

Selwyn District Plan, Private Plan Change 73 – Dunns Crossing Road, Rolleston

Summary Statement, Planning, Selwyn District Council

Introduction

1. My name is Liz White and I prepared the Section 42A Report on Private Plan Change 73 to the Selwyn District Plan, dated 6 September 2021. After circulation of that report, the applicant and submitters have lodged statements of evidence. The purpose of this summary statement is to summarise key matters from my perspective, and outline where, as a consequence of the evidence lodged, I have revised any of the views set out in the Section 42A report.

Summary of Recommendations

2. I noted in the Section 42A Report that in my view, the key determination for this plan change, in terms whether or not the rezoning is the most appropriate way to achieve the purpose of the RMA, relates to:
 - a. the concerns raised by Mr Nicholson regarding the Holmes Block being poorly connected with the Rolleston Township, and the Skellerup Block having poor levels of connectivity with Rolleston and not contributing to a compact urban form and whether these are outweighed by the benefits of the Request; and
 - b. the potential impact of increased residential development on existing infrastructure assets, namely the RRP and WWTP.¹
3. In relation to the former, I also noted that the rezoning only allowed for consideration of rezoning of the Site, and while it could be suitable as part of the direction for future growth, rezoning at this time would predetermine its suitability, and effectively predetermine that higher density residential development to the west of the current township is appropriate, in absence of this being considered against other growth options.² This was balanced against the risk that if the rezoning is rejected, the currently anticipated lower density development could be undertaken, and in future this could preclude or limit the ability for further intensification of this Site.³
4. I note that Mr Phillips and I are in general agreement that these are the central considerations to this plan change, albeit, he has reached different conclusions in relation to them.⁴

Areas of Agreement

5. Mr Phillips has outlined amendments proposed to the Plan provisions, including the ODPs, and summarised where these are different to those set out in the s42A Report.⁵ Should the Plan Change be approved, I am comfortable that the changes proposed by Mr Phillips are consistent with my original recommendations, or are otherwise adequately explained by Mr Phillips. I also note that the urban designers agree that should the plan change be approved, the revised versions of the ODPs *“would provide an appropriate urban form and would allow for future*

¹ Section 42A Report Private Plan Change 73, at para 215.

² Section 42A Report, at 142.

³ Section 42A Report, at 219.

⁴ Statement of Evidence of Jeremy Goodson Phillips (Planning), 13 September 2021, at 13-15.

⁵ Phillips, at 22.

*connections to adjacent land.”*⁶ An additional change I would recommend is to adopt the recommendation of Mr Collins to amend Rule 4.9.37(i) to refer to the legal road boundary, for the reasons given,⁷ noting this may impact of the specific distance used in the setback requirement.

6. I understand that the evidence provided by Mr Fuller has satisfied Mr Collins’ concerns about the Dunns Crossing Road/Newmans Road/Holmes Block Access Road intersection.⁸ On this basis, I have no residual concerns about this matter.
7. I also accept the advice of Mr Collins that limiting any dwelling occupation on the Holmes Block, but increasing the permitted development on the Skellerup Block to 148, ahead of the identified intersection upgrades, will have negligible effects from a transport perspective.⁹ In terms of Ms S White’s concerns,¹⁰ I consider it appropriate that the effects of the proposed zoning are compared against the current zoning, which in this instance anticipates development of 148 houses.
8. I consider that the proposed changes to the way the interface with Burnham School Road is treated are appropriate. This includes noting that the originally proposed fence along this road boundary was intended to address potential reverse sensitivity effects from noise, but has been replaced by alternate measures proposed by Mr Lewthwaite¹¹ and supported by Mr Trevathan.¹² I understand that this has alleviated the concerns previously raised by Mr Nicholson in relation to connectivity.¹³
9. In relation to the potential for development of the Holmes Block (and associated increase in resident population) to frustrate the consenting processes relied on to enable the planned expansion of the Pines WWTP, I note that the changes made to the Request¹⁴ to address this have gone some way to addressing Mr England’s concerns, insofar as the consenting process itself is concerned.¹⁵ I note, for completeness, that Mr Bender noted in his summary that prior to the WWTP being upgraded to allow treatment of increased volumes of wastewater, there is potential for nuisance levels of odour to occur beyond the boundary of the WWTP site, including into the PC73 Site.¹⁶ However I consider that this is effectively addressed through the controls proposed by the applicant which limit the creation of residential allotments within 1500m of the WWTP prior to regulatory approvals being obtained (or by 31 December 2025).

Areas of Disagreement

10. Based on the advice of Mr Bender, I continue to have concerns that that the proposed setback from the RRP may not be sufficient to avoid the potential for reverse sensitivity effects to arise. I accept that the difference in view between myself and Mr Phillips in this regard primarily relates to my reliance on Mr Bender, and his reliance on Mr Van Kekem and Ms Nieuwenhuijsen. However I would further note that my reliance on Mr Bender is also based on consideration of

⁶ Expert Conferencing Joint Witness Statement for Urban Design, dated 24 September 2021, at 13.

⁷ Summary of Mr Collins, at 3.4.

⁸ Summary Statement of Mathew Ross Collins, at 3.2.

⁹ Summary of Mr Collins, at 3.3.

¹⁰ Evidence of Sarah White on behalf of Waka Kotahi NZ Transport Agency, at 8.4-8.5.

¹¹ Statement of Evidence of Mark Lewthwaite (Acoustic), at 43-53.

¹² Summary of Jeremy William Trevathan, at 2.2-2.5.

¹³ Joint Witness Statement at 21.

¹⁴ As set out in Phillips, at 47.

¹⁵ Summary Statement of Murray England at 14-15.

¹⁶ Summary Statement of Christopher James Bender, at 3.7.

s32(c) of the RMA, in terms of the risks associated with the implementation of what might subsequently turn out to be an insufficient buffer distance. I therefore favour a more cautious approach, as once houses are established near the RRP, they cannot realistically be removed if a problem arises, and instead the RRP will be required to address the issues.

11. I also continue to have concerns that the urban form facilitated by the plan change, when considered in isolation, is not consistent with the Plan's framework as it relates to compactness and connectivity. I accept that Mr Compton-Moen and Ms Lauenstein consider growth to the west of Rolleston's existing urban area is appropriate, but ultimately this plan change must be considered on its own merits and does not allow for a comparative assessment against other potential growth options. In this regard, I agree with Mr Tallentire, that in an ideal situation, a spatial planning exercise is preferable to identify additional areas for urban development.¹⁷ This is consistent with my view that consideration of this plan change on its own does not allow alternative options for growth to be assessed and compared in a comprehensive manner.
12. Notwithstanding the above, I accept that the plan change must be considered on its merits, and in this instance, the requirement to have 'particular regard' to the capacity provided means that, in my view, the decision-maker needs to weigh up the appropriateness of enabling the capacity now, against waiting until the spatial planning exercise is undertaken and then subsequently given effect to through the CRPS and SDP. Although I consider that rezoning of adjoining land cannot be relied upon in order to overcome the concerns raised by Mr Nicholson regarding the isolation of the urban form, I do note that such rezoning has or is being actively pursued, and therefore indicates a level of landowner willingness.
13. I disagree with the changes sought by Mr Thomson to make various changes to PC73 to refer to potential future land use change of the adjoining property.¹⁸ I consider these changes to be outside the scope of PC73 and continue to consider that it is more appropriate for consequential changes to the provisions applying to the PC73 land (should it be approved) to be made if and when the adjoining land is rezoned. In my view making the amendments sought by Mr Thomson now, would introduce a lack of clarity into the planning framework. I do however agree that consequential changes should be made to the 'Reasons for Rules' (Living Zones, Building Position) to align the distance and setbacks with the proposed ODP and related rules.¹⁹
14. As noted above, I consider it appropriate that the effects of the proposed zoning are compared against the current zoning; not the current land use. I note that Mr Farrelly's evidence considers the methane emissions from the current land use, in coming to the conclusion that the conversion to residential use will support a reduction in emissions. I disagree that the appropriate starting point for comparison is the current use. However I note that he has in any case considered the difference in emissions between development under the current zoning and that of the proposal.

¹⁷ Statement of Evidence of Keith Roger Tallentire on behalf of Canterbury Regional Council and Christchurch City Council, at 6.

¹⁸ Statement of Evidence of Ivan Thomson on behalf of Gallina Nominees Ltd and Heinz-Wattie Ltd Pension Plan, at 26-33.

¹⁹ As set out in Thomson, at 28, but excluding the additional sentences at the end of the paragraph.

Conclusion

15. On balance, I continue to consider that the rezoning is not the most appropriate way to achieve the purpose of the RMA, for the reasons set out in my Section 42A Report.²⁰ In regards to the two key areas of disagreement, I consider that the potential impact of increased residential development on the RRP and WWTP could likely be addressed through additional mitigation measures, such as an increase in the extent of the Odour Constrained Area, and therefore in itself does not preclude the rezoning.
16. However, I continue to consider that the rezoning of the Site 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. In my view, the direction for future growth is better considered as part of a wider more comprehensive review. I accept that needs to be balanced against the significance of the development capacity provided, but in my view, the benefits of the 'bringing forward' this capacity now do not outweigh the potential risks of predetermining the direction of growth. I do accept that my conclusion on this is ultimately based on my placing greater weight on the latter, rather than the former.

Liz White

28 September 2021

²⁰ Section 42A Report, at 216 and 219.