

22 December 2020

Rolleston West Residential Limited  
c/- Novo Group Limited  
PO Box 365  
CHRISTCHURCH 8140

Attention: Jeremy Phillips

Sent by email to: jeremy@novogroup.co.nz and tim@cartergroup.co.nz

Dear Jeremy,

**PC200073: Private Plan Change Request to the Operative Selwyn District Plan from Rolleston West Residential Limited in Rolleston – Request for further information**

Thank you for your application lodged on behalf of Rolleston West Residential Limited requesting a change to the Operative Selwyn District Plan. In accordance with Clause 23 of Schedule 1 of the Resource Management Act 1991, the following information is requested to enable Council to better evaluate the potential effects of the proposal, the ways in which adverse effects may be mitigated and the nature of consultation undertaken.

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

1. This Plan Change is heavily reliant on the NPS-UD to address the conflict with the Regional Policy Statement, particularly CRPS Objectives 6.2.1 and 6.2.2.5, and their associated policies.
2. The requests relies on Policy 8 as it assets that it would add significantly to development capacity. Paragraphs 136-138 of the plan change request discuss the theoretical existing capacity within Rolleston. However this assessment does not consider the percentage increase that the request will add to both the existing township and the wider district over the short/medium/long term timeframes considered by the NPS-UD. Please consider this and amend the assessment accordingly. In this regard, please consider the targets set out in Objective B4.3.9 in the Operative District Plan, as well as Our Space. Please note that at its meeting on 9 December 2020, Council adopted an update its Housing and Business Development Capacity Assessment for the short, medium and long term<sup>1</sup>. It is noted that there are a significant number of plan change requests currently lodged with Council. The capacity proposed within each of these should be considered in regards to the above request.
3. The assessment of the criteria in Policy 1 of the NPS-UD for 'well-functioning urban environments' provided with the request only considers this in relation to the plan change area. As noted in paragraph 132 of the request, the urban environment is considered to encompass all of Greater Christchurch. Therefore, please provide an assessment of how the request would contribute to

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<sup>1</sup> [https://www.selwyn.govt.nz/\\_data/assets/pdf\\_file/0006/360735/PUBLIC-Agenda-Council-Meeting-9-December-2020.pdf](https://www.selwyn.govt.nz/_data/assets/pdf_file/0006/360735/PUBLIC-Agenda-Council-Meeting-9-December-2020.pdf) pages 39-54

the function of the wider urban environments of the Rolleston township, the surrounding district and the Greater Christchurch area.

4. At various points in the request, reference is made to providing for growth, both up and out. Please provide an assessment of the building heights and densities proposed in the request relative to Policies 3(d) and 1(a). This assessment should demonstrate, in terms of the proposed densities, what the differences are on the ground between 12 and 15 hh/ha and how the proposal provides for a variety of homes that meet the needs of different households, including all age groups.

#### **The Pines Waste Water Treatment Plant and Resource Recovery Park**

5. The Pines Waste Water Treatment Plant (WWTP) (Designations D411 & D416) and The Pines Resource Recovery Park (RRP) (Designation D412) are designated strategic infrastructure for Council. It is considered that the operation of these facilities could potentially give rise to reverse sensitivity concerns including odour and dust emissions, traffic, noise and vibration from truck movements.
6. While the various assessment included in the plan change request acknowledge the current operations of these facilities, and propose measures to address reverse sensitivity effects, these measures appear to only take account of the existing operating conditions/environment. Given the potential growth in the district in light of the various plan change requests currently before Council, the expansion of these facilities is anticipated by Council. Therefore the various assessments, including odour and acoustic, are to be amended to acknowledge the future capacity of these facilities. In this regard, it is strongly advised that the applicant liaise with the relevant Council staff to fully understand the planned development of these designated strategic infrastructure sites.
7. In relation to the WWTP, Council is moving towards increasing the ultimate capacity of Pines WWTP to 120,000 population equivalents (PE) and beyond, to provide for continuing growth including the potential for this plan change request. Section 2.1.1 of the Odour Assessment assumes 80,000 PE which is considered to understate the capacity of the WWTP going forward. The bio-solids spreading area will also need to increase, to include all of Council's irrigation area (covered by designation D416) to allow growth, beyond that shown in Fig 1. and Fig 2 in the Odour Assessment. While the current method of processing bio solids is solar drying in glasshouses, the blending of bio solids and green waste is still a potential option being considered by Council.
8. In relation to the RRP, the Odour Assessment recommends a buffer distance of 600m from the composting operation, based on the volume of compost throughput at the site in 2018, while acknowledging that the scale of the operation is not constrained. Given that the scale of composting at the RRP is expected to increase given the population growth in Selwyn, how will this affect the recommended buffer distance in order to prevent reverse sensitivity effects? Additionally the reference to an existing dwelling located 600m from the composting operation is noted. This is a rural dwelling on 20ha zoned Rural (Outer Plains). Clarification is sought about the potential difference in sensitivity of a rural dwelling vs a suburban dwelling of a scale and character proposed by the plan change request.
9. The odour assessment also recommends a buffer distance of 300m from the waste transfer operation on the basis that nothing has changed since 2008. The quantity of waste handled has increased and will increase further as the District experiences population growth. How will this affect the recommended buffer distance in order to prevent reverse sensitivity effects?

10. Further, in relation to the RRP, the acoustic assessment is limited to an assessment of SH1 road noise and the impact on future residential amenity. Please consider the reverse sensitivity effects arising from heavy vehicle movements travelling to/from The Pines along Burnham School Road, particularly given the reduced road setbacks to residential activity proposed.

## **Infrastructure**

### Water and Wastewater

11. The Infrastructure Assessment provided with the plan change request was reviewed by Council's Asset Manager – Water Services.
12. Please confirm what assets and consents are available to be transferred to Council to supply water to this proposed development.
13. The Skellerup block may need to discharge to a new pump station to be constructed on Selwyn Rd between Goulds and East Maddisons Road. Will this be a viable discharge location for the plan change area?

### Reserves

14. The plan change request have been reviewed by Council's Manager – Open Space and Property.
15. The open space provision and location in the Holmes Block area is generally supported with a reserve and pocket park located adjacent to higher density residential development, and readily accessible to future residents. However, clarification is requested around the function of the 'green links' shown on the ODP. Some align with the roading network and shared footpaths – will these be widened road reserves like the Faringdon boulevards and, if so are they needed? Please provide further explanation to ensure they are warranted, and where not adjoining roading, do not create long narrow linkages. Further, please provide a rationale for the green link shown on the Holmes Block extending out to SH1, and whether this is intended to be open to pedestrian access to SH1.
16. In terms of the Skellerup block, please provide clarification of the rationale for the number and location of the reserves. The spatial distribution maps in the Landscape and Urban Design Assessment with a 500m radius indicate that two reserves would be sufficient from a distribution perspective (the centre one is not strictly required but it is noted this is adjacent to medium density). As such, a pocket park in this location may be more appropriate.
17. Please advise if consideration has been given the position of reserves in adjacent locations, such as that covered by ODP Area 12 in Appendix E38 of the Operative District Plan<sup>2</sup> or by other private plan changes, such as PC70<sup>3</sup>, particularly in relation to the Skellerup Block.
18. Please advise how the proposed bunding/dense planting and bunding/acoustic fence will be handled in terms of underlying ownership. It is assume that these will be in private ownership or is there an expectation that they will be public land?

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<sup>2</sup> RC185014 within ODP Area 12 shows a 2,228m<sup>2</sup> reserve approximately 100m east of Dunns Crossing Road.

<sup>3</sup> <https://www.selwyn.govt.nz/property-And-building/planning/strategies-and-plans/selwyn-district-plan/plan-changes/plan-change-70,-rezone-63-hectares-from-rural-inner-plains-to-living-z,-faringdon-far-west>

## Transport

19. The Integrated Transport Assessment provided with the plan change request was reviewed by Council's Asset Manager – Transportation.
20. As addressed in the request, the key intersection that needs to be upgraded to address current safety issues and to accommodate any sustainable increase in traffic using Dunns Crossing Road and SH1 is the Dunns Crossing/SH1/Walkers Road intersection, and this intersection has been signalled for a major upgrade by the NZTA as part of the NZUP Programme and is represented in the Programme Business Case for SH1/Rolleston Access Upgrades. At this point the upgrade proposed is a roundabout however no design has been developed yet by the NZTA. To address the transport effects, it should be anticipated that Council will seek to include a rule in the Operative District Plan that no subdivision resulting from this PC occurs until this upgrade is completed. Please provide proposed wording for such a provision.
21. Dunns Crossing Road is part of the Rolleston arterial perimeter road route. The Applicant has assessed in the ITA that some intersection movements for the Holmes Block will operate at a LoS of E at peak times. Council's LoS limit is usually D for peak periods. Further assessment as to the type and/or positioning of intersections is required to improve LoS to achieve this, with the emphasis on the ODP Primary road off Dunns Crossing Road.
22. Burnham School Road will become over time part of a supplementary arterial local road route from SH1/Burnham to these residential areas of Rolleston as identified in the SH1/Rolleston Access Business Case. It is already used by heavy vehicles accessing the Pines Resource Recovery Park and Pines Waste Water Treatment Plant. Two upgrades are identified in Council's long term planning:
  - Installation of traffic signals Burnham School/Dunns Crossing Road in 2029/30
  - Widening of Burnham School Road (Burnham Road to Dunns Crossing Road) in 2034/35
23. Based on the anticipated rate of development of the Holmes Block and traffic volumes generated by this PC, are the timing of these works appropriate in that context and how would any requirements needed to be factored into the design of such? It is noted that the PC is proposing no direct lot access to Burnham School Road. While this is seen as perhaps mitigating some traffic issues relating to Burnham School Road, is this the appropriate urban form response?
24. Please amend the Holmes Block ODP to show provision of an off road walkway/cycleway along Burnham School Road to Dunns Crossing Road, along with a walk cycle link as below to Burnham School Road (as shown below).



25. The ITA refers to a possible upgrade of the Lowes/Dunns Crossing Road intersection with traffic signals suggested by the Applicant. Council's current plans are for a roundabout in 2029/30 as

identified in the SH1/Rolleston Business Case. Please review the ITA in light of this advice and consider how this may then influence the current assessment and comments on this intersection?

26. It is noted that there is no ODP roading connection shown to SH1 from the Holmes Block. This likely anticipates the NZTA views, however has this been discussed with them on the basis that even an entry only off SH1 could be beneficial to mitigate traffic issues at the SH1/Dunns Crossing/Walkers Road intersection to service the block?
27. In regards to the Skellerup Block the ITA needs to look more carefully at the possible alignment (or otherwise) of the roading and transport connections with the proposed PC70 area opposite and assess intersection type and alignments and LoS to provide confidence on this aspect. This should be coordinated with the PC70 Applicant.
28. There are concerns with the cumulative traffic effects on the Selwyn Road corridor from growth to the south and south west of Rolleston. The plan change request makes reference to the Selwyn/Goulds/Dunns Crossing intersection and a possible upgrade needed but this is not definitive. In conjunction with PC70 Applicant, please provide an assessment of this intersection and the necessary upgrades required to ensure that it operates efficiently and effectively.
29. Council has just recently formed and sealed Dunns Crossing Road south of Lowes Road to Goulds Road. It is advised that Council will not look favourably on sewer mains and the like being installed on the new main carriageway alignment where this requires the road to be substantially dug up and other options need to be considered in conjunction with PC70 Applicant.
30. It is noted there has been direct discussions with the Applicant<sup>4</sup> on the traffic modelling requirements to inform this PC that will be dealt with directly by Abley Consultants on behalf of the Applicant and Council.

### **Geotechnical Assessment**

31. The Geotechnical Assessment provided with the plan change request was peer reviewed on behalf of Council by Ian McCahon of Geotech Consulting Limited and this is attached for your information.
32. It is requested that:
  - Please provide evidence for the continuity of the shallow gravel to depth, as inferred in Tables 3 & 4. One source is the ECan groundwater well database.
  - Please either carry out additional testing on both blocks of land to provide greater assurance to SDC that untoward conditions are unlikely, or provide a sound argument as to why further testing is not needed at this stage, given the test density recommended by MBIE.
  - If the seismic shaking referenced in section 5.1 is relevant, please comment on whether or not any ground damage was reported or observed in the walkover.
  - Please provide comment on any aspects relevant to the practicality of infrastructure and building foundation construction on the plan change area.

### **Preliminary Site Investigation (PSI) Report**

33. The PSI report provided with the plan change request was peer reviewed on behalf of Council by Environment Canterbury.

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<sup>4</sup> Meeting between SDC staff and Applicant 10 December 2020.

34. The reviewer found that some sections of the report confusing and contradictory. HAIL activity A10 was identified as a potential concern in the risks table, however the same table also deemed the risk to be low. However this was not based on any soil sampling and this is considered presumptive, given that risk cannot be assessed until sample soil samples can be analysed.
35. Despite labelling the A10 activity as low risk, Coffey has recommended that a DSI take place to ensure that contaminants in the soil complied with the relevant soil contaminant standards, and the reviewer agrees with this recommendation.
36. Should the plan change request be approved, a Detailed Site Investigation (DSI) will be required over all the identified HAIL areas of the site. If the DSI identifies contamination that exceeds the soil contaminant standards for residential use, then a Remedial Action Plan will be required, remedial works will be required to be undertaken as per the plan, and a Site Validation Report will be required to be submitted to council confirming that the site is suitable for residential use.
37. Section 2.3.1 of the PSI report provided with the plan change request states that two investigations (a PSI in 2013 and a DSI in 2014) are recorded within the Council records in relation to the Holmes Block, but that these were not made available during this PSI. Given the recommendations of the reviewer, please provide an amended PSI that considers these report.

#### **Odour Assessment**

38. The Odour Assessment report provided with the plan change request was peer reviewed on behalf of Council by Chris Bender, Pattle Delamore Partners Ltd and this is attached for your information. Mr Bender has advised that he is happy to be contacted directly in relation to the matters raised and his contact details can be found in the covering email.
39. It is requested that the following further matters be addressed to provide a more robust assessment of potential reverse sensitivity effects which might result from the rezoning of the two blocks:
  - The recommended buffer distances are provided in Table 1 and illustrated in the maps in Figures 1 and 2 of the Golder report dated 11 November 2020. It is noted that the distances of the buffers zones from the boundaries of the individual odour sources as drawn on the maps appear to be less than the actual distances when measured in Google Earth (i.e. the buffers as drawn are smaller than what is measured in Google Earth). In addition the scale bars on the maps do not agree with the actual spatial scale of the maps. It is recommended that the buffer distances in the maps be re-examined and the assessment updated as required.
  - The buffer distance for the chicken sheds recommended in the Golder report is 150 metres. However a review of the report upon which this recommendation is based has been undertaken by Beca in 2011 and is included in the Section 42A report for the original plan change application for the two blocks<sup>5</sup>. The Beca report has suggested that the dispersion modelling undertaken for the chicken sheds is not considered reliable, and recommends a more conservative buffer distance of 300 metres from the sheds. The reviewer in general agrees with Beca's review of the modelling of the chicken farms and recommends that the more conservative buffer distance of 300 metres be adopted unless an additional assessment which takes into account the recommendations outlined in the Beca report can demonstrate that 150 metres is an acceptable buffer distance. *[It is noted that Rule C3.13.1.5 of the Rural*

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<sup>5</sup> [https://www.selwyn.govt.nz/\\_data/assets/pdf\\_file/0013/51430/S42a-Report.pdf](https://www.selwyn.govt.nz/_data/assets/pdf_file/0013/51430/S42a-Report.pdf)



*Volume of the Operative District Plan requires that any sensitive activity is setback a minimum of 300m from any existing lawfully established intensive farming activity.]*

- The separation distance for composting operations of 600 metres is stated as being based on the current throughput of 4,200 tonnes per year of compost. As discussed elsewhere in this letter the composting operations at the RRP have increased in scale since the granting of the last consent, and will continue to increase in scale over time. Furthermore the current throughput of 4,200 tonnes per year as stated in the Golder report refers to the end product, whereas the equivalent mass of raw compost accepted at the composting facility will be 6,500-7,000 per year. It is recommended that future growth of the composting facility be taken into account when considering an appropriate separation distance from the composting activities.
- The separation distance of 600 metres from the composting operations illustrated in the maps are drawn from the rows of active compost at the site. However it is understood that the location of the composting activity is not restricted to a particular area within the site, and so may change locations over time. It is therefore considered that the buffer zone should be drawn from the site boundary rather than the current locations of the rows of active compost. Likewise, it is recommended that the buffer distance of 300 metres from the waste transfer operations be applied to the entire site boundary to provide for potential operational changes at the site in future.
- Golder (2008) originally recommended a buffer distance of 1000m surrounding the bio solids processing facilities based on the level of uncertainty regarding the potential treatment method to be used and the fact that the WWTP is located upwind of the Holmes Block during southwesterly winds. This distance was reduced to 400m in the 2020 report based on the method of drying being in an enclosed glasshouse as opposed to composting or other methods. It is recommended that the applicant provide justification for why they think solar drying is in fact less odorous (and in particular the solar drying operation at the Pines WWTP).
- Notwithstanding the above, it is noted that separation distances do not have any clearly defined regulatory standing in New Zealand, and the reviewer considers a quantitative or semi-quantitative assessment specific to the area in question will provide a more robust assessment of potential reverse sensitivity effects on residences in the Holmes and Skellerup blocks. This should include at a minimum a FIDOL assessment of the activities and a review of any odour complaints for the area within the most recent 10-year period. This may be undertaken as a desktop review of the air discharge consents and associated applications with supporting documentation for the various odour-generating activities in the area.

## **Ecological Assessment**

40. The Acoustic Assessment provided with the plan change request was peer reviewed on behalf of Council by Greg Burrell, Instream Consulting Limited and is attached for your information.
41. The reviewer considered that the ecology report provided sufficient ecological information to support the plan change request and meet the purposes of the Resource Management Act. The report clearly identifies that the key aquatic features present are water races and the reviewer agrees with the conclusions that any effects can be avoided, remedied, or mitigated. The reviewers assessment assumes that the water races will remain open (i.e. no piping), that fish and kākahi salvage will be conducted prior to any works within the water races, and that District Plan waterway setback rules will be adhered to.
42. As such, there are no matters that need to be addressed further in relation to the ecological assessment however please advise of the adequacy of the provisions of the Operative District Plan, or any other appropriate mechanisms, to support the reviewers observation that, as recent

fish salvage projects along the water race have also found longfin eel, torrentfish, and kākahi (freshwater mussels), which are all native species with an At Risk conservation status, that the water race should be surveyed for freshwater fish and kākahi prior to undertaking any works that may impact on the waterway, and that fish salvage be undertaken if the water race is realigned.

### **Acoustic Assessment**

43. The Ecological Assessment provided with the plan change request was peer reviewed on behalf of Council by Dr Jeremy Trevathan, Acoustic Engineering Services and is attached for your information. Dr Trevathan has advised that he is happy to be contacted directly in relation to the matters raised and his contact details can be found in the attachment.
44. PFC refer to their Design Advice Memo as “high level feedback”, and recommend a “full noise assessment” is conducted prior to residential subdivision consent. Please advise of the mechanism within the Operative District Plan, or any other appropriate mechanisms, which would ensure that a full noise assessment is submitted with any future residential subdivision consent. If there are other substantive acoustic issues associated with the rezoning of the site, it seems appropriate for them to be identified and considered now.
45. PFC recommend a 3 metre high acoustic barrier adjoining the State Highway to mitigate outdoor noise effects – however no rules are proposed via the Plan Change to ensure this is constructed. If PFC consider this barrier is needed to ensure noise effects are appropriate, a process should be proposed to ensure that it is constructed. It is noted that the existing provisions (Rules C12.1.3.45, C12.1.3.46 and C12.1.3.56) in the Operative District Plan are specific to Prebbleton and West Melton respectively. Please consider and advise if it is considered necessary to amend these existing rules or to incorporate additional provisions into the plan to address the acoustic barrier as proposed in the PFC report.
46. It appears that there may be other noise sources in the area which could be of concern from a noise reverse sensitivity perspective, such as the RRP (and associated heavy vehicle movements along Burnham School Road), traffic on Dunns Crossing Road, and the intensive farming operation to the north of the Skellerup block. An assessment of these sources should be provided.

### **Operative District Plan**

47. The average (600m<sup>2</sup>) and minimum (500m<sup>2</sup>) allotment sizes for low density development mentioned in paragraph 29 of the request, and shown on the ODP<sup>6</sup> are not consistent with those of the Living Z zone for Rolleston, which provides for an average allotment size of 650m<sup>2</sup> with a minimum individual allotment size of 550m<sup>2</sup>. Please amend accordingly.
48. The plan change request proposes to continue the existing provisions in terms of identifying an odour constrained area (OCA) on the proposed ODPs, as well as the existing rule package in relation to the location of dwellings in relation to the OCA (Rules C4.9.39 and C4.9.58). Figure 2 in the Odour Assessment indicates that the depth of the OCA on the Holmes Block is 75m, although this is not to scale. As discussed above, the extent of the OCA is required to be further considered. However, as currently reflected, please advise of the suitability of the proposed Living Z zone and accompanying densities, in relation to the need to manage reverse sensitivity effects arising from the adjacent designations. Please consider if it is more appropriate that the existing Living 3 zoning be continued along the western and southern boundaries of the Holmes Block and

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<sup>6</sup> These figures are also included in the Urban Design Assessment on page 8



the northern boundary of the Skellerup Block. Alternatively, please annotate the ODP to show that larger sites should be developed in this area. An example of such within the Operative District Plan is in the ODP for Living 1A Zone in Prebbleton (see Table C12.1 and Appendix E19).

49. Similar to the matter raised in paragraph 44 above, the Holmes Block shows an area of bunding and dense planting along the western boundary with D416, yet this is not referenced in the ODP text and no rules are proposed to be included in the Operative District Plan. Please consider and advise if it is considered necessary to incorporate specific provisions into the plan to address bunding and planting as proposed.
50. The visual assessment acknowledges that the plan change *“would result in an overall change of character from open and rural to one that is more dense and suburban in nature”*. It goes on to state that *“management of fencing and bulk and location of the development will create a sense of openness throughout the site”* and that the change is *“partially mitigated through fencing controls and landscape planting”*. However, the ODPs show the Living Z zone immediately adjacent the boundary with the Rural (Outer Plains) boundary and, with the exception of the boundaries already discussed, no mention is made of any provisions relating to fencing, either existing within the Operative District Plan or proposed. How does the plan change request proposed to address interface between the proposed Living and existing Rural zones? Further, how does the plan change request propose to manage reverse sensitivity effects with rural zoned land to west, south and east?
51. Except for the ease of consequential renumbering, please advise of the need to retain, albeit modified, Rule C12.1.3.50.
52. In addition to the objectives and policies of the Operative District Plan currently considered, please provide an assessment of the request against Objective B3.4.3.

### **Outline Development Plan (ODP)**

53. The potential future connections as shown on the ODPs is considered to create an expectation that there could be further dense residential development on the surrounding sites. While these would appear sensible if spatial planning for Rolleston suggests that the township could grow in this direction, at this time, please remove these from the ODPs, or terminate them at the boundary of the plan change area rather than extending them into adjacent sites.
54. The text accompanying the proposed ODPs should incorporate the urban design principles set out at paragraph 37 of the plan change request. The text for the ODP for the Holmes Block should also make reference to how acoustic bunds will be developed and managed.
55. It is considered that the description and illustration of the proposed density associated with the Living Z zone shown on the ODP may create confusion with the Proposed District Plan. Please consider amending this.
56. Please annotate the ODP (or supporting text) to include any measures appropriate to address reverse sensitivity matters between the Living and Rural zone. In particular, as discussed elsewhere in this request, the odour constrained areas should be dimensioned on the ODPs.
57. The Holmes Block ODP indicates that access should be avoided to Burnham School Road from the site, yet this is not referred to in the ODP text. Please provide a rationale for this approach, and include this in the ODP text, including how this boundary interface is proposed to be managed

(e.g. planting, fencing) and advise if there is a need to include specific measures within the Operative District Plan to deliver on this outcome.

58. The ODP should also be amended to reflect any matters raised in the points in this letter, particularly regarding roading, reserves and reverse sensitivity matters.
59. It is noted that through the Proposed District Plan process, Council is seeking to establish a consistent ODP design with an approach to minimise features on an ODP and utilise assessment considerations in supporting text. While this is a request to change the Operative District Plan, please be aware that alignment of the ODP design may be sought as this request progresses.

### Higher Order Documents

60. Please provide a thorough assessment of the plan change request against all the relevant provisions of the Canterbury Regional Policy Statement and the Canterbury Land and Water Regional Plan.
61. Please also provide an assessment of the plan change request against the *Our Space (201-2048): Greater Christchurch Settlement Pattern Update*, and the planning directions for supporting urban growth in Greater Christchurch.

### Proposed District Plan

62. Council notified its Proposed District Plan on 5th October 2020. While the list of statutory documents to be considered when changing a district plan, as prescribed in s74 and s75 of the RMA, does not include a Proposed District Plan, case law<sup>7</sup> suggests that s74 is not an exhaustive list and that scope exists to consider the provisions of the Proposed District Plan. As such, please provide an assessment of the request against the relevant provisions of the Proposed District Plan, and in particular those provisions that have immediate effect.
63. Where new provisions are proposed to the Operative District Plan to respond to any of the matters raised above, it is recommended that consideration be given to the provisions included in the PDP, given to the need to align this plan change request with the PDP at some point in the future. For example, the noise provisions in the PDP are considered to be more in line with current best practice than the operative rules.

### Consultation

64. It is noted that the plan change request has been provided to Mahaanui Kurataiao Limited for their comment. Please provide a copy of any feedback received.
65. Please advise what, if any, consultation has been undertaken with the following, all of which have designations in close proximity to the plan change area:
  - Waka Kotahi NZ Transport Agency
  - Ministry of Corrections
  - Ministry of Children
  - Ministry of Defence
  - Ministry of Education

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<sup>7</sup> *Kennedys Bush Road Neighbourhood Association v Christchurch City Council* (W063/97, at page 20) and *Canterbury Regional Council v Waimakariri District Council* (C94/99, at page 15)

**Process from here**

Once we have received a response to the above requests, it may be necessary to ask for further clarification of the extent to which this response addresses the above requests.

Whilst you may decline to provide the above information (Clause 23(6)), you need to be aware that the Council may reject the request on this basis.

Once the Council is satisfied that it has adequate information, a report will be finalised to consider and make a recommendation on how to deal with your request.

Please contact me on (03) 347 1809 or [jocelyn.lewes@selwyn.govt.nz](mailto:jocelyn.lewes@selwyn.govt.nz) if you have any questions.

Yours faithfully  
SELWYN DISTRICT COUNCIL

A handwritten signature in black ink, appearing to read 'J Lewes'.

Jocelyn Lewes  
**Strategy and Policy Planner**