infrastructure and that the ability to maintain and upgrade that infrastructure is maintained; and only providing for new development that does not affect the efficient use, development, appropriate upgrading and safety of existing strategic infrastructure and managing the effects of land use activities, including avoiding activities that have the potential to limit the efficient and effective provision, operation, maintenance or upgrade of strategic infrastructure and freight hubs.
429. The integration of land use and infrastructure is clearly an important policy plank of the CRPS. While I do not agree with Mr Tallentire's view that Policy 6.3.5 requires infrastructure to be in place at this stage, there is a clear directive on the need for integrated management and coordination. There is also a clear direction to avoid activities that have the potential to limit the efficient and effective provision, operation and maintenance or upgrade of the strategic infrastructure and freight hubs.
430. Given my discussion in relation to potential reverse sensitivity issues, I consider there is a clear tension with Objective 5.2.1, Objective 6.2.1, and Policy 6.3.5 of the CRPS. Assessing PC73 on its merits, I remain concerned in relation to the compact form and consolidation issue.

CLWRP and CARP

431. Ms White identified that under s75(4)(b) of the RMA, the SDP cannot be inconsistent with the regional plan, which in respect to this Request, she considered included the CLWRP and the CARP. She noted that the establishment of activities within the plan change site will either need to meet permitted activity conditions of those plans or be required to obtain a resource consent. In her view, the effects associated with requirements under the regional plans could

¹⁶⁵ S42A Report at para [186]

be considered at the time of detailed development and overall she concluded that there was no inconsistency. I agree

Mahaanui Iwi Management Plan (IMP)

432. The IMP is a planning document which is recognised and has been lodged with the SDC. Pursuant to s74(2A) of the RMA, in considering this plan change, I must take it into account.
433. The Request included an assessment of the relevant provisions within the IMP at paragraphs [191] to [198] of Attachment 6: Section 32 Evaluation. Ms White agreed with the content and conclusions of that assessment. I accept that assessment. I do not consider the IMP creates any difficulties in relation to this proposal.

Consistency with Plans of Adjacent Territorial Authorities

434. Ms White identified that matters of cross-boundary interest are outlined in the SDP in Section A1.5 of the Township Volume. She noted of relevance to PC73 this includes effects on the strategic and arterial road network from people commuting between Selwyn and Christchurch, and the methods state that this is to be identified as an effect of residential growth in the SDP, and notes that CCC can submit on plan change issues and had not raised the inconsistency point.
435. CCC has submitted on this proposal and I have taken its concerns into account. I am satisfied that there is no relevant inconsistency to a degree that is relevant to the plan change process.

Management Plans and Strategies Prepared Under Other Acts

436. 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.
437. I have considered all the documents he has identified. The documents identified included Our Space.¹⁶⁶ 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.¹⁶⁷
438. 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.

¹⁶⁶ Our Space 2018–2048 Greater Christchurch Settlement Pattern Update

¹⁶⁷ Our Space, Message from the Strategy Partners

439. 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.¹⁶⁸
440. 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 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.¹⁶⁹
441. Mr Baird also advised that the township network outlined in Selwyn 2031 seeks growth relative to the centre's role in the District.
442. 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.
443. 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.

¹⁶⁸ Ben Baird Memorandum 19 August 2021 at para [23]

¹⁶⁹ Ben Baird Memorandum 19 August 2021 at para [24]

Discussion and Findings

444. I consider the proposal is consistent with a number of the provisions of Selwyn 2031. This is particularly so in relation to the role of Rolleston being identified as a District Centre which functions as the primary population commercial and industrial base of the District.
445. In its overview Selwyn 2031 addresses the strategic approach and records that the Council is committed to establishing and implementing a strategic planning framework for accommodating the projected rapid growth rate. In particular, there is a need to coordinate urban growth with the provision of affordable infrastructure and to integrate new growth areas with existing townships. It also notes that there is a need to address the tension between accommodating growth in a consolidated manner, providing a range of housing types to meet the varying housing needs of the community, and maintaining the open rural spaciousness identity of the District.
446. To manage these issues and to give effect to the urban growth framework contained within the higher level CRPS, it notes that the Council needs to take a directive role in determining where, and in what fashion, urban growth is to occur. This is described as a change from a market-led to a community-led approach which was first initiated through Council's involvement in the UDS.¹⁷⁰
447. Strategic Direction 1.1 identifies the strategic approach to managing urban growth. 1.2 is to concentrate urban expansion within the Greater Christchurch Area and seeks to provide sufficient zoned land to accommodate projected household and business growth and to assist with the earthquake recovery within the Greater Christchurch Area. 1.3 addresses integration of land use and infrastructure and seeks to ensure that appropriate infrastructure, resources and development capacity is in place to meet the community's needs and which is consistent with the strategic direction of urban growth. 1.4 addresses the compact urban form and seeks the promotion of consolidation and intensification within existing townships to maintain a clear urban/rural interface, retain rural outlooks and minimise the loss of productive farm land.
448. All of those matters identified are relevant. It is a document which I am to have regard to and that requires giving it genuine attention and thought and appropriate weight. A number of the matters addressed in it, including infrastructure, development capacity and similar, are addressed more specifically elsewhere in this Recommendation.

Rural Residential Strategy

449. Mr Baird identified the Rural Residential Strategy which was adopted by Council in June 2014. This is a comprehensive document, albeit, being of some age. It identifies a number of issues with rural residential development including that rural residential forms of development have been identified in the LURP, and other related strategic planning instruments, as being less

¹⁷⁰ Selwyn 2031 at page 32

sustainable than urban densities.¹⁷¹ Paragraph 4.50 of that Strategy lists a number of issues which “highlight the range of trade-offs” in facilitating rural residential development.

450. The Strategy goes on to discuss peri-urban rural residential development and the table at 5.21 lists the benefits of the peri-urban rural residential form.
451. Ms White recorded her understanding, from the decisions on Plan Changes 8 and 9, that it was intended for the plan change blocks to act as a transitional hybrid edge between the rural and urban areas, as well as to provide an additional rural residential housing choice. Ms White was concerned that the rezoning would lose the transition/hybrid function and reduce this type of housing choice. She accepted that may be appropriate but in her view it was much more difficult to make that determination in isolation and in particular this rezoning did not allow for consideration of alternate areas that may be suitable to provide for rural residential development, to replace the loss of this type of capacity which would result from PC73.
452. While the existing zoning of the plan change areas preceded the Rural Residential Strategy, it is still helpful in identifying the benefits and disbenefits of the existing zoning. I agree with Ms White that the rezoning would lose the transition/hybrid function and would reduce choice in relation to this type of housing. Again, I consider this is relevant to the overall appropriateness issue.

RSP

453. As noted by Ms White, the RSP was a strategy prepared under the Local Government Act and was a matter to have regard to under s74(2)(b)(i). She noted it was developed as part of delivering the UDS and sought to provide a strategic framework to manage rapid growth occurring and anticipated within Rolleston. Ms White identified the stated purpose as being *“to consider how existing and future development in Rolleston should be integrated in order to ensure that sustainable development occurs and makes best use of natural resources”*. She noted that the site was located outside the area covered by the RSP. She considered that there was inconsistency with the plan change and the RSP in that one of the urban design principles contained in the RSP is to clearly define the edge of the town through providing a strong buffer that maintains the rural feel beyond the urban limit. She noted that the current zoning reflects the intention for those areas to act as a buffer/transition area.
454. Mr Phillips noted that it had been released in September 2009 and that its boundaries were determined when the proposed Metropolitan Urban Limit for Rolleston was established and formally adopted by Council in July 2008.
455. He shared Ms White’s view that the RSP offered useful principles for further development generally, rather than detailed planning for individual growth areas. He referred to Ms Lauenstein’s evidence which adopted a similar position describing the RSP as a key document

¹⁷¹ Rural Residential Strategy at [4.49]

that still relevantly guides the overall structure and direction of growth, but not necessarily the specific or finite physical extent of growth (in terms of urban limits and/or timelines). Overall, Mr Phillips considered PC73 to be generally consistent with the principles in the RSP.

Discussion/Finding

456. Clearly, the plan change areas sit outside the RSP. The RSP is of some age but in my view it is still a very relevant document. On Mr England's evidence it remains relevant in infrastructure planning and allocation. It is not of course determinative but does assist in informing a determination as to the overall question of what is the most appropriate outcome.

Section 32

457. 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.

458. The s32 report that formed part of the Request noted that the existing objectives are assumed to be the most appropriate for achieving the purpose of the RMA having previously been assessed as such. Ms White agreed.

459. The s32 analysis identified that in regard to the more general objective of the proposal, being the purpose of the proposal, the objective is to provide for an extension of the adjoining existing urban residential area of Rolleston (with provision for some associated local business and services) in a manner that adds significantly to development capacity and provides for increased competition and choice in residential land markets.¹⁷²

460. It went on to state that the provision for a variety of densities (including medium density and lower density development) within the plan change area was considered to be appropriate to provide choice, help address declining housing affordability, and enable persons and the community to provide for their health and wellbeing, while avoiding, remedying and mitigating potential adverse effects.¹⁷³

Objectives and Policies of the SDP

461. As identified in the s32 evaluation, s32(1)(b) requires examination of whether the proposed plan change provisions are the most appropriate way of achieving the District Plan objectives. The evaluation addressed those in tabular form.¹⁷⁴

462. Ms White generally agreed that the assessment had identified the relevant objectives, as well as a range of supporting policies. She agreed with the Applicant's assessment other than in relation to Objective B4.3.4, Objective B3.4.3, Objective B3.4.4 and Objective B3.4.5. There

¹⁷² s32 Evaluation at para [126]

¹⁷³ s32 Evaluation at para [127]

¹⁷⁴ s32 Evaluation at para [128]

was no disagreement that the proposal would not achieve Objective B4.3.3 which seeks that within the Greater Christchurch area, new residential development is contained within existing zoned areas or priority areas identified within the CRPS.

463. In terms of Objective B4.3.4, Ms White noted that it seeks that new areas for residential development support the *“timely, efficient and integrated provision of infrastructure, including appropriate transport and movement networks through a coordinated and phased development approach”*. Ms White considered that objective seeks more than just looking at the ability to service a site in isolation. It expressly seeks the provision of infrastructure is undertaken in an integrated way that is coordinated and phased. She considered this was particularly important when considering if the proposal may impact on the ability for the PWTP to be upgraded to provide additional capacity, and similarly on the ability for the PRRP to increase its activities (particularly composting) to serve the growing population.
464. Ms White discussed Objective B3.4.3. She recorded that seeks that reverse sensitivity effects between activities are avoided; and Policy B2.2.5 seeks to avoid potential reverse sensitivity effects of activities on the efficient development, use and maintenance of utilities. She considered, taking into account the direction in Policy B2.2.5 as well as the overarching direction in the CRPS, the proposal needed to account for planned development of the PWTP.
465. Mr Phillips noted Ms White’s reference to the directions in Objective B4.3.4, B3.4.3, Policy B2.2.5 and the overarching direction in the CRPS in regards to the efficient development, use and maintenance of utilities and infrastructure and avoiding reverse sensitivity effects. He accepted that assessment but considered the amendments to the proposal and the evidence of Ms Nieuwenhuijsen and Mr Van Kekem confirmed the proposal would achieve those objectives.
466. In relation to Objectives B3.4.4 and B3.4.5, Mr Phillips provided the full text of those provisions highlighting the use of the words *“Growth of existing townships has a compact urban form ...”* and Objective B3.4.5 highlighting the words *“and adjoining townships will provide a high level of connectivity both within the development and with adjoining land areas (where these have been or are likely to be developed for urban activities ...)”*.
467. Mr Phillips considered it notable that Objective B3.4.5 contemplates growth adjoining townships and necessarily therefore a less compact urban form for such townships as they grow outwards. Secondly, he considered that as the objective seeks connectivity within the subject land and with adjoining land which is *“likely to be developed for urban activities”*, indicated acceptance that urban growth may be detached for a period of time. Noting that, he considered Objective B3.4.4 seeks that growth (rather than the existing township as a whole) has a compact urban form and provides a variety of housing. He considered this interpretation to be consistent with Policy B4.3.6 which seeks to *“Encourage townships to expand in a compact shape where practical”* (his emphasis).

468. On the basis of the evidence of Ms Lauenstein and Mr Compton-Moen, he considered that the proposal would achieve a high level of connectivity *with adjoining land areas (where these have been or are likely to be developed for urban activities)*.

Findings

469. While I understand the rationale for Mr Phillips' view as addressed above, I do not consider that Objective B3.4.4 is in essence limited to growth rather than existing townships. My reading of the relevant provisions are that it seeks to achieve an overall compact urban form rather than simply focusing on growth. I note the explanation to Policy B4.3.6 in relation to encouraging townships to expand in a compact shape where practical, provides examples of where such may not be practical. Those matters do not appear to impact on Rolleston.
470. Having considered the evidence and submissions, in my view, there remains a degree of tension with the key SDP objectives when read as a whole. I have addressed the issues relating to potential reverse sensitivity effects earlier. I have also discussed the absolute reliance which growth in the Selwyn District has on the upgrading of the PWTP in particular. I acknowledge the methods proposed by the Applicant to address it. I retain a residual concern in relation to that infrastructure and its protection. Any risks to its ongoing operation and development, particularly in relation to the PWTP, but also in relation to the PRRP, are not appropriate. The importance of that infrastructure to the future growth of the Selwyn District cannot be overstated.
471. I acknowledge the potential reverse sensitivity effects could be further addressed by way of a greater setback or similar. In my view, the changes proposed by the Applicant do not go far enough to ensure that Objective B4.3.4 is implemented. Any increase in separation distances would need to be carefully considered in terms of the overall proposal and the impact it would have on development opportunities, urban design issues and similar. In my view, reverse sensitivity effects cannot be addressed, in an integrated way, simply by the inclusion of an extended setback on the ODP for the Holmes Block.
472. In terms of the compact urban form and connectivity, I consider that is less of an issue with the Holmes Block, given a number of the changes which have been put forward, and including that in respect of the road frontages.
473. Mr Nicholson remained of the view that because the Skellerup Block is surrounded on three sides by rural land, and the proposed street connections to the east onto Dunns Crossing Road, meant that the network proposed by the Skellerup Block would provide a low level of connectivity with Rolleston Township.¹⁷⁵ Mr Nicholson acknowledged that if the adjacent rural land is to be rezoned, then the proposed ODP would allow the Skellerup Block to become more connected in the future but he was concerned that this reliance on the rezoning of adjacent rural land meant the Applicant was effectively pre-supposing the preferred direction

¹⁷⁵ Response to Minute No 4 at [2.6]

of urban growth for Rolleston and the outcome of future rezoning processes with adjacent rural land. I accept Mr Nicholson's evidence and again note what I consider to be the reliance by the Applicant's witnesses on what may or may not happen in the future to the surrounding rural land.

Outline Development Plans

474. Having reviewed the revised ODPs, I consider they do address all matters necessary and are consistent with the ODPs contained within the SDP.

Objectives and Policies - PDP

475. The s32 evaluation included a discussion of the PDP, while noting limited weight could be afforded to the provisions. Ms White also addressed those provisions briefly in her s42A Report. There are no decisions on the PDP and I understand there will be no decisions/recommendations until the end of the process. The urban growth objectives and policies do not, in my view, indicate any sea change from the present SDP. The evaluation acknowledged that the proposal was not consistent with the urban growth related provisions which seek to limit growth to identified locations within Rolleston.
476. Other than to note that this land is not identified for residential intensification, I do not give any weight to the provisions of the PDP at this early stage.

Benefits and Costs

477. The s32 evaluation forming part of the Request stated that three options had been considered. In fact four were addressed. Option 1 was identified as leaving the area zoned Living 3. The benefits of this option included maintenance of existing character and amenity; no time or costs arising from plan change process; no additional demands on infrastructure; and caters for demand for rural residential activity. In terms of the costs, they were assessed as not meeting market demand for residential sites in Rolleston; and an inefficient use of the land resource as the current zoning neither provides for the productive rural activity/use or efficient residential development and use.
478. Option 2 is the rezoning as proposed. The benefits and advantages include an increase in availability of allotments within Rolleston Township; economic benefit from a larger rating base; economic benefit to the landowner; provision of high quality residential amenity for future residents; and additional supply of housing which *"will assist in avoiding price rises resulting from otherwise suppressed housing supply"*. The costs and disadvantages were change in character and amenity; increase in traffic generated in and around Rolleston; additional infrastructure capacity required to be provided at developer's cost; loss of low productivity rural residential land; and potential displaced demand for rural residential housing that needs to be met elsewhere.

479. Option 3 is to apply for resource consent. The benefits were listed as the ability to more fully assess the proposal; ability to place stricter controls; and, if granted, allowed for a greater number of allotments with associated efficiency of land development. The costs and disadvantages were the need for existing and future purchasers to obtain consent if they wanted to alter uses beyond what is permitted or already consented; restricted timeframe in which land has to be developed and houses built leading to potential economic costs for landowner/developer; less flexibility; higher costs to develop the land; high difficulty of obtaining resource consent for non-complying activity status subdivisions; change in character and amenity; increased traffic; additional infrastructure capacity; and loss of low productivity rural residential land.
480. Finally, Option 4 identified the application for multiple/discrete plan changes in alternative locations. The benefits and advantages cross-referenced those accruing on this proposal together with distribution of growth to other locations. The costs and disadvantages were the same as Option 2 together with reduced economies of scale for small-scale and discrete plan changes, and fragmented/ad hoc development for multiple/small-scale proposals.
481. Overall, it concluded that the costs of Options 3 and 4 outweighed the benefits. It noted that numerically the benefits of Option 1 outweighed the costs but the lost opportunity to provide for additional residential housing capacity carries considerable weight. For Option 2, the proposal, it concluded that the benefits outweigh the costs.
482. Option 2 was considered to be the most effective means of achieving the objective of the proposal in a manner which adds significantly to development capacity and provides for increased competition and choice.

Conclusion on Benefits and Costs

483. I accept that PC73 does have a number of benefits and in particular the benefits of additional capacity to meet demand in an area where there appears to be a significant demand. As noted earlier, there also appear to be reasonably significant economic benefits, provided of course that this is not simply displacing growth within other areas identified within Rolleston as FDA.
484. There will be localised amenity costs which will affect the local residents. There are also the costs in relation to providing infrastructure and similar, although those costs will largely be met by the Applicant. There is a potential cost in relation to reverse sensitivity effects on the strategic infrastructure. While that cost may be of low probability, given the critical importance of the PRRP and the PWTP, any such costs would be significant.
485. I acknowledge and agree with Ms White's opinion that if it were to be found that the proposed setbacks were not sufficient to avoid reverse sensitivity effects, and houses have been established, there is a potential cost on the SDC and its ratepayers. It is unlikely that the houses would be removed. From what I understand from Council's evidence, the PRRP and

the PWTP were located where they are on the basis of their separation from potential sensitive activities and that the RSP directed growth towards the south.

Need for a Comprehensive Approach

486. Mr Tallentire spent some time in his evidence discussing strategic planning in Greater Christchurch and its importance. He advised that a comprehensive spatial planning exercise has recently been initiated by the Greater Christchurch Partnership in conjunction with the delivery of the Greater Christchurch 2050 strategic framework and the establishment of an Urban Growth Partnership with the Crown.¹⁷⁶
487. He considered that provided the ideal opportunity to undertake comprehensive engagement and strategically consider preferred locations for future growth, including identifying the broad locations in which development capacity will need to be provided over the long term.
488. Ms White remained of the view that the direction for future growth is better considered as part of a wider more comprehensive review and considered that the benefits of the bringing forward of this capacity now did not outweigh the potential risks of predetermining the direction of growth.
489. Mr Thomson in his evidence on behalf of Gallina Nominees Ltd and Heinz-Wattie Ltd Pension Plan noted that from an urban design perspective (and ideally where statutory plans and timeframes lined up and the housing market was not overheated), there is an obvious benefit in all of the land on the west side of Dunns Crossing Road being considered in a comprehensive manner and preferably all zoned at the same time. However he was of the view, having regard to the NPS-UD directives and the need to be expeditious in bringing significant housing to the market, a more responsive approach was required.¹⁷⁷ Mr Thomson was helpful in discussions in relation to this issue and in summary, advised that at times it is appropriate to take some risk, giving the example of Prestons.
490. In relation to this particular plan change, I am of the view that the growth to the west of Dunns Crossing Road would be better addressed on a more strategic basis. That could potentially occur through submissions on the PDP where there is likely to be a greater ability to consider alternatives. As noted, in my view, the conclusions of a number of the Applicant's witnesses seem to place considerable weight on what was almost seen as the inevitability of development to the west. In circumstances where I am addressing this particular plan change, I am unable to make that determination on the evidence before me.

Risks of Acting or Not Acting

491. I am satisfied that I have sufficient information before me to identify the risks associated with acting or not acting. They have largely been identified and considered throughout this

¹⁷⁶ Statement of Evidence of Keith Roger Tallentire on behalf of CRC and CCC 20 September 2021 at para [50]

¹⁷⁷ Statement of Evidence of Ivan Thomson for Gallina Nominees Limited and Heinz-Wattie Limited Pension Plan 20 October 2021 at para [16]

Recommendation. One risk of maintaining the status quo is that the land is developed in accordance with its existing zoning and could potentially impact by limiting development opportunities in the future. I note that the land has been zoned for rural residential use for approximately ten years and, as far as I am aware, no steps have been undertaken to give effect to that zoning.

NPS-UD Clause 3.11 Using Evidence and Analysis

492. 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.

493. 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.

494. I have used the HCA and evidence provided in relation to the achieving of well functioning urban environments, and the requirements to provide at least sufficient development capacity.

Section 32AA

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

496. There are a number of changes proposed to the ODP. Those addressing connectivity, including the more open and active road frontage, are of benefit. However, the benefit of the other connectivity changes rely on future development on neighbouring land.

497. The changes proposed to address reverse sensitivity issues, and particularly the reconsenting of the PWTP, and those relating to transportation network improvements, may delay allotments becoming available and delay improvements in capacity.

498. The changes in relation to the maximum lot numbers pending the various roading upgrades are unlikely to cause significant delay.

499. In my view, the changes to address the potential reverse sensitivity issue do not go far enough to achieve the protection of the key infrastructure.

Section 31

500. While PC73 would certainly assist in enabling additional residential capacity and choice, I have some doubts as to whether it can achieve integrated management of effects, particularly in light of the potential reverse sensitivity effects.

Part 2 Matters

501. I note that there was largely agreement between the reporting officer and the Applicant in relation to the SDP largely reflecting and addressing the relevant Part 2 matters. No matters of national importance which are directly relevant to the site were identified. In terms of s7, this is something of a two-edged sword. Arguably the increase in density is a more efficient use of that land. However, I do remain concerned in relation to integration with the efficient use and development of the strategic infrastructure which I have discussed above.
502. In terms of s8, I accept that there are no explicit s8 matters in play. Nothing has been expressly identified in relation to this site.
503. Overall, Mr Phillips considered the proposal as amended as the most appropriate way to achieve the purpose of the RMA.
504. Ms White concluded that the rezoning was not the most appropriate way to achieve the purpose of the RMA primarily on the basis that:
- (a) In relation to the Holmes Block, there was uncertainty around the sufficiency of the buffer provided with respect to the PRRP's composting operations; and
 - (b) The lack of connectivity of the Skellerup Block with the surrounding area.
505. In presenting her Summary at the hearing, Ms White recorded that she remained of the view that the rezoning was not the most appropriate way to achieve the purpose of the RMA. In regards to the two key areas of disagreement, she considered that the potential impact of increased residential development on the PRRP and PWTP could likely be addressed through additional mitigation measures such as an increase to the extent of the odour constraint area and of itself did not preclude rezoning.
506. She remained of the view that the rezoning must be considered on its own merits and should not rely on the anticipation of development of the surrounding areas which do not form part of this Request. She considered that the direction for future growth was better considered as part of a wider more comprehensive review. She acknowledged that needed to be balanced against the significance of the development capacity provided. Overall she concluded that the benefits of bringing forward this capacity now did not outweigh the potential risks of predetermining the direction of growth. She considered it was ultimately a question of weight.

Overall Conclusion

507. In terms of the ultimate objective of the plan change and whether that achieves the purpose of the Act, I conclude, on balance, that it does not. That conclusion is reached after a consideration of all of the matters addressed in the body of this Recommendation and having had particular regard to the matters required. Those matters include the significant capacity which this plan change would ultimately provide.
508. Ms White's opinion was that the benefits of the bringing forward of this capacity now did not outweigh the potential risks of predetermining the direction of growth. She accepted that this was ultimately based on her placing greater weight on the latter rather than the former. In closing submissions, Counsel for the Applicant agreed with those comments but considered that the merits and benefits of bringing forward this capacity outweigh the potential risk of predetermining the direction of growth for Rolleston. I accept Ms White's opinion as correct.
509. Plan changes are of course an entirely appropriate way of addressing growth, and a method that is expressly anticipated by the NPS-UD. I am addressing the merits of this plan change as it stands. I do not consider it would be appropriate for me to place any reliance on a future environment incorporating, for example, the PC81 and PC82 sites. Those are of course subject to a separate process. I cannot place any weight on what may or may not happen on the land subject to those plan changes, or indeed other land to the west of Dunns Crossing Road.
510. Overall, I conclude that PC73 in its current form is not the most appropriate way to achieve the objectives and policies of the relevant planning documents, including the CRPS and the SDP. I acknowledge it will provide considerable capacity and I have had particular regard to that. I acknowledge that most of the effects identified by the submitters have been appropriately addressed. I remain concerned in relation to the potential reverse sensitivity effects related to the development of the Holmes Block, and matters relating to urban form and connectivity, particularly in relation to the Skellerup Block. Ultimately I conclude that approving PC73 would not be in accordance with the purpose and principles of Part 2 of the RMA.

Recommendation

511. 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 declines Plan Change 73 to the Selwyn District Plan.**
- (2) **That for the reasons set out in the body of my Recommendation, and summarised in Appendix A, the Council either accept, accept in part or reject the submissions identified in Appendix A.**



David Caldwell
Hearing Commissioner

Dated: 1 March 2022

SUBJECT TO DECISION OF COUNCIL