

**BEFORE AN INDEPENDENT HEARINGS COMMISSIONER
ON BEHALF OF SELWYN DISTRICT COUNCIL**

UNDER

the Resource
Management Act 1991

IN THE MATTER

a
request by Hughes
Development Limited for a
private plan change to the
Selwyn District Plan to
rezone 163 Halkett Road
and 1066 West Coast Road
in West Melton for the
development of
approximately 124 lots

AND

**Hughes Development
Limited** (Applicant)

EVIDENCE OF MARK BROWN ON BEHALF OF HUGHES DEVELOPMENT LIMITED

Planning
March 2023

Counsel acting:

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Introduction

1. My name is Mark Brown.
2. I am a Director with Davie Lovell Smith Ltd.
3. I hold the qualifications of Bachelor of Arts, Post Graduate Diploma and Master of Regional and Resource Planning
4. I have over 25 years' experience as a planner working in the Christchurch and Selwyn districts. Of particular relevance to this evidence, I have prepared planning assessments and supporting evidence on a variety of residential and industrial subdivision projects including:
 - a) The Faringdon residential development in Rolleston – more than 3000 residential sections.
 - b) Park Lane, Rolleston – approximately 120 residential sections.
 - c) Preston Downs – final stages of the development (approx. 100 residential sections).
 - d) Barton Fields, Lincoln – approx. 120 residential sections.
 - e) IZone Industrial Park.
 - f) Halswell Commons, Christchurch – 81 residential lots.
 - g) Meadowlands, Halswell – 150 lots.
 - h) Knights Stream Estates, Halswell – 60 lots.
 - i) Karamutu Oaks, Leeston – 190 lots.
5. I also prepared evidence and appeared at hearings for the Urban Growth Chapter, Hearing 30.2 Rezoning -Prebbleton and Hearing 30.6 Rezoning West Melton as part of the Proposed Selwyn District Plan (**PDP**). I have previously prepared evidence and attended hearings in relation to the Christchurch City Council Replacement District Plan.
6. I have attended several notified hearings on behalf of clients seeking

consent or plan changes to establish a range of different activities including retirement villages, residential and rural subdivision, townhouse developments and medical centres.

7. In addition to my local hearings experience I have prepared evidence and appeared in the Environment Court in respect of rural subdivisions and a retirement village.
8. I am also one of two Directors of Cranbrook Properties Ltd, which has undertaken residential subdivision in Mosgiel.
 - a) Highland Park 1 – 238 residential lots
 - b) Highland Park 2 – 35 residential lots
 - c) Highland Park 3 – 24 residential lots
 - d) North Taieri Rural Residential – 15 rural residential lots

Proposal involvement

9. I was engaged by the submitter, Hughes Developments Limited (**HDL**) to prepare Plan Change 74 (**PC74**), being a request to rezone 163 Halkett Road and 1066 West Coast Road in West Melton (the **Site**) under the Operative Selwyn District Plan (**Operative Plan**) from Rural Inner Plains to Living West Melton. If approved, the request would enable the development of approximately 124 lots (the **Proposal**) in accordance with an Outline Development Plan (**ODP**), also proposed by HDL for inclusion in the Operative Plan and attached as **Appendix A** to my evidence. I provided a planning assessment in support of that rezoning request.
10. I also assisted HDL in the preparation of its submission on the proposed Selwyn District Plan and subsequently provided evidence (4 August 2022) and rebuttal evidence (14 February 2023) in support of HDL's rezoning request.

Scope of evidence

11. My evidence is presented on behalf of HDL. It addresses the following matters:

- a) The Site and its context.
 - b) The key elements of the Proposal, including the refinements which have been made since PC74 was lodged.
 - c) The application of the National Policy Statement on Urban Development 2020 (**NPS-UD**) and the National Policy Statement for Highly Productive Land 2022 (**NPS-HPL**) to the Proposal.
 - d) Issues raised in the Selwyn District Council Officer's section 42A report.
 - e) Residual issues raised by submitters.
 - f) Section 32 RMA analysis.
12. In preparing this evidence I have reviewed:
- a) PC74 application and supporting documents;
 - b) The evidence briefs of HDL's other experts;
 - c) The submissions and further submissions on PC74;
 - d) The Council Officer's section 42A report on PC74;
 - e) The Engineering, Urban Design and Transportation Peer Review reports for PC74 and West Melton Rezoning.
 - f) The Joint Witness Statements (Planning, Economics, Urban Design, Transport) prepared during the PDP Hearing 30.6 Rezone West Melton.
 - g) The RMA documents that are relevant to PC74, including the NPS-UD and NPS-HPL, the Canterbury Regional Policy Statement 2013 (**CRPS**), and the relevant provisions of the Operative Plan.
 - h) Evidence in Chief and Rebuttal evidence of Paul Farrelly in respect of Greenhouse gas emissions (Rolleston Rezone 30.1) and the submitter notes filed during the Rolleston Rezone 30.1 Hearing titled Planning Process Timeline.

Code of conduct

13. I have read the Environment Court's Code of Conduct for Expert Witnesses, contained in Part 9 of the Environment Court Te Kōti Taiao o Aotearoa Practice Note 2023, and agree to comply with it. My qualifications as an expert are set out above. Other than where I state that I am relying on the advice of another person, I confirm that the issues addressed in this statement of evidence are within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.

Executive summary

14. HDL is seeking to rezone its 20.7ha Site in West Melton from Inner Plains to Living West Melton in the ODP. If accepted, that zoning – in combination with HDL's proposed ODP for the Site – would deliver approximately 124 new residential lots adjoining the existing Gainsborough neighbourhood in West Melton.
15. The rezoning proposal has been assessed by a number of experts, including the section 42A Council Officer and his supporting experts.¹ With some limited exceptions, the experts are largely agreed on servicing, transport, urban design and planning matters relevant to the proposal. The main outstanding areas of disagreement relate to:
- a) The appropriateness of including a minimum density requirement within the ODP.
 - b) The extent to which the proposal will support a reduction in greenhouse gas emissions.
16. Drawing on the detailed assessment of Ms White, it is my opinion that a minimum density requirement would be inappropriate, given the existing character of West Melton and the directions of the Operative Plan and the NPS-UD. In my opinion, the updated ODP and the level and location of density it would deliver is the most appropriate

¹ Mr Jones: Real Estate, Mr Colegrave: Economics and Development, Mr Hughes: Corporate, Mr Verstappen: Infrastructure, Ms White: Urban Design, Mr Smith: Landscape, Mr Hainsworth: Highly Productive Soils, Mr de Verteuil: Transport, Mr Ford: Agricultural Economics, Mr Mthamo: Highly Productive Soils.

planning outcome for the Site.

17. More broadly, I conclude that:

- a) West Melton has a low-density character that differentiates it from other Selwyn townships and there is high demand for housing in West Melton.
- b) There are significant capacity shortfalls throughout the Selwyn District and within the West Melton sub-market. That is particularly the case for low density housing. The rezoning will add significantly to existing supply levels and will provide increased competition within the land and development market.
- c) The proposal will provide for a variety of housing types consistent with the established character of West Melton.
- d) The proposal will not frustrate wider aspirations around a reduction in greenhouse gas emissions and is resilient to the effects of climate change.
- e) The proposal is well-connected along transport corridors and has high levels of accessibility to current and future public transport.

18. For these reasons, I conclude that the rezoning proposal will ensure the strategic objectives of the Operative Plan, CRPS and NPS-UD will be met.

19. I agree with the position recently put forward by submitters on the PDP that for the purpose of the Operative District Plan, Rural Inner Plains zoned sites do not fall within the transitional definition of “highly productive land” in the NPS-HPL. If that position is accepted, the Site is exempt from the provisions of that document. However, even if the Site is not considered to be exempt, I conclude that the NPS-HPL criteria authorising the rezoning of “highly productive land” is satisfied in this case. As such, a decision to accept PC74 would be consistent with that national direction.

20. In summary, I consider that PC74 and the ODP, as amended, are entirely consistent with the direction provided by the NPS-UD, NPS-HPL. Furthermore, the Proposal is consistent with the outcomes prescribed within the district-wide and localised objectives and policies

contained within the Growth of Townships chapter of the Operative Plan.

21. Overall, I consider the Proposal is the most appropriate way of achieving the purpose of the Act, and I consider the Plan Change should be approved.

Overview of PC74

The Site and its surrounding context

22. The site is located immediately to the east of the Gainsborough residential development and consists of two properties with areas of 8.3ha and 12.36ha respectively.
23. The site is bounded by Halkett Road to the north and State Highway 73 to the south. Two rural-residential properties each with an area of 2ha adjoin the eastern boundary of the site.
24. The site which immediately adjoins the Gainsborough residential development has no residential use and has been used to support low intensity grazing activity.
25. The adjoining 12h.36ha site has been used as a standardbred training facility and consists of an existing dwelling, various sheds, stable area, all-weather training track and a series of grazing paddocks of various sizes.
26. The expert urban design evidence of Ms White² provides a detailed assessment of the existing environment in the context of urban form, character and amenity and I believe this accurately reflects the interrelationship between the site and its surrounds.

The Proposal

27. It is proposed to rezone 20.687 hectares of land currently zoned Rural Inner Plains to Living West Melton. The rezoning will deliver approximately 124 residential low-density allotments in a manner that maintains the established residential character of West Melton township.

² Evidence of Ms. White Paragraphs 32 - 44

28. For all intent and purpose the Proposal adopts the existing Living West Melton Medium Density Zone framework within the Operative District Plan, albeit with an updated title of 'Living West Melton East Medium Density'. The creation of an 'East' zone is to differentiate the Site from the existing Living West Melton North Medium Density zone.
29. The s42A report summarises the plan change proposal in detail and in almost all respects I adopt this summary³. There is one correction required in Appendix 8, Summary of Amendments. The addition to Table C12.1 should read Living WM **East** Medium Density, as opposed to repeating Living WM North Medium Density.
30. Following public notification of PC74 and in response to submissions, a number of amendments were made prior to the request for further submissions. The key substantive changes, as reflected in the updated ODP (included as Attachment A to my evidence), can be broadly summarised as follows:
- a) A large recreation reserve centrally located within the Site.
 - b) A range of lots between 1,000m² and 2,300m² which achieve an average area across the ODP of 1,500m². (including a mechanism in the ODP text to ensure only low-density development can be developed).
 - c) An allowance for up to 10% of lots to be less than 1,000m² provided they are located around the central reserve.
 - d) Rural-urban interface treatment consisting of a 10m building setback and an indigenous planting strip.
 - e) A network of roading pedestrian and cycle connections.
 - f) Relocation of the main access from Halkett Road.
 - g) An extensive road-side swale network for stormwater treatment, and the provision of a utility lot to cater for expansion of Council's water reservoir and treatment system.

³ Section 42A report paragraph 3.6

h) The requirement to install solar streetlighting and provide rainwater tanks for each individual lot.

31. The full suite of changes to the ODP are marked up in the updated version **(Appendix A)**.

National Policy Statement on Urban Development 2020

32. The Site is not currently identified for development in Map A of the CRPS. Rezoning of the Site as sought by HDL is therefore 'not anticipated' by, and 'out-of-sequence' with, the pattern of development prescribed by the relevant RMA documents. Rezoning can therefore be approved but only if the criteria of Policy 8 in the NPS-UD are satisfied.
33. The Policy 8 criteria require that the plan change "adds significantly to development capacity" and "contributes to well-functioning urban environments". Clause 3.8(2) NPS-UD further requires that the additional development capacity is "well-connected along transport corridors".
34. In that context, since PC74 was lodged, detailed and up to date analysis of the Proposal against these requirements has been provided by Mr Colegrave and Mr Jones. I have reviewed and rely on that evidence as outlined further below.

Significant development capacity

35. In his evidence, Mr Colegrave concludes that the provision of approximately 124 lots, enabled through HDL's rezoning proposal, would add significantly to the development capacity within both the urban areas of the Selwyn district and the localised market of West Melton.
36. More specifically, Mr Colegrave determines that the 124 lots will:
- a) Increase District-wide supply by 4% in the short-term and 2% in the medium term⁴; and
 - b) Fill a critical gap in the market for large lot sections in the 1,000m²

⁴ Evidence of Mr Colegrave paragraphs 87-89.

to 2,300m² range, which are now relatively rare in West Melton⁵.

37. I have reviewed Mr Colegrave's analysis in some detail and note that he has considered:
 - a) The existing and plan-enabled supply of land for housing in the urban areas of Selwyn and the localised West Melton market.
 - b) The demand for housing generally, and for larger residential sections specifically, in those areas over the short, medium and long-term.
 - c) The impact of PC67 and PC77 being approved and developed.
38. Based on his review of those matters, he finds that even with that additional supply "*there remains significant shortfalls [of available land for housing] over the medium and longer terms.*"⁶
39. Mr Colegrave's analysis and findings are supported by the evidence of both Mr Jones and Mr Hughes who note the high demand and very small available supply of large lot sections in the Selwyn district. I also particularly note the findings of both Mr Colegrave and Mr Jones regarding the difference between the markets of West Melton and Prebbleton.
40. In that regard I note that the SDC Growth Planning Technical Memo⁷ references the 2021 Housing and Business Capacity Assessment (HBA) prepared for Greater Christchurch which groups West Melton and Prebbleton together and highlights a capacity shortfall in both the medium and long-term.
41. However, I agree with Mr Colegrave and Mr Jones that it is more appropriate to assess the significance of any development capacity within a localised context, such as West Melton. Objective 3 of the NPS-UD requires regional policy statements and district plans to *enable more people to live in, and more businesses and community services to be located in, areas of an urban environment in which...there is high demand for housing...land in the area, relative*

⁵ Evidence of Mr Colegrave paragraph 79.

⁶ Evidence of Mr Colegrave paragraph 72 and Table 6.

⁷ Councils Section 42A, Appendix 1

to other areas within the urban environment (emphasis added). This direction clearly recognises that different areas within an urban environment will have different characteristics, and where there is high demand for housing within one area, planning documents should enable people to live there provided the other relevant criteria are met.

42. The evidence of Mr Colegrave and Mr Jones highlights the high demand for housing – particularly on larger lots – in West Melton, and the ongoing impacts that a shortfall in supply of that housing is having in terms of price escalation.
43. In that context, I concur with Mr Colegrave and Mr Jones that the provision of 124 additional lots delivered by HDL's rezoning proposal – with the requirement that an average lot size of 1,500m² is maintained across the ODP – represents 'significant' additional development capacity in the West Melton market, and for the urban areas of Selwyn more broadly.
44. With respect to assessing whether the proposal would contribute to a well-functioning urban environment (including being well connected along transport corridors), I rely on the evidence of Mr Colegrave and Mr Jones in respect of needs, pricing and market competitiveness. Ms White's (urban design) evidence details the appropriateness and significance of housing variety being provided, Mr de Verteuil (transport) confirms the high level of connectedness arising from the proposal and Mr Verstappen's (infrastructure) evidence addresses the proposal's resilience to the effects of climate change.
45. Based on the evidence of the aforementioned experts, in conjunction with my own assessment, I believe the rezoning proposal will contribute to a well-functioning urban environment. My reasoning is set out further below:

Well-functioning urban environment

46. Policy 1 of the NPS-UD describes the essential components of a well-functioning urban environment. Of particular relevance to PC74 and this evidence, those components include:

- a) *having or enabling a variety of homes that meet the needs, in terms of type, price, and location of different households, and enable Māori to express their cultural traditions and norms; and*
- b) *having good accessibility for all people between housing, jobs, community services, natural spaces, and open spaces, including by way of public or active transport; and*
- c) *supporting, and limiting as much as possible adverse impacts on, the competitive operation of land and development markets; and*
- d) *supporting reductions in greenhouse gas emissions.*

47. While NPS-UD was promulgated well after the Operative Plan, I note that that Operative Plan also contains specific directions re: Growth of Townships.

48. The direction is provided at district level within a series of Residential Density Objectives that are complimented by a series of township specific policies, including those relevant to West Melton.

49. Of relevance at a district level is Residential Density Objective B4.1.1 and B4.1.2 which state:

B4.1.1

A range of living environments is provided for in townships, while maintaining the overall 'spacious' character of Living zones, except within Medium Density areas identified in an Outline Development Plan where high quality, medium density of development is anticipated.

B4.1.2

New residential areas are pleasant places to live and add to the character and amenity values of townships.

50. These two Objectives give full effect to aspects of a well-functioning urban environment such as encouraging housing variety that meets the different needs of different households and locations.

51. This is further reinforced by Policies specific to West Melton including:

Policy B4.3.97

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

Policy B4.3.98

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

Policy B4.3.

Promote new residential areas in West Melton that maintain the lower residential density of the existing village, where practical, whilst providing for the efficient and effective development of the Living WM North zone.

52. The Section 42A report includes expert evidence from Mr Nicholson (urban design) and a peer review by Mr Collins (transportation) that identify a series of recommended amendments to the rezoning proposal to assist in contributing to a well-functioning urban environment.
53. Ms White (urban design), Mr Smith (landscape) and Mr de Verteuil (transport) have reviewed those recommendations and (as set out in their evidence) agree that the majority of them would assist in ensuring that the rezoning better contributes to a "well-functioning urban environment" both in terms of the NPS-UD definition and Operative Plan objectives and policies relating to urban growth.
54. I agree with their analysis and consider that these changes will improve accessibility and connectivity within the development and between the development and the surrounding community services, open spaces and transport links. To that end, HDL has made the following amendments to the ODP:
 - a) A shared path has been provided within the secondary road connection with Rossington Drive.
 - b) A shared path provided along Halkett Road to connect with Rossington Drive and Wylies Road.

- c) A shared path connection is provided through the central reserve.
 - d) Two future road connections with shared paths are provided along the eastern boundary.
 - e) Post and rail fencing is to be provided for along the north and south boundaries of the ODP.
 - f) Traffic calming measures are required on the north south primary road.
 - g) Provision for a detailed safety assessment of the SH73-Halkett Road intersection as part of any future subdivision within the ODP.
55. The acceptance of these recommendations and high levels of agreement between the respective planning, urban design, economics and transport experts for HDL and the Council has been achieved and documented within Joint Witness Statements that formed part of the recently completed rezoning hearing for the PDP⁸.
56. In respect of key aspects of the rezoning Proposal that will contribute to a well-functioning urban environment, there are two outstanding matters to which unanimous agreement has not been reached:
- a) A shared-path connection along SH73
 - b) The requirement for a minimum net-density to be included in the ODP
57. Whilst Mr Nicholson prefers that a shared path connection along SH73 remains a live consideration for this rezoning proposal, Ms White, Mr Collins and Mr de Verteuil all agree that such a connection is not required. Based on this expert agreement and accompanying analysis, both Mr Friedel and myself also agree this connection is not required.
58. Although the shared path along SH73 is not being provided, the additional amendments that have been made to the ODP will ensure the proposal is well-connected to transport corridors.

⁸ Councils Section 42A, Appendix 2

Minimum Density

59. The requirement to provide a minimum net density within the ODP has been subject to some change as the experts have traversed the matter. In summary:
- a) No minimum density is prescribed by HDL. The density to be delivered within the ODP is controlled by the ODP text (max.10% of lots below 1,000m² and a 1,500m² average lot size for remaining lots)
 - b) Mr Nicholson's expert evidence initially recommended a net density of 12 households per hectare (hh/ha) be required.
 - c) Following expert conferencing, Mr Nicholson has revised his requirement to 10hh/ha.
 - d) Ms White maintains the position that minimum net density is a blunt tool and that ODP provisions will function as a more appropriate and site-specific design tool
 - e) Mr Friedel and I have preferred Ms White's expert evidence and agree no minimum density is required.
60. In response to the recommendation for a minimum net-density, Ms White has undertaken a detailed analysis of how that recommendation would accord (or otherwise) with the existing character of West Melton, best-practice urban design, and the directions within the NPS-UD regarding 'well-functioning urban environments'. While she acknowledges in her evidence the potential benefits of higher density, she concludes that the urban context is an important consideration in determining whether a higher density would be appropriate from an urban design perspective.
61. In this instance, that context is, on Ms White's assessment, shaped by the existing low-density character of West Melton (including the adjacent neighbourhood), as well as the Site's location on the periphery of the township's urban area and its geographical separation from the town centre.
62. With an existing net-density of approximately 7hh/ha (considerably

less than the 10 hh/ha requirement in the CRPS), the recommendation by Mr Nicholson, would represent a significant departure from the existing pattern of development.

63. It is within this context that Ms White determines that even a minimum density of 10hh/ha would deliver an inappropriate urban outcome for West Melton. By contrast, she concludes that the variety of dwellings and lifestyle choices that the rezoning and ODP would enable is *'appropriate for the location and [would] contribute to West Melton's character and amenity'*⁹. For his part, from a landscape perspective, Mr Smith reaches a similar conclusion in his evidence.
64. I agree with Ms White's assessment and the conclusions that she and Mr Smith have reached on this matter. While I also acknowledge the benefits of higher-density (such as that which would be enabled by a 10hh/ha or 12hh/ha requirement), I do not consider that the Site is an appropriate location for accommodating that level of development.
65. In my opinion, the Site is better suited to providing a lower density that is more consistent with the existing character of West Melton, while also providing some opportunity for 'higher' density housing in limited areas which provide direct connection to open space and community reserves.
66. I also consider that the development outcomes enabled by the updated ODP better align with the directions in the NPS-UD and the Operative Plan.
67. In particular, the importance of providing a variety of housing types is a key tenet of a well-functioning urban environment and is also strongly reflected in the Residential Density Objectives and Policies contained within the Part B Section 4 Growth of Townships in the Operative Plan.
68. Through the prevalence and provision of larger, lower density residential lots, West Melton plays an important role in delivering this outcome for the district, offsetting and providing choice amidst the higher residential densities being provided in townships such as

⁹ Evidence of Ms White paragraph 104.

Lincoln, Prebbleton and Rolleston.

69. I also note that West Melton's unique character has been acknowledged by Council in its deliberate exclusion from Variation 1 to the PDP which implements the Resource Management Act (Enabling Housing Supply and Other Matters) Amendment Act and introduces medium density residential standards to Lincoln, Prebbleton and Rolleston.
70. In summary, I consider that the updated ODP and supporting narrative will ensure a layout and density of housing across the Site that achieves the most appropriate balance between maintaining West Melton's existing character, providing housing variety that meets different needs, both within the Site and for the urban areas of Selwyn more generally, and achieves a good level of accessibility and connectivity.
71. I agree with Ms White that the updated ODP will deliver social, economic, transport and environmental outcomes without the need for prescribing a minimum density requirement.

Greenhouse gas emissions

72. As set out above, it is noted that supporting a reduction of greenhouse gas emissions is a key component of a well-functioning urban environment in terms of Policy 1 of the NPS-UD.
73. In his evidence, Mr Hughes has outlined several sustainability initiatives which, if PC74 is accepted, would be delivered as part of development of the Site. These initiatives aim to:
 - a) encourage reduced reliance on and/or regularity of private fuel-powered vehicle travel through the provision of cycleways and initiatives such as an electric vehicle for community booking and use;
 - b) replace more energy-intensive stormwater treatment systems with native planting systems which will help treat stormwater while also absorbing carbon;
 - c) reduce reliance on community water supply through rainwater

harvesting (tanks for each property to be supplied at the time of subdivision);

d) reduce consumption of grid-electricity through the use of solar-powered lighting on streets and in reserves.

74. These initiatives appear to be accepted by Mr Friedel as contributing to a reduction in greenhouse gas emissions as compared to what might otherwise eventuate from the development of the Site for residential housing. However, Mr Friedel expresses a concern that ultimately such initiatives will not offset the increase in private vehicle travel which will eventuate if the Site is rezoned.

75. Mr Friedel's qualifies this position in the JWS, where it states:

For clarification, Mr Friedel is of the position that any greenfield growth outside a metropolitan centre (e.g., outside of Auckland, Hamilton, Wellington or Christchurch City), irrespective of location, will give rise to increased emissions due to reliance on cars powered by internal combustion engines.

76. I accept that this is a somewhat vexed issue. Given its distance from Christchurch as a major employment hub, I accept that rezoning of the Site could lead to increased greenhouse gas emissions resulting from increased distances travelled by commuters. However, in my opinion, there are a number of factors which reduce the likelihood of that outcome and which should also be considered in any assessment.

77. West Melton and the Site are optimally located to a series of industrial and commercial hubs. For instance, the following are located within (approx.) 15km from West Melton, measured using the roading network (as opposed to a direct radius "as the crow flies"):

- Rolleston Town Centre – 8.5km
- Rolleston IZone and IPort – 8km
- 27ha of Industrial land recently rezoned as PPC66 – 8km
- 98ha of Industrial land recently rezoned as PC80 – 10km

- Templeton Innovation Park – 9km
- Christchurch Prison – 6km
- Christchurch Women's Prison – 8km
- Rolleston Prison – 9.5km
- Christchurch International Airport – 15km
- Dakota Park – 15km
- Waterloo Park and Hornby Quadrant – 15km

78. The three prisons identified above are significant employers and provide stable opportunities within their respective operations. All the other industrial or commercial hubs have experienced considerable growth in the last 10 years and are continuing to expand.
79. The industrial hubs identified above include a range of light industrial, heavy industrial and logistical operations.
80. The Rolleston Town centre is currently undergoing a significant revamp with construction on Rolleston Fields having commenced along with other commercial development along Tennyson Street.
81. Toka Hāpai (Selwyn Health Hub) has recently been completed and accommodates radiology, physiotherapy and Te Whatu Ora services including the Oromairaki Maternity Unit, a Community Dental Service, Child Adolescent and Family Mental Health Services, Public Health Nursing, Vision and Hearing Services and Adult Community Therapy.
82. The designation process for a new secondary school has been completed and the design process to construct the school has commenced. In addition, at least one new primary school in Rolleston is likely within the short-medium term.
83. Alongside the existing and future employment opportunities associated with the industrial and commercial activities above, extensive employment opportunities continue to be generated by the residential land development and housing construction that is on-going in the Selwyn District.

84. As illustrated in Figure 1 below, West Melton is located a similar distance from IZone and IPort as the FUDA areas located in the south/southwest areas of Rolleston.

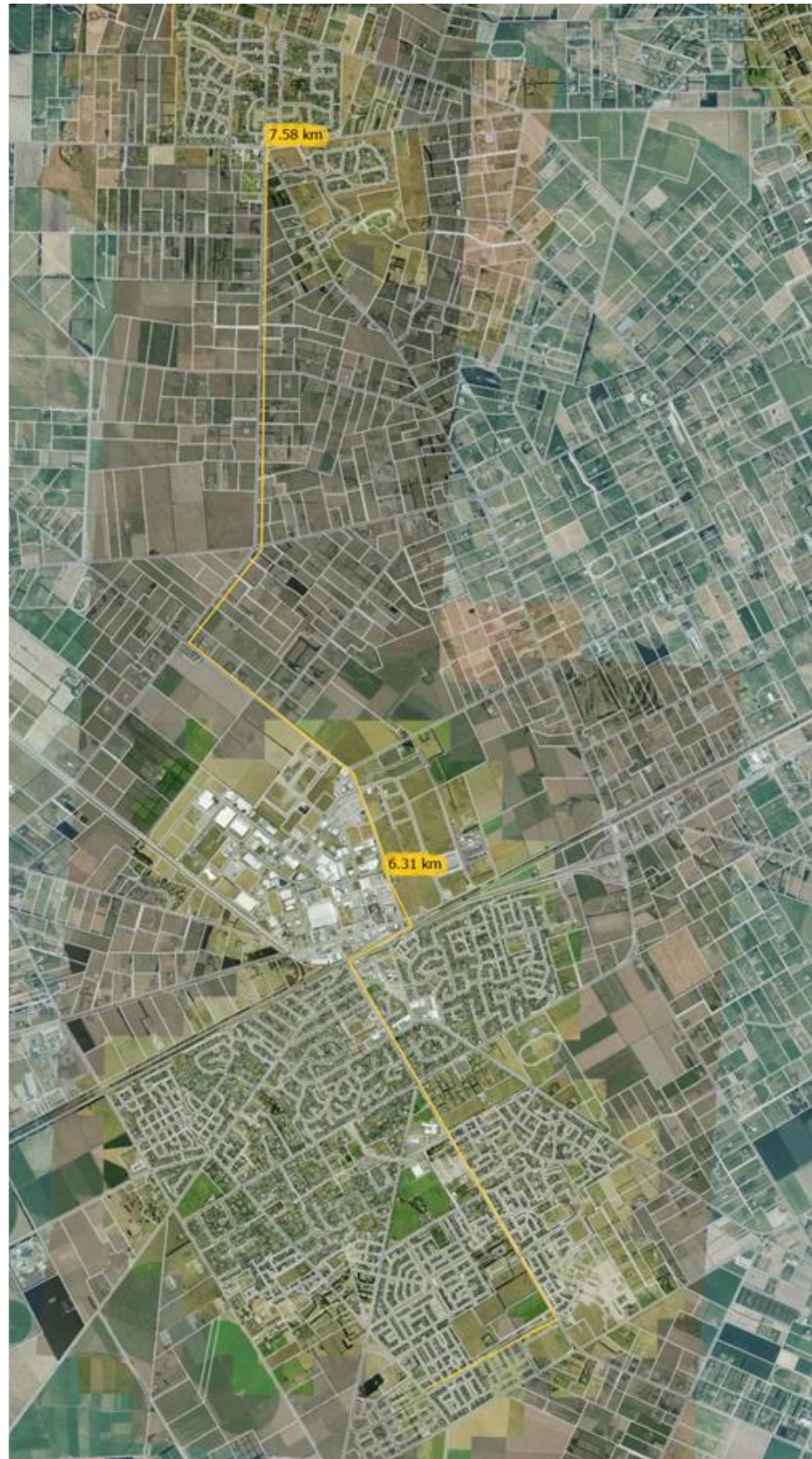


Figure 1: Distance between West Melton and IPORT and distance between Faringdon to IPORT
(Source: GRIP)

85. It is therefore conceivable that those driving to these employment areas from the new urban growth areas of Rolleston will be driving a similar distance to those from West Melton.
86. Moreover, the reliance on private motor vehicles to travel to work is not the sole domain of townships like West Melton. A lack of public transport infrastructure and the reliability of existing services influences the travel behaviour within all urban growth areas. In this regard the Greater Christchurch Public Transport Futures Combined Business Cases report 2020 notes that *trip numbers are now rising following earthquake recovery phase, but public transport only carries a 2.25% share of all trips in Greater Christchurch. This is low in comparison to other centres in New Zealand.*
87. As part of its focus to reduce greenhouse gas emissions by improving public transport infrastructure, the Greater Christchurch Partnership is currently investigating Mass Rapid Transport options, which include Rolleston as the primary hub. West Melton's proximity to Rolleston will provide the opportunity to take advantage of this initiative if it progresses.
88. In addition, the public transport offering in West Melton, while limited, has seen growing uptake in recent years. West Melton is currently served by one bus route¹⁰ however figures provided by Environment Canterbury indicate significant growth in patronage between the service commencing in January 2019 (a total of 89 customers per month) and November 2022 (1024 customers). In addition, a daily school bus now stops at West Melton and provides service to a number of Christchurch schools.
89. The completion of the West Melton to Rolleston cycleway (scheduled for 2034) provides a further alternative to connect with public transport or offers a multi-modal transport alternative, particularly in light of the growing popularity and efficiency of electric bikes and scooters.

¹⁰ The Metro 86 passes through West Melton around 7.30am bound for Christchurch and returns through West Melton around 5.30pm. This service operates as an express service, with no stops to collect passengers after Russley Rd in the morning and no drop offs before Russley Rd in the afternoon.

90. Increasing use of and demand for these alternative forms of transport is an important driver for investment. By providing connections to these linkages, the proposed rezoning aims to encourage future residents of the Site towards these lower-emissions transport options. Moreover, as the delivery of infrastructure including public transport is often driven by population figures, increasing the resident base will likely help accelerate the delivery of further upgrades and initiatives.
91. Alongside alternative transport options, increasing uptake of e-vehicles, working from home arrangements, and fuel prices can also be expected to impact fossil fuelled private vehicle use and thus the likely quantum of vehicle-related greenhouse gas emissions which could result from the proposed rezoning.
92. To emphasise the rise in popularity of electric vehicles, Stats NZ reported in May 2022 that electric vehicle imports increased 309% to the year ending March 2022. In addition, Hybrid imports increased 63% and plug-in Hybrids increased 141%¹¹.
93. In terms of working from home behaviours, a survey of 1000 NZ employees undertaken by Employment Hero in 2022 (in a report titled "The Remote Work Report") recorded that post-pandemic, 21% of respondents worked remotely from home on a full-time basis, 40% of respondents combined working from home with time in the office, and 39% of respondents worked solely in an office. In response to a question as to how often respondents would like to work remotely, 34% replied "every day", 41% replied "2-3 days per week" and 15% replied "one-day".
94. In summary, the proposed rezoning is unlikely to directly give rise to any significant, quantifiable reductions in greenhouse gas emissions. That said, the benefits that arise from changing behaviours in terms of working from home, the rise in popularity of low emission vehicles and multi modal transport alternatives and future improvements in public transport infrastructure will not be frustrated by the proposed rezoning.
95. Through the initiatives I have described, and the network and layout

¹¹ <https://www.stats.govt.nz/news/electric-vehicle-imports-accelerate-as-new-zealanders-look-to-the-future/>

of connections proposed through the ODP, the proposed rezoning, in fact, seeks to encourage uptake of those options. This is consistent with the expectations for a well-functioning urban environment which seek urban environments as a minimum to support reductions in greenhouse gas emissions (my emphasis) ¹².

Cultural Traditions

96. HDL has consulted with Mahaanui Kurataiao (**MKT**) and has prepared the plan change in accordance with MKT recommendations.
97. Extensive use of indigenous planting is prescribed within the narrative of the ODP, and the expert evidence of Mr Verstappen (Infrastructure) illustrates how the treatment of wastewater and particularly stormwater accords with the values identified by MKT.

Climate Change Resilience

98. Climate change resilience is an inherent component of the proposal. The low-density characteristics provide a higher proportion of permeable surface compared to higher density residential areas. This attribute assists with limiting run-off intensity and provide greater infiltration opportunities.
99. The analysis of Mr Verstappen addresses the ability of the site to cope with various 'flood-events' and I accept his conclusions. Accordingly, I believe the proposal will give rise to an urban environment *that is resilient to the likely current and future effects of climate change*.

Conclusion

100. For the reasons set out above, I consider that PC74 will deliver significant development capacity for West Melton and will contribute to its operation as a well-functioning urban environment. In that respect, the requirements of Policy 8 in the NPS-UD are satisfied.
101. In terms of the relevant urban growth directions in the CRPS and the Operative Plan, I consider that the proposed rezoning provides for the growth of West Melton in a strategic manner, maintains the

¹² <https://environment.govt.nz/assets/publications/National-Policy-Statement-Urban-Development-2020-11May2022-v2.pdf> Policy 1(e)

consolidated and compact form of West Melton and provides housing capacity that ensures a range of housing types, size and density are available.

National Policy Statement for Highly Productive Land 2022

102. The NPS-HPL came into force on 17 October 2022. Its objective is to protect highly productive land for use in land-based primary production both now and for future generations, and it includes a number of different mechanisms for achieving this. Of most (potential) relevance to PC74, the NPS-HPL precludes the rezoning of highly productive land for urban purposes unless:
- a) it is necessary to meet the development capacity requirements of the NPS-UD; and:
 - b) there are no other reasonably practicable and feasible options for providing that capacity within the same locality and market while achieving a well-functioning urban environment; and
 - c) the benefits of rezoning outweigh the long-term costs associated with the loss of HPL for land-based primary production, taking into account both tangible and intangible values.
103. In his section 42A report, Mr Friedel concludes that *On the basis of the expert economic evidence, I consider that all the relevant tests under the NPS-HPL have been satisfied to the extent necessary to support the rezoning.*¹³
104. This position reflects the conclusions reached in respect of how the proposal satisfies Clause 3.6 and accords with the agreement reached between Mr Fiedel and me during the rezoning hearing for this Site under the PDP.
105. Notwithstanding our agreement on NPS-HPL, I reiterate that this position is premised on Mr Friedel's view that the Site meets the NPS-HPL's transitional definition of "highly productive land" being land which is:

¹³ Councils Section 42A report, Paragraph 7.167

a) zoned general rural or rural production; and

b) LUC 1, 2 or 3 land;

but is not:

c) identified for future urban development;

d) subject to a Council-initiated, or adopted, notified plan change to rezone it from general rural or rural production to urban or rural lifestyle.

106. If the Site does not meet this definition, then the provisions of the NPS-HPL do not apply to a decision on PC74.

107. I adopt an alternative approach to Mr Friedel as to whether the Site constitutes HPL, and therefore whether the NPS-HPL actually applies to the proposal. My position in this regard is expanded upon below.

Is the Site “highly productive land”?

108. The evidence of Messrs Hainsworth and Mthamo confirms that 95% of the Site is LUC 3, and accordingly that criterion of the above definition is satisfied. I do not consider that either of the exclusionary criteria in (c) or (d) apply to the Site.

109. The remaining question then is whether the Site is zoned general rural or rural production.

110. The Operative Plan zoning of the Site – described in the maps as “Rural Inner Plains” – is the relevant zone for the purposes of this question.

111. The ‘general rural’ zone in the NPS-HPL references the zone by the same name, which is described in, and prescribed for inclusion in district plans by, the National Planning Standards 2019 (**Standards**). As the Operative Plan has not implemented the Standards, the NPS-HPL directs that the ‘general rural’ zone reference is substituted for a reference to the ‘nearest equivalent’ zone in that Plan. The issue is therefore whether the Rural Inner Plains zone is the ‘nearest equivalent’ to the Standards’ ‘general rural’ zone.

112. I have given this matter considerable thought. I am also aware that

legal submissions and planning evidence has been presented on this matter as part of the PDP Prebbleton rezoning hearings. The submissions and evidence were cause for the PDP Hearings Panel to request legal advice from the Council on the matter. The subsequent legal opinion is attached to the s42A Report (Appendix 7)¹⁴.

113. I have had the benefit of reading the legal submissions on this matter put forward by Mr Schulte on behalf of G and J Drinnan and the planning evidence of Mr Fletcher.¹⁵
114. In short, I agree with that analysis, and conclude that the 'nearest equivalent' in the Operative Plan to the Standards' 'general rural' zone is not the Rural Inner Plains zone; rather, it is the Rural Outer Plains zone. In my opinion, the 'nearest equivalent' to the Rural Inner Plains zone is in the Standards' 'rural lifestyle' zone.
115. In **Attachment B** of my evidence, I have provided some further analysis in support of that position, but the primary reasons for my position are summarised as follows:
 - a) The stated intention of the NPS-HPL transitional provisions is to protect rurally zoned land classified LUC 1-3 from urban encroachment and rural fragmentation until regional councils undertake their "highly productive land" mapping and implement the direction of the NPS-HPL. Rural land which is already fragmented is not the focus of this protection.
 - b) Owing to its minimum lot size of 4ha, land subject to the Rural Inner Plains zone is already, for all intents and purposes, fragmented.
 - c) A Baseline Report on "Rural Character" prepared by Boffa Miskell on behalf of Selwyn District Council¹⁶ confirms that the Inner Plains has rural character that is modified and reflective of rural lifestyle activity. A separate Baseline Report on "Rural Density and

¹⁴ https://www.selwyn.govt.nz/_data/assets/pdf_file/0006/1656636/PC74-Officer-s42A-Report-Appendix-7-SDC-legal-opinion.pdf

¹⁵ <https://extranet.selwyn.govt.nz/sites/consultation/DPR/Shared%20Documents/Hearing%2030.5%20Rezone%20-%20Prebbleton/Hearing%2030.5%20Legal%20Submissions/DPR-0174%20G%20and%20J%20Drinnan%20-%20Legal%20Submission.pdf>

¹⁶ https://www.selwyn.govt.nz/_data/assets/pdf_file/0006/353346/Baseline-Assessment-Report-assessing-the-current-character-of-the-Rural-Zone.pdf

Productivity"¹⁷ concludes that it is not economically viable to use Inner Plains density (4ha) for primary production purposes. It is better used for lifestyle purposes.

- d) On Selwyn District Council's own admission (in its submission on the Standards), the Rural Inner Plains zone is comparable to the rural lifestyle zone, described in the Standards.¹⁸

116. If that position is not accepted and the Site is considered to be zoned 'general rural' for the purposes of the "highly productive land" definition, then the issue becomes whether the rezoning proposal meets the relevant NPS-HPL rezoning criteria outlined above.

Rezoning criteria

117. Evidence addressing various aspects of these criteria has been provided by Messrs Hainsworth, Mthamo, Ford and Colegrave.

(a) NPS-UD capacity requirements

118. Mr Colegrave's analysis confirms that rezoning of the Site is required in order to provide sufficient development capacity over the medium and long-term within the Selwyn district. It will also provide much needed capacity within the localised West Melton market.

119. I accept his conclusions in this regard.

(b) Alternatives assessment

120. As set out above, criterion (b) requires that there are no other reasonably practicable and feasible options for providing that capacity within the same locality and market while achieving a well-functioning urban environment.

121. In looking at this question, Mr Colegrave and Mr Mthamo have both assessed locations in and around the urban area of West Melton. In my opinion, that is appropriate in terms of the directions of the NPS-HPL as it:

¹⁷ https://www.selwyn.govt.nz/_data/assets/pdf_file/0007/353347/Rural-Zone-Density-and-Minimum-Lot-Size-Farm-Advisory-Review-of-Options.pdf

¹⁸ See 15.1 Senior Strategy and Policy Planner Submission [on behalf of Council] for MFE Attachment 003, dated 30 July 2018 (submitted online)

- a) is geographically close to West Melton as an area within the Selwyn district which is facing demand for additional development capacity;
 - b) is a market for larger residential sections, being a type of housing for which there is a particularly high demand in West Melton and the urban areas of Selwyn more generally.
122. Land within that area which is not LUC 1, 2 or 3 is all geographically separated from the urban areas of West Melton. While that land may theoretically have less productive capacity than the Site, its geographical separation from West Melton means rezoning these areas for residential development is unlikely to support a well-functioning urban environment.
123. From his desktop review, Mr Mthamo concludes that there are no other blocks of 'highly productive land' within that same locality and market with fewer constraints on productive capacity than the Site.
124. In accordance with clause 3.6(2)(a), I have assessed whether the identified development capacity shortfall could be met by greater intensification in the existing urban area of West Melton. Considering the low levels of intensification within West Melton to date, intensification by infill is unlikely to address the demand for housing in West Melton, particularly for larger lots for the following reasons:
- a) Financial – there are several financial constraints (and risks) involved in further subdivision, including the cost of subdivision and the loss of equity in the primary residence.
 - b) Site characteristics – the location of existing dwellings and improvements, solar orientation, site size and dimensions have considerable influence on whether further subdivision is possible.
 - c) Other matters – a range of additional matters will influence intensification potential, these include Operative Plan rule requirements, urban design outcomes (e.g. proliferation of rear sites) and restrictive land covenants (e.g. Wilfield restricts further subdivision until 2035).
125. To satisfy myself that intensification is unlikely to provide feasible

capacity I have undertaken a case study of 12 residential properties located in Gainsborough that are bounded by Rossington Drive, Dalton Way and Brampton Drive (refer fig. 2).



Figure 2: Intensification Case Study - Gainsborough (Source: GRIP)

126. Titles for these properties were issued in January 2008, meaning the dwellings are only 15 years old at most. As identified in Mr Colegrave's evidence, it is extremely unlikely dwellings of this age and substance will be demolished on the premise of creating 2-3 additional land parcels.
127. As Fig. 2 illustrates, I believe it is potentially feasible for 3 additional sites to be created by subdividing excess land at 19 and 21 Rossington Drive as well as 1 Dalton Way.
128. The remaining 9 properties within this block all contain dwellings and improvements that would preclude further subdivision from occurring without demolition or removal.

129. Whether it is palatable to create an additional site at 21 Rossington Drive is also debatable given that a rear section is being created off a right of way. To ensure access is achievable, the written consent of 23 Rossington Drive will be required as this property has existing right of way access.
130. Additionally, the creation of a rear section at 21 Rossington Drive will consume much of the available north facing area in front of the existing dwelling. This may not be a desirable outcome for the occupants and the residual value of 21 Rossington Drive.
131. Mr Colegrave has also considered whether intensification could deliver the additional development capacity required and concludes that there are no other parcels of land within the same locality and market that could deliver that capacity (via intensification) while achieving a well-functioning urban environment. I agree with his analysis in this respect.
132. Drawing on the evidence of HDL's other experts, I therefore conclude that there are no other reasonably practicable and feasible options for providing needed development capacity within the same locality and market while achieving a well-functioning urban environment.

(c) Cost benefit analysis

133. The proposed rezoning has been subject to a detailed cost benefit analysis by Mr Colegrave, supported by Messrs Ford, Mthamo and Hainsworth.
134. The starting point for Messrs Ford, Mthamo and Hainsworth is the productive capacity of the Site which they identified to be subject to significant constraints, that would be costly to address. This in turn means that the economic and social costs of losing that land for primary production are, in their opinion, negligible.
135. For his part, having assessed the likely economic costs and benefits of the proposed rezoning relative to potential rural production, Mr Colegrave concludes that the proposed urban rezoning will generate far higher economic benefits than if the Site were used for rural production over a very long period of 50 years.

136. I accept the analysis of these experts and consider that the economic benefits of using the Site for primary production are minimal, and are far outweighed by the economic benefits of urban rezoning. As the productive capacity of the Site is so constrained, the social and environmental benefits of utilising the land for primary production are also considered to be negligible compared to the delivery of much-needed, additional housing which will maintain West Melton's compact urban form.
137. For these reasons, I am satisfied that the costs and benefits of both proposals (rezoning the land for urban purposes or using it for primary production) strongly favour HDL's proposal.

Conclusion: NPS-HPL

138. For the reasons put forward by Mr Schulte on behalf of G and J Drinnan and supplemented by those set out in **Attachment B**, I do not consider that the Site falls within the transitional definition of highly productive land. Even if it does, however, I reaffirm my agreement with Mr Friedel that the criteria for enabling its rezoning are satisfied, and consequently, rezoning of the Site as sought by HDL is consistent with directions of that document.

Updated section 32 analysis

139. Mr Friedel undertakes an evaluation of the proposal in accordance with section 32 and concludes:

Having evaluated the request, I consider that the objective of PC74 would achieve the purpose of the RMA when considered against the relevant statutory tests. In the case of PC74 is only supported by virtue of it being able to demonstrate that it satisfies the tests that are now provided in the NPS-UD and NPS-HPL pathways. PC74 would therefore also enable Council to meet its functions under s31(1)(aa) in respect to ensuring there is sufficient development capacity to meet the expected housing demands of the district.

140. An evaluation under s32 needs to consider if the rezoning is the most appropriate to achieve the purpose of the Act. In evaluating this proposed rezoning, the expert assessment of the NPS-UD in terms of

providing significant development capacity, competition and housing choice is significant. Similar expert assessment in terms of the NPS-HPL and confirmation that this Site is the most suitable and there are no alternative locations that equally achieve the purpose of the Act.

141. The analysis of Mr Colegrave highlights a capacity shortfall, particularly within the localised West Melton context. The proposal is therefore a necessary response to addressing this shortfall.
142. The analysis of Mr Colegrave, Mr Mthamo, Mr Hainsworth and Ms White clearly illustrate that the proposal represents the most appropriate location to provide additional capacity whilst maintaining a compact and consolidated township.
143. The cost benefit analysis of Mr Colegrave and the supporting analysis of Mr Ford illustrate the benefits that will be accrued, whilst also highlighting there is no alternative use for the site that will give rise to equivalent or more optimal outcomes.
144. Additionally, the evidence of Mr Verstappen illustrates how significant benefits to the local water supply will accrue from the expansion of the water reservoir and increased separation from the existing wastewater treatment facility.
145. Mr Colegrave's analysis along with that of Mr Jones confirms that the proposal will assist in providing capacity and choice to the local housing market, importantly it will also assist greatly in providing competition within the local land development and housing market.
146. Having considered the expert economic, urban design, transport, soil, real estate and infrastructure analysis I share the view of Mr Friedel that the proposal is the most appropriate way to achieve the purpose of the Act.

Response to section 42A report

147. Mr Friedel has prepared an extensive s42A report on which we are in agreement as to the substantive matters that are met by the proposal to enable rezoning of the Site.

148. Within the s42A report there are matters on which I provide additional comment.
149. In respect of the housing sufficiency data introduced by Mr Foy (Economics) on behalf of the Council, Mr Friedel suggests this data, *is the most contemporary information from Council on the estimated plan enabled housing capacity for West Melton to assist in evaluating the overall merits of the rezoning request (p7.15).*
150. I disagree with this assertion and question the accuracy and relevance of the data as it has currently been presented. Clause 3.2 of the NPS-UD requires that sufficient capacity to meet expected housing demand must be:
- a. *plan-enabled,*
 - b. *infrastructure ready,*
 - c. *feasible and reasonably expected to be realised*
 - d. *For Tier 1 local authorities, meet expected demand plus an appropriate competitiveness margin*
151. Having considered Mr Colegrave's analysis I am of the opinion that a significant proportion of the capacity identified by Mr Foy is not feasible due to the unlikely expectation that existing dwellings will be demolished to provide vacant sections.
152. Without the removal or demolition of existing dwellings future capacity is unlikely to be plan-enabled as not enough surplus land is available on all sites to meet minimum site size requirements, setbacks or rear access widths.
153. Alongside Mr Colegrave's analysis in terms of the economic feasibility of intensification, I do not think it is reasonable to expect properties within Halkett Grove and Wilfield to deliver housing capacity via intensification in the medium term due to restrictive covenants that are in place preventing further subdivision.
154. Accordingly, I do not believe Mr Foy's recently introduced data aligns with the criteria for sufficient capacity in the NPS-UD and therefore I do not agree it provides any assistance in evaluating the overall merits of the request as suggested by Mr Friedel.

155. With regard to the matter of minimum net density, there is some confusion as to whether a minimum net density should be applied or not.
156. The Planning JWS clearly states, *Mr Friedel and Mr Brown agree that a minimum density requirement is not required to be incorporated into the Development Plan.*
157. Confusingly however, the remaining commentary in the JWS in terms of density centres around a minimum net density of 8hh/ha.
158. Although not clearly articulated in the JWS, it is my understanding that the use of 8hh/ha was agreed as the preferred minimum density if the decision-maker was of a mind that a minimum net density needed to be prescribed. On this basis the 8hh/ha was seen as more appropriate than the 12hh/ha and subsequent 10hh/ha put forward by Mr Nicholson.
159. This position may differ from Mr Friedel's and therefore further clarification may be required regarding this matter.

Response to residual matters raised by submitters

CIAL

160. I agree with Mr Friedel in respect of Christchurch International Airport Limited (**CIAL**) concerns regarding the remodelled 50dba Air Noise Contours. Due to the limited statutory weight that can be afforded to the remodelling options along with the uncertain and lengthy process of updating the contours and inserting them into the CRPS, the existing operative Air Noise contours within the CRPS are the most appropriate in this instance.
161. Given that the operative Air Noise contours do not extend over any part of West Melton, the proposed rezoning will not compromise the efficient operation of CIAL.
162. In any event, I note that the most recent remodelling recommendation adopts the Annual Average contour as the preferred 50dba Air Noise Contour to be implemented. The Annual Average contour does not extend over any part of West Melton.

163. Furthermore, the Annual Average contour has been included in the notified plan changes for the Waimakariri District Council and Christchurch City Council respective plan changes to implement MDRS provisions. It would seem highly unlikely for the Annual Average contour to be preferred in these two local authorities and a different contour to be preferred within the Selwyn District.

CCC

164. I have reviewed the submission of the Christchurch City Council (**CCC**) in regard to matters relating to Residential Density and Transport.
165. I disagree with the assertion of CCC that the density of the proposed development is not consistent with the NPS-UD and particularly the requirements of a well-functioning urban environment.
166. Contrary to the CCC submission and relying on the evidence of Mr Colegrave, Mr Jones and Ms White, I am of the view that the low-density nature of the proposal is fully consistent with the outcomes of a well-functioning urban environment given that it provides for housing variety and meets the different housing needs of those choosing to live in West Melton compared to those choosing to live elsewhere in the District.
167. With respect to Chapter 6 of the CRPS, the minimum net density of 10hh/ha is a requirement for greenfield priority areas within Selwyn. The Site is not identified as a greenfield priority area and therefore I do not agree that this minimum net density requirement applies.
168. Both Mr de Verteuil and Mr Collins agree that the proposal is well-connected to transport corridors.
169. I disagree with the very general assertion in the CCC submission that the proposal will result in an increase in commuter traffic to Christchurch City and that this is a reason to decline the proposal.
170. Whilst I do not discount the likelihood of future residents travelling to Christchurch City, this alone does not constitute an adverse effect that warrants the decline of the proposal.

171. The position put forward by the CCC fails to account for increased use of non-internal combustion vehicles as a means of commuter travel, as well as working from home trends and the ever-increasing employment base being created within the Selwyn District.
172. In addition to the above, I believe West Melton is well-located to avail of future initiatives arising from the Regional Mode Shift Plan. If Rolleston becomes the mass-rapid-transit (MRT) hub within Selwyn as predicted, West Melton can readily utilise park and ride facilities and connect with MRT via multi modal transport alternatives such as cycles and scooter.

Others

173. The submission lodged by GW Wilfield raises matters relating to density, transportation, environmental initiatives and infrastructure. GW Wilfield request that unless these matters are addressed, the plan change request should be declined.
174. In terms of density, Mr Friedel and I are in agreement that the density proposed is consistent with the low-density character of the West Melton township. This conclusion is consistent with expert analysis of Ms White.
175. I also agree with the conclusions of Ms White in regard to density along the rural-urban interface. Ms White concludes:

I consider lots of 3000m² or more within the urban boundary of West Melton are an inefficient use of the land resource and lots of 1500m² or greater are capable of providing an adequate transition.¹⁹

176. Interestingly, this position is similar to previous statements made in evidence by Mr Wheelans in respect of Plan Change 59.²⁰

Since 2015 GW Wilfield Ltd has lodged multiple subdivision consent applications since the initial consent seeking 158 lots (RC145470). Those further applications have been lodged and consented during the development of Wilfield to intensify existing consented areas,

¹⁹ Evidence of Ms White Paragraph 111

²⁰ https://www.selwyn.govt.nz/_data/assets/pdf_file/0004/368086/GW-Wilfield-Evidence-of-Hamish-Wheelans-final.pdf

resulting in an increase in overall lots to 180 lots. The primary reason for those consent applications was that the market evolved from the demand profile that was experienced at Preston Downs. The larger lots of 3,000m²-5,000m² were out of favour and difficult to sell. Our buyers informed us that lots between 3,000m² and 5,000m² were too big to maintain and too costly to landscape.

177. Furthermore, in his summary, Mr Wheelan concludes *Maintaining low-density developments in my view is not sustainable for the land resource and the cost of long-term infrastructure maintenance.*
178. HDL has not proposed any changes along the rural-urban interface to align with the GW Wilfield request. Whilst Mr Wheelans is seeking some consistency between Wilfield and the proposal, Operative Plan Policies B4.3.97 and B4.3.98 provide clear intent that the two areas are not anticipated to be treated the same in respect of residential density.
179. From a transportation perspective I prefer the agreed position reached by the respective experts for HDL (Mr de Verteuil) and Council (Mr Collins).
180. I am cognisant of the environmental initiatives put forward as part of PC67. Having discussed this matter with Mr Hughes, the proposal has sought to adopt a different approach to address greenhouse gas emissions, energy use and climate change. Rather than align the responsibility to achieve sustainable outcomes with the construction and design of housing, sustainability initiatives have been included in the ODP to ensure they are implemented at the time of subdivision. This pathway is preferred and has been agreed with Mr Friedel.
181. The matters pertaining to the ownership of infrastructure and associated land is not a matter for consideration as part of this proposal.

Conclusion

182. I consider that the PC74 will deliver significant development capacity for West Melton and will contribute to its operation as a well-functioning urban environment. In that respect, the requirements of

Policy 8 in the NPS-UD are satisfied.

183. In terms of the relevant urban form directions in the CRPS and the ODP, I consider that the proposed rezoning provides for the growth of West Melton in a strategic manner, maintains the consolidated and compact form of West Melton and provides housing capacity that ensures a wide range of housing types, size and density are available.
184. I have concluded that the Site is exempt from the provisions of NPS-HPL. However, if the Site is not considered to be exempt, I consider that the criteria for enabling rezoning are satisfied, and rezoning of the Site is consistent with directions provided.
185. A series of amendments have been made to the ODP in response to recommendations put forward by the Council Officer, and the analysis of HDL's experts. In my opinion, the proposed rezoning in combination with the updated ODP and its supporting narrative is the most appropriate planning outcome for the Site.



Mark Brown
13 March 2023

ATTACHMENT A – UPDATED ODP AND SUPPORTING NARRATIVE

Outline Development Plan

Introduction

The Outline Development Plan (ODP) area comprises 20.687ha and is bounded by Halkett Road to the north and State Highway 73 to the south. The ODP immediately adjoins the Gainsborough development to the west. The ODP has road access onto Halkett Road, State Highway 73 and Rossington Drive.

The ODP uses best practice urban design principles to set the general pattern of development over the area to guide future development and provide a degree of certainty for all parties in the establishment of land uses across the site. It provides a design rational that maintains the existing low density, low impact character of Gainsborough incorporating key structural elements such as road connections (including swale network), cycle and pedestrian network and access to open space.

Land Use

To balance the needs of maintaining the existing low-density character of Gainsborough whilst providing variety and housing choice, any future subdivision may provide a maximum of 10% of lots sized between 600m² and 1,000m². These lots are to be concentrated around the central recreation reserve as shown on the ODP. All remaining lots shall achieve an average lot size of 1,500m². Lots along the rural-urban interface are to have a minimum area of 1,500m² and will include a 10-metre building setback from the shared rural property boundaries.

The ODP shall include measures to reduce carbon emissions that are to be implemented at the time of subdivision. These measures include the installation of rainwater tanks (and pumps) for each lot and the installation of solar-powered streetlights.

As part of the rural-urban interface treatment, boundary fencing along the Halkett Road and State Highway 73 road boundaries are to be post and rail.

Movement Network

Access to the site is provided from Halkett Road, State Highway 73 and Rossington Drive. There shall be no direct access from individual lots to State Highway 73.

Unless otherwise agreed with Waka Kotahi, access to State Highway 73 will be left in and left out. This intersection will require a 'physical barrier' (installed by either the developer or Waka Kotahi, or a combination of both) to prevent right turning movements. The intersection onto State Highway 73 is not to open until this barrier has been installed and the internal road connection to Rossington Drive has been made.

The primary road between State Highway 73 and Halkett Road shall include traffic calming measures to reduce traffic speed. The secondary roads identified on the DP shall facilitate internal connectivity, providing a basis for cohesive residential design.

Cross Sections of the internal road network are attached. Development is to occur in accordance with these cross sections.

Halkett Road will be upgraded to urban standards along the frontage of the ODP including a shared pedestrian/cycle path. The shared path is to be constructed beyond the frontage of the site to link with Rossington Drive to the west and Wylies Road to the east.

Two indicative road connections are located along the eastern boundary to ensure future long-term connectivity is available.

A detailed safety assessment of the intersection of State Highway 73 and Halkett Road shall be undertaken as part of the subdivision consent process to identify any improvements or upgrades necessary. The assessment of this intersection shall be done in consultation with Waka Kotahi and Selwyn District Council.

Green Network

A large recreation reserve will be centrally located within the ODP. The reserve will act as a focal point whilst also providing an east-west visual corridor to compliment the visual corridors created by the north-south roading network.

A landscaping strip of at least 4m wide shall be provided within the lot boundaries along the State Highway 73 road frontage. At the time of planting, all shrubs within this strip shall be planted at a PB2.5 grade and all trees shall be planted at a minimum height of 0.8m. Planting within the State Highway 73 landscape strip shall be undertaken to achieve effective screening of dwellings along the State Highway frontage.

A landscaping strip of at least 2m wide shall be provided within the 10m no-build setback along the rural-urban interface. At the time of planting, all shrubs within this strip shall be planted at a PB2.5 grade and all trees shall be planted at a minimum height of 0.8m.

The landscaping strips are to be planted exclusively with indigenous species. For properties along the eastern boundary of the ODP this planting shall only be required if the existing shelterbelt is removed.

The majority of vegetation planted within the central recreational reserve, access reserve and road reserve network shall be indigenous vegetation species.

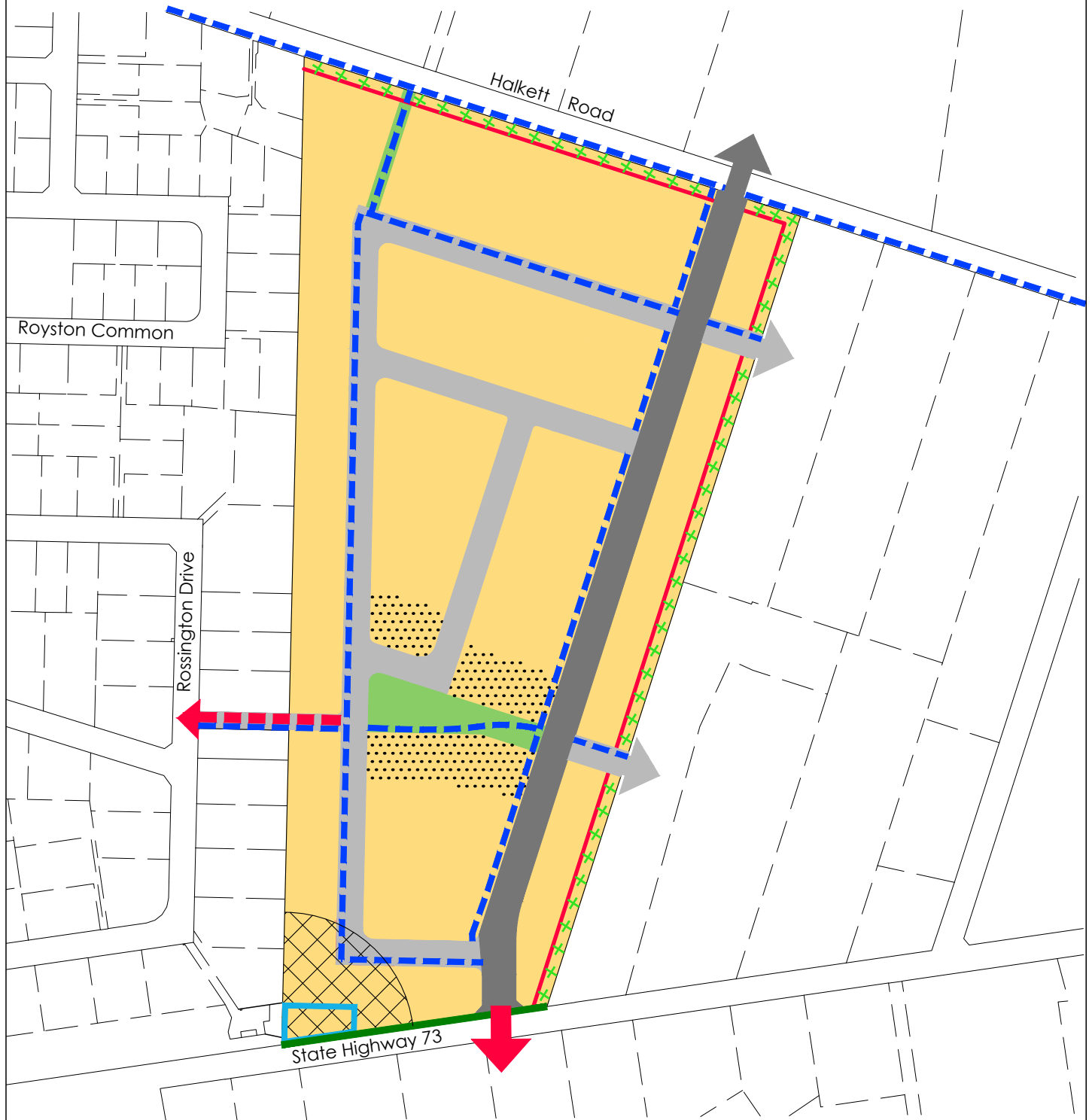
Blue Network

The roading layout corresponds with lower lying areas which will provide secondary pathways for stormwater. An extensive road-side swale network will provide additional stormwater treatment. Stormwater from roofs and hardstand areas will be directed to on-site soak holes meeting the required Canterbury Regional Council standards.
















A utility lot will be provided in the southwest corner of the ODP adjoining the existing Council utility reserve. The purpose of this lot is to enable Council to expand and improve the security of the existing West Melton reticulated water supply network in the future. To mitigate any potential adverse effects on the water supply network upgrade, alternative stormwater disposal methods will be required within the area identified as a groundwater protection zone.

In keeping with the low-impact design rationale for the ODP area, street and reserve lighting within the development shall be solar powered. In addition, rainwater tanks (and pumps) shall be installed within all lots at the time of subdivision for rainwater harvesting purposes.

Outline Development Plan

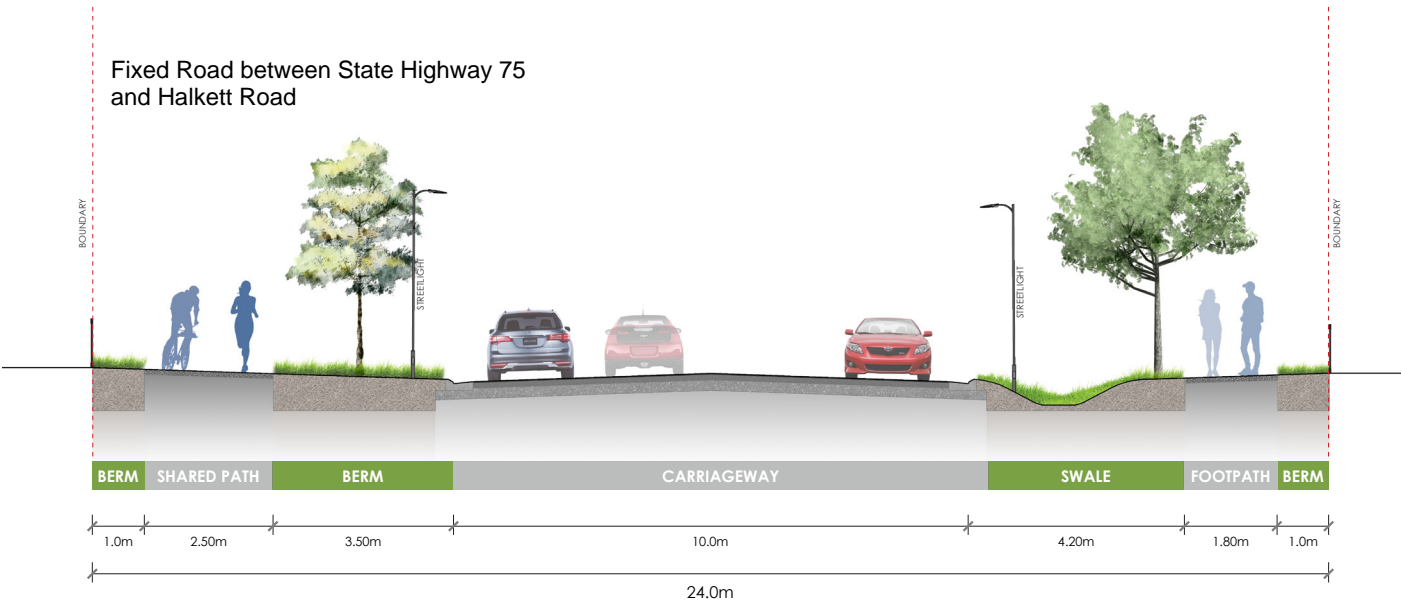


KEY

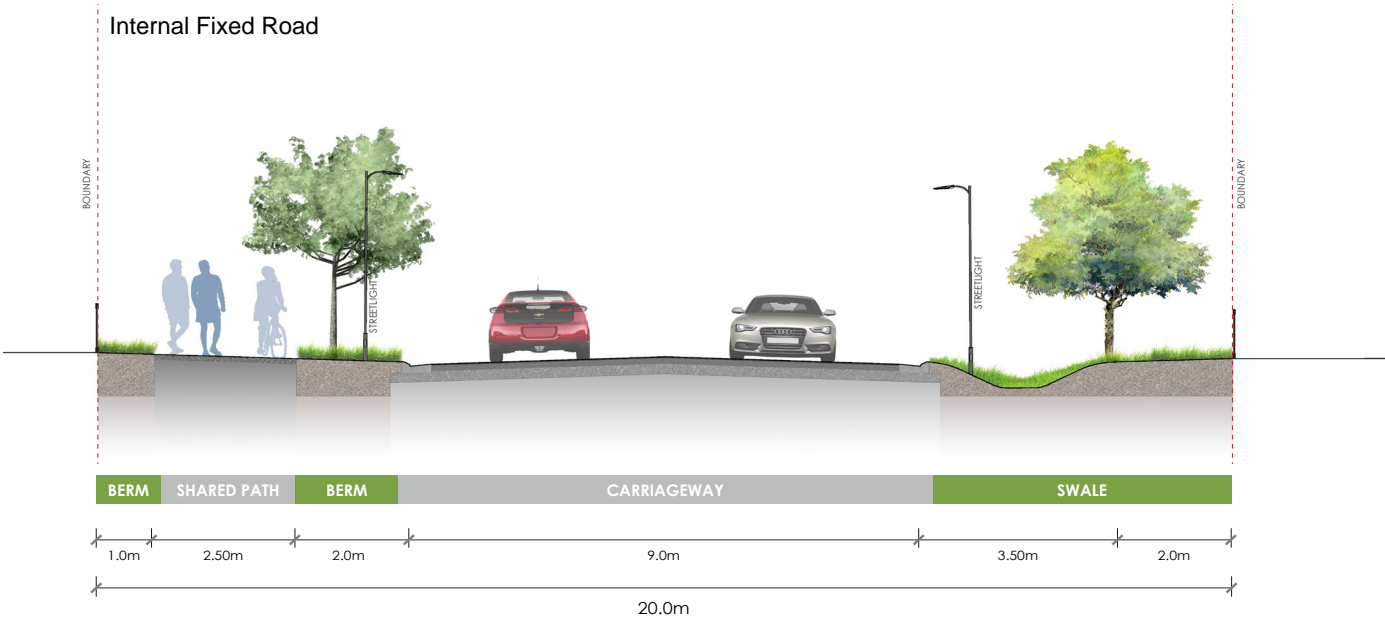
	Living West Melton North (Medium Density)		Primary Road		Indicative cycle / pedestrian route
	Living West Melton North (Medium Density) Lots < 1000m ²		Secondary Road		10m Build Setback
	Indicative Reserve		SH73 Road Connection		2m indigenous planting
	Utility Lot		Halkett Road Connection		SH 73 Landscaping Strip
			Rossington Drive Connection		Groundwater protection area
					Indicative Road Connection



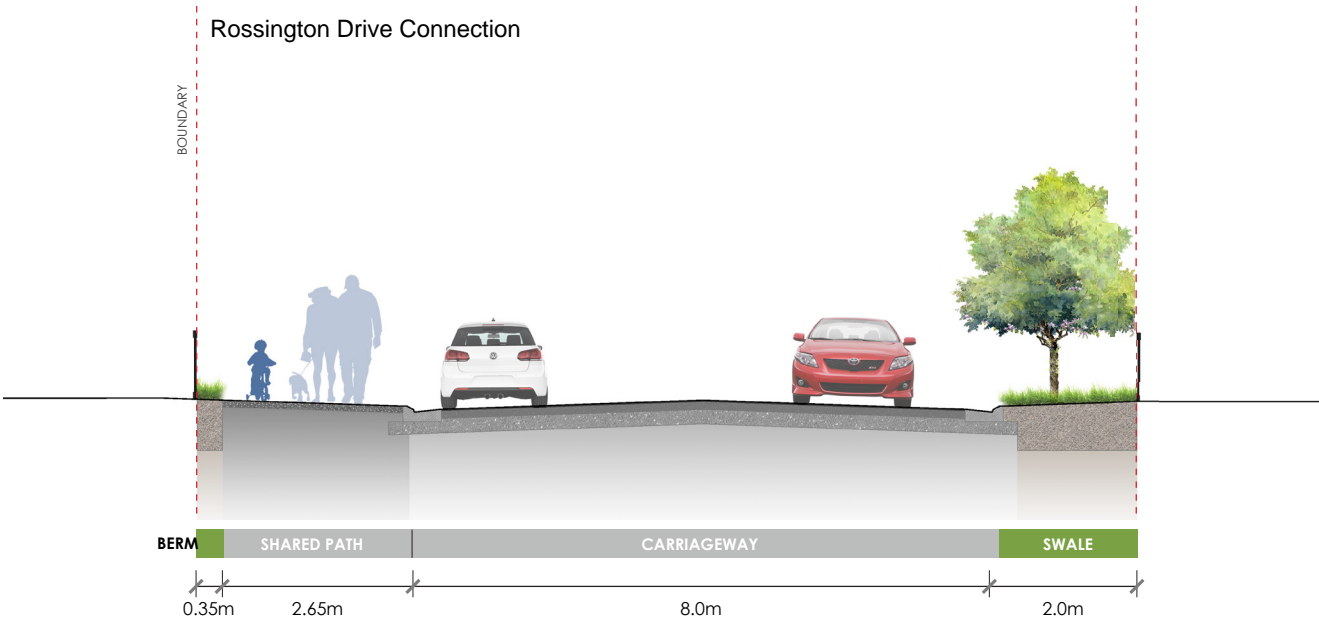
Fixed Road between State Highway 75
and Halkett Road



Internal Fixed Road



Rossington Drive Connection



ATTACHMENT B – NPS-HPL – RURAL RESIDENTIAL ANALYSIS

1. In considering whether the subject site is exempt from the NPS-HPL pursuant to clause 3.5(7)(a), I find it useful to consider both the context and intent of the NPS.
2. The Recommendations and Decision report on the NPS-HPL identifies two key pressures facing highly productive land:

- *Urban rezoning and development, and*
- *An increase in rural lifestyle developments, particularly on the fringes of urban areas*

3. In describing the context for the NPS-HPL, the report states:

Rural lifestyle development is a particularly significant driver of the loss of HPL. This development often causes the fragmentation of productive land, resulting in irreversible land use change, and the loss or underutilisation of land for primary production purposes. This type of development is also more sensitive to primary production effects (i.e., noise, odour and dust) and leads to reverse sensitivity effects.²¹

4. To my mind the intention of the NPS-HPL is to protect land Classified LUC 1-3 from urban encroachment and rural fragmentation during the 3-year transitional period.
5. In achieving these outcomes, it stands to reason that rural land that is already fragmented is not targeted for protection.
6. This point is clearly articulated within the NPS-HPL Implementation Guide released in December 2022 which states:

Clause 3.5(7)(a) makes it clear the NPS-HPL is only relevant to land zoned general rural or rural production. This means all other zones are excluded from the transitional definition of HPL. All 'urban' zones (including special purpose and future urban zones, as defined in the NPS-HPL) and rural lifestyle zones are excluded from the transitional definition of HPL (p14).

²¹ <https://environment.govt.nz/publications/recommendations-and-decisions-report-on-the-national-policy-statement-for-highly-productive-land/> Part A Page 7

7. Further direction is provided for situations where National Planning Standards have not been implemented by recommending the NPS-HPL should be read as applying to the *nearest equivalent zone*.
8. Within the Operative Plan there is only one rural zone, aptly named the Rural zone. This zone is separated into 'areas', one of which is Inner Plains.
9. Part 4 within the Rural volume of the Operative Plan describes the various areas that are comprised within the Rural zone. Inner Plains is described as follows:

The different characteristics of the Plains have resulted in different land uses and intensity of subdivision and settlement. These differences are reflected in the division of the Plains into Inner and Outer Plains for the management of subdivision and residential density in the Plan.

10. In 2017 the Council commissioned a Boffa Miskell to prepare a Baseline - Rural Character Assessment. The purpose of the assessment was to assist in reviewing and describing the 'rural character' of the Rural Zone areas within the District, and to identify and describe any areas where the 'rural character' within the Rural Zone has been significantly eroded.²²
11. The work was undertaken to inform and assist the Council with policy development for their District Plan Review in relation to appropriate future patterns of density, buildings, planting and shelterbelts within the rural environment.
12. The report undertakes a comprehensive assessment of 8 distinct landscape areas within Selwyn's rural zone, followed by an assessment of the rural character of the Port Hills, Inner Plains, Outer Plains, Malvern Hills and High Country areas within the Rural Zone.
13. In respect of the rural character assessment of the Inner Plains, some notable observations and conclusions are made. These include:

The rural character of the Inner Plains is dominated by vegetated

²² https://www.selwyn.govt.nz/_data/assets/pdf_file/0006/353346/Baseline-Assessment-Report-assessing-the-current-character-of-the-Rural-Zone.pdf Page 1

lifestyle blocks divided with post and rail fencing, expressive entry features, manicured shelterbelts/ clusters of exotic trees providing a sense of enclosure along the road boundary and a high density of dwellings (page 28).

Overall, the vegetation pattern within the Inner Plains is more domesticated than rural in many places. A number of areas, on the outskirts of Prebbleton, Rolleston and West Melton provide a landscape character that is more closely aligned to rural-residential or lifestyle blocks with smaller land holdings and agricultural uses that are not production oriented, such as horse paddocks (p28).

Careful consideration should be given to any future subdivision or development within this zone and especially along the Inner/Outer Plains boundary as there is a real risk of losing the remaining 'ruralness' and becoming overly dense. In some areas this has already changed to a point that the desired rural characteristics of the Outer Plains can no longer be achieved, therefore it may be warranted to contemplate a boundary adjustment to direct future denser development into these expansion areas of the Inner Plains Zone, alleviating pressure from other Outer Plains areas near the boundaries (p32).²³

14. From a rural character perspective it is clear large parts of the Inner Plains are fragmented and depict rural characteristics consistent with Rural Lifestyle activity.
15. Similarly, an additional Baseline report titled *Selwyn District Plan Review – Rural Zone Density and Minimum Lot Size, Farm Advisory Review of Options*²⁴ was prepared in November 2017 by Macfarlane Rural Business. The introduction section describes the purpose of the report as being to review the rural density options developed by the planner with regard to productive viability of farm land...
16. In the section titled Inner Plains the report states:

The Inner Plain minimum lot size is 4ha. It is very difficult to operate

²³ https://www.selwyn.govt.nz/_data/assets/pdf_file/0006/353346/Baseline-Assessment-Report-assessing-the-current-character-of-the-Rural-Zone.pdf Page 32

²⁴ https://www.selwyn.govt.nz/_data/assets/pdf_file/0007/353347/Rural-Zone-Density-and-Minimum-Lot-Size-Farm-Advisory-Review-of-Options.pdf

*these lots economically with mainstream farming systems and generally they are utilised as residential lifestyle properties. The lack of scale, infrastructure and farming knowledge on most of these properties precludes the ability to make a sustainable return. Furthermore, most of these properties would have an effective farmable area considerably less than 4 hectares.*²⁵

17. In reviewing a potential option to extend parts of the Inner Plains zone, the author states:

*4ha properties are usually uneconomic and are generally used for live style purposes. Therefore, any affected properties that are currently outside of the inner plains zone could be subdivided into 4 hectare lots which would potentially reduce the productivity of the land.*²⁶

18. The Baseline Reports clearly identify that the Inner Plains area exhibits rural character that more closely resembles rural-residential or rural lifestyle blocks and the 4ha properties that dominate the Inner Plains are uneconomic or unproductive and are generally used for lifestyle purposes.
19. For all intents and purposes, despite there being a solitary Rural zone within the Operative Plan, the Inner Plains is undoubtedly intended to function as the equivalent of a Rural Lifestyle Zone.
20. Balancing the provision of housing within the rural zone with fragmentation and the productivity of land clearly occurs within the Inner Plains given its 4ha residential density standard and accompanying controlled activity status for complying subdivisions.
21. A similar balance has been achieved in the Waimakariri District through their Rural Lifestyle zone, whereby a residential density of 4ha is enabled. Correspondence received from Waimakariri District Council confirms that it considers the Rural Lifestyle Zone within their district (and subject to their PDP) as being exempt from the NPS-HPL.
22. It has been the practice under the Operative Plan to treat the Inner

²⁵ https://www.selwyn.govt.nz/_data/assets/pdf_file/0007/353347/Rural-Zone-Density-and-Minimum-Lot-Size-Farm-Advisory-Review-of-Options.pdf Page 4

²⁶ https://www.selwyn.govt.nz/_data/assets/pdf_file/0007/353347/Rural-Zone-Density-and-Minimum-Lot-Size-Farm-Advisory-Review-of-Options.pdf Page 7

Plains area as the district's rural lifestyle zone. The ability to continue to fragment Rural land into 4ha parcels seems counter intuitive to the purpose of the NPS-HPL, unless such land is not considered to meet the definition of being 'highly productive land'.

23. For these reasons and others, I agree that Inner Plains and the area it encapsulates should be exempt from the provisions of the NPS-HPL pursuant to Clause 3.5(7)(a).