

Section 42A Report

Report on submissions relating to Plan Change 74

**Hughes Developments Limited request to rezone
approximately 20 hectares of Rural (Inner Plains) Zone
land on the eastern side of the West Melton township,
bounded by Halkett Road and West Coast Road to a
Living West Melton East Medium Density Zone**

6 March 2023

To:
From:
Hearing Dates:

Hearing Commissioner – D. Caldwell
Consultant Planner – C. Friedel
27 and 28 March 2023

Contents

1. Introduction	3
Qualifications and Experience	3
Evidence Scope	3
2. Context	4
3. Site Description and Request	6
Site Description.....	6
Surrounding environment	8
Request	8
District Plan Review – Rezoning hearing requests	10
4. Procedural Matters.....	10
5. Submissions	11
6. Statutory Framework.....	15
7. Assessment of the Request and Matters Raised in Submissions	16
Quality of the environment	17
Infrastructure Servicing	28
Transport	32
Community facilities and services	39
Land suitability.....	42
Environmental	44
Land and soil	52
Historic heritage	57
Covenants	58
8. Statutory Analysis	59
Functions of Territorial Authorities	59
9. Proposed Amendments to the District Plan	66
10. Conclusions and Recommendation.....	66
Appendix 1 – Technical Memo on Growth Planning in Selwyn District	67
Appendix 2 – DPR Hearing 30.6 West Melton, Joint Witness Statements for DPR-0411 HDL	68
Appendix 3 – Updated PC74 ODP, 3rd of March 2023	69
Appendix 4 – Evidence of Hugh Nicholson, Urban Design Consultant	70
Appendix 5 – Evidence of Shane Bishop, Consultant Infrastructure Engineer	71
Appendix 6 – Evidence of Mat Collins, Consultant Transport Engineer	72
Appendix 7 – SDC NPS-HPL Legal Opinion	73
Appendix 8 - Proposed District Plan Text Changes.....	74

1. Introduction

Qualifications and Experience

- 1.1. My name is Craig Friedel. I am a Technical Lead - Planning and Associate at Harrison Grierson Consultants. I hold a Master of Environmental Policy and Management (Distinction) and a Postgraduate Diploma in Resource Studies (Environmental Policy and Planning) from Lincoln University and a Bachelor of Arts (Geography) from the University of Canterbury.
- 1.2. I have worked in the field of planning since 2005 for local authorities and a multidisciplinary consultancy. I have been a full member of the New Zealand Planning Institute since 2009.
- 1.3. I was previously employed by the Selwyn District Council (the 'Council') as a Senior Strategy and Policy Planner between 2008 to 2018. During that time, I coordinated the preparation of structure plans, the Rural Residential Strategy 2014 and residential zoning under the Land Use Recovery Plan (the 'LURP') (Actions 17 and 18.vii) and was the principal planning advisor on changes to the Operative Selwyn District Plan (the 'SDP') under the LURP (Action 18.vii). I was Council's planning advisor to the Greater Christchurch Partnership's Officer Group from 2016 through to 2018, which included preparing responses to the National Policy Statement on Urban Development Capacity (the 'NPS-UDC').
- 1.4. In my current role I was the principal planner that prepared the report entitled 'Greenfield Density Analysis: Technical Report' for the Greater Christchurch Partnership (the 'GCP') to address Action 3 of Our SPACE. I assisted Council to process three other private plan change requests (PC75, PC76 and PC78) seeking to rezone land adjacent to the existing township boundary in Rolleston. I have also prepared evidence on submissions received on the Proposed Selwyn District Plan ('PDP') and seeking to rezone land in West Melton and Prebbleton, including submissions that seek the same outcome as PC74 for the land that is the subject of these proceedings.
- 1.5. Whilst this is a Council Hearing, I confirm that I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note and that I agree to comply with it.¹ I confirm that I have considered all the material facts that I am aware of that might alter or detract from the opinions that I express, and that this evidence is within my area of expertise, except where I state that I am relying on the evidence of another person.

Evidence Scope

- 1.6. This report analyses the submissions received on Plan Change 74 ('PC74') to the SDP and has been prepared under s42A of the Resource Management Act 1991 (the 'Act'/'RMA').
- 1.7. The purpose of this report is to assist the Hearing Commissioner to evaluate and decide on submissions made on PC74 and to assist submitters in understanding how their relief affects the planning process. This report includes recommendations to support or oppose points made in submissions, and to make amendments to the SDP. In this regard it is important to emphasise that the Commissioner is in no way bound by my recommendations and will form their own

¹ <https://www.environmentcourt.govt.nz/about/practice-note/>

view on the merit of the request and the outcomes sought by submitters, having considered all the evidence before them.

- 1.8. In preparing this report I have:
 - a. Visited the site and am familiar with the wider West Melton township.
 - b. Reviewed the private plan change request (the 'request') as notified.
 - c. Read and assessed all the submissions received on the request.
 - d. Considered the statutory framework and other relevant planning documents.
 - e. Reviewed and relied on, where necessary, the evidence and peer reviews provided by other experts on this request and in respect to the related submissions received on the District Plan Review (the 'DPR') rezoning request².
- 1.9. This report effectively acts as an audit of the detailed information lodged with the plan change request prepared by Davie Lovell-Smith Limited on behalf of Hughes Developments Limited. A full copy of the PC74, submissions, summary of submissions and other relevant documentation can be found on the SDC website³.
- 1.10. As such, this report seeks to provide as little repetition as possible and identifies only those parts of the request that are not supported or remain unresolved. If a matter is not specifically dealt with in this report, then there is no dispute with the position set out in the plan change request.

2. Context

- 2.1. The site is located on the eastern boundary of West Melton adjacent to the Living 1B Zone in the Operative Selwyn District Plan (the 'SDP'). West Melton is unique in that the strategic management of residential and business growth has not been guided by an SDC initiated Township Structure Plan or Area Plan.
- 2.2. An enquiry by design exercise undertaken as part of the Greater Christchurch Urban Development Strategy (the 'UDS')⁴ in 2007 identifies that West Melton will accommodate some growth as a component part of the total Selwyn district allocation of 11,900 new households by 2041. The initial township that is represented by the Living 1 and Living 1B (Gainsborough subdivision) Zones, coupled with the privately initiated rezonings listed in Table 1 represent the 'Existing Urban Area' of West Melton in Chapter 6 Map A of the Canterbury Regional Policy Statement (the 'CRPS').
- 2.3. There are no 'Greenfield Priority Areas' or 'Future Development Areas' allocated to West Melton in Map A, which reflects the position reached in the Greater Christchurch Our Space 2018–2048: Greater Christchurch Settlement Pattern Update Whakahāngai O Te Hōrapa Nohoanga ('Our SPACE')⁵.

² DPR-0411 Hughes Development Limited.

³ [PC74 Hughes Developments Ltd \(selwyn.govt.nz\)](https://www.selwyn.govt.nz/pc74-hughes-developments-ltd).

⁴ [Greater Christchurch Urban Development Strategy 2007 \(greaterchristchurch.org.nz\)](https://www.greaterchristchurch.org.nz/greater-christchurch-urban-development-strategy-2007).

⁵ [Our SPACE 2018-2048 \(greaterchristchurch.org.nz\)](https://www.greaterchristchurch.org.nz/our-space-2018-2048).

- 2.4. Relatively significant residential ‘greenfield’ land and the development of the town centre has been facilitated by the RMA Schedule 1 Part 2 private plan change request rezonings listed in Table 1 below.

Table 1 – Operative plan changes in West Melton

Plan change reference	Description
PC03 Gillman Wheelans Limited (Preston Downs subdivision)	85ha of Living 1, Living 1 (Deferred) and Living 2 (Deferred) zoned land to a Living (West Melton) Zone to enable between 240 to 250 residential – SDP Appendix E20A Living West Melton (North) Outline Development Plan.
PC30 R D & J R Butt – (West Melton Village shopping Centre)	0.833ha of Living 1 zoned land to a Business 1 Zone to enable a commercial and retail centre with a combined maximum gross floor area of 3,000m ² .
PC59 GW Wilfield Limited (Wilfield subdivision)	73.5ha of Living 2 and Living 2A zoned land in West Melton to Living WM South to enable 70 additional residential lots – SDP Appendix E20 Living West Melton (South) Outline Development Plan.
PC67 GW Wilfield Limited (Wilfield subdivision)	33ha of Rural (Inner Plains) Zone to a Living West Melton (South) Zone of to enable 131 residential lots in the Wilfield subdivision – SDP Appendix E20 Living West Melton (South) OPD.

- 2.5. The subdivision of this additional residential ‘greenfield’ land that has been enabled by these rezonings has seen the population increase from 820 residents (282 households) in 2013 in 2008⁶ to an estimated 2,581 residents (885 households) in 2022.⁷
- 2.6. The urban form of West Melton is also influenced by the allocation of a rural residential location that was enabled through SDC’s Rural Residential Strategy 2014 (the ‘RRS14’).⁸ The RRS14 identifies a single rural residential location (Area 3) that applies to two rural properties located in between the Living West Melton (South) Zone that applies to the Wilfield subdivision along Weedons Ross Road. Private plan change requests to rezone these properties from Rural (Inner Plains) to a Living 3 Zone have not been initiated under Schedule 1 Part 2 of the RMA. The PC74 site was also nominated through submissions by the landowners for inclusion in the RRS14 at the time. The panel rejected their relief on the grounds that the land is unlikely to be able to integrate with the township without comprising the efficiency of the transport network that would discourage walking and cycling, limited wastewater capacity, and concerns with the quality of the township water supply.⁹
- 2.7. As detailed in the request and this evidence, PC74 is seeking to rezone rural land for urban activities in a township and location where additional residential ‘greenfield’ development has not been enabled or anticipated to occur under Chapter 6 of the CRPS. The National Policy Statement on Urban Development 2020 (‘NPS-UD’) has provided an opportunity for private plan change proponents to put a case forward under Policy 8 that ‘unanticipated’ or ‘out-of-sequence’ rezonings will add significantly to development capacity and contribute to a well-functioning urban environments.¹⁰ The NPS-UD has been the catalyst for the PC67 initiated rezoning detailed in Table 1 and an additional private plan change request (PC77) that is being processed by SDC.

⁶ SDC population statistics

⁷ [LTP-2021-Projections.pdf \(selwyn.govt.nz\)](#)

⁸ [Rural Residential Strategy 2014 \(selwyn.govt.nz\)](#).

⁹ Refer to paragraphs 201 to 207 on page 31 - [RRS14 Recommendations of the Hearings Commissioners \(selwyn.govt.nz\)](#)

¹⁰ [National Policy Statement on Urban Development 2020 \(environment.govt.nz\)](#)

- 2.8. It is within this strategic and statutory planning context, which are considered in more detail in Section 8 of this report, that the proponent has initiated the rezoning request.
- 2.9. For completeness, SDC has notified, and is hearing submissions on, the Proposed Selwyn District Plan (the 'PDP') as part of the DPR. Variation 1 was notified on 20 August 2022 to 'give effect' to the mandatory requirements set out in the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 (the 'RMA-EHS').¹¹ The variation represents the Intensification Planning Instrument ('IPI') and Part A applies a Medium Density Residential Zone ('MRZ') to the relevant residential zones in the PDP. Part B of Variation 1 also applies the IPI to private plan change requests in Rolleston (PC71, PC75, PC76 and PC78), Lincoln (PC69) and Prebbleton (PC68 and PC72) that were notified before the commencement date of the RMA-EHS.
- 2.10. West Melton did not qualify for inclusion in Variation 1 because the township has a current resident population below 5,000 and that applying the MRZ to the township would "*constitute poor planning practice*" due to existing low density built and zoned environment, its distance to Christchurch City, lack of employment and amenities, and its lack of access to public transport.¹²
- 2.11. At the time of writing this report, the submission period on the PDP has closed and hearings have commenced. Hearings on the submissions requesting rezoning within the West Melton area are scheduled for the 3rd and 6th of March 2023. My understanding of the statutory context is that there is no specific requirement to consider PC74 against the PDP. However, I consider the PDP is useful in understanding the current issues in the District and in West Melton in terms of the Council's obligations under s74(1) of the RMA.
- 2.12. The proponent has submitted on the PDP under the submitter reference of 'Hughes Developments Limited' (DPR-0411)¹³ opposing in part the GRUZ zoning for the PC74 site and requesting that the 'Urban Growth Overlay' and a General Residential Zone ('GRZ') are applied to the land.
- 2.13. A substantial body of expert evidence and legal submissions have been provided in support of the rezoning request submission. Further details of this evidence and its influence on the evaluation of PC74 is outlined in Section 3 and evaluated in Sections 7 and 8 of this report.

3. Site Description and Request

Site Description

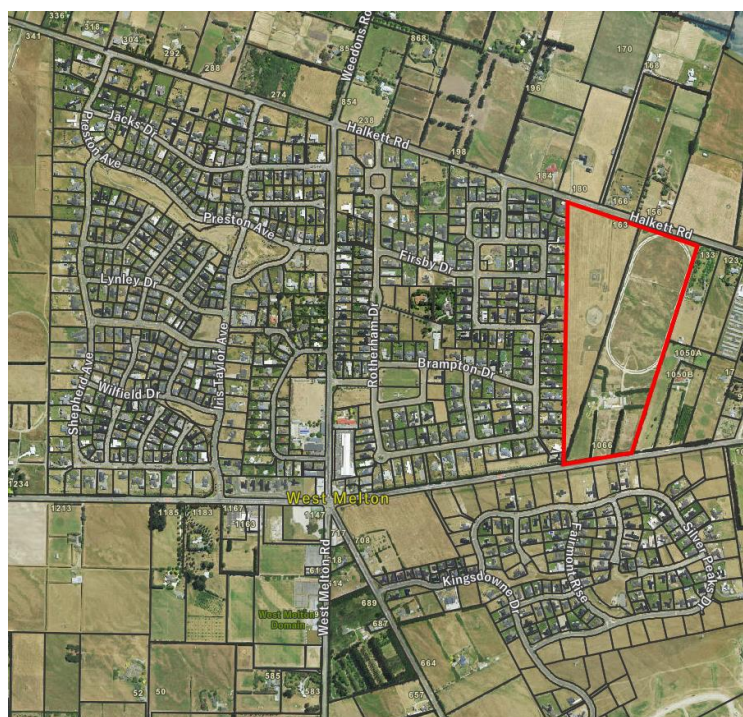
- 3.1. The request provides a detailed description of the plan change site and the surrounding area. The site that is illustrated below in **Figure 1** and is located on the eastern edge of the West Melton township.

¹¹ [Variation 1 to the Proposed Selwyn District Plan \(selwyn.govt.nz\)](https://www.selwyn.govt.nz/variation-1-to-the-proposed-selwyn-district-plan).

¹² Refer to the discussion on Page 7 and 8 - [Variation 1 Section 32 Report \(selwyn.govt.nz\)](https://www.selwyn.govt.nz/variation-1-section-32-report).

¹³ [DPR-0411 Hughes Developments Limited submission on the PDP](#).

Figure 1 – Aerial photograph of site, outlined in red (Source: Canterbury Maps)



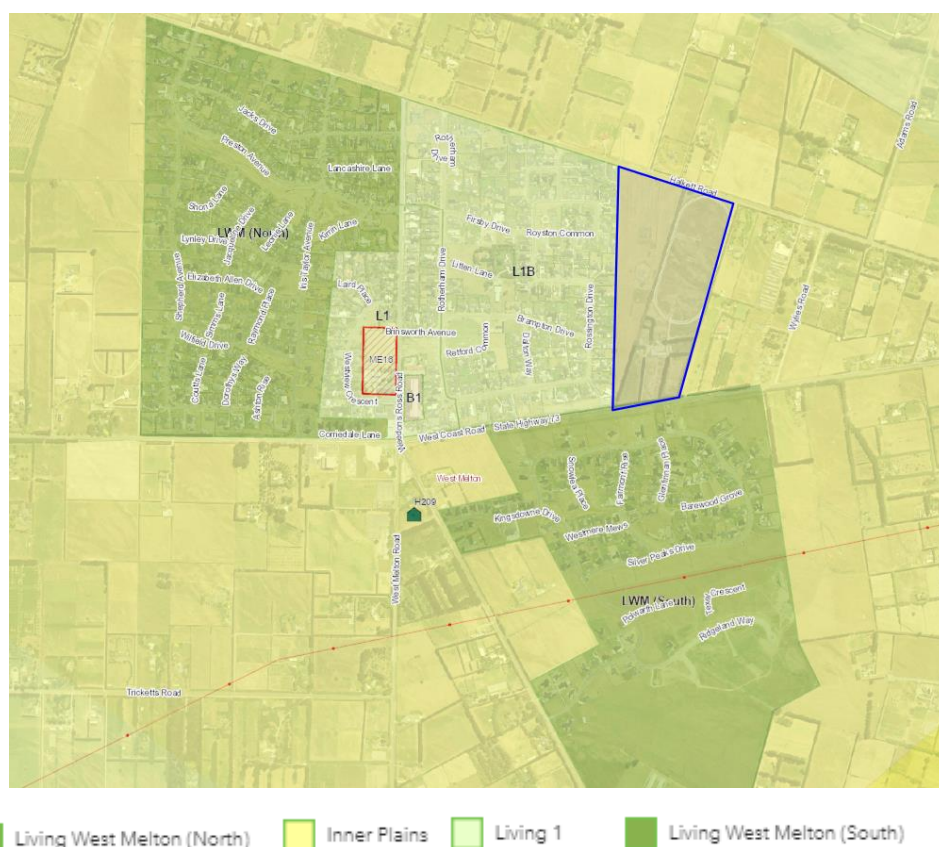
- 3.2. The site is approximately 20ha in size and comprises two allotments that front Halkett Road and West Coast Road State Highway 73 ('SH73'). A summary of the records of title that comprise the site is included in Table 2 below, which are contained in Appendix K of PC74.

Table 2 – Details of the land within the plan change site

Legal Description	Owner(s)	Address	Area (ha)
LOT 1 DP 34902 BLK XI ROLLESTON SD	Hughes Developments Limited	163 Halkett Road	8.32
LOT 2 DP 34902 BLK XI ROLLESTON SD	Hughes Developments Limited	1066 West Coast Road (State Highway 73)	12.37
Total Area			20.69

- 3.3. The current zoning of the site and immediately surrounding land under the SDP is illustrated in **Figure 2** below. The site is currently within the Rural (Inner Plains) Zone of the SDP and is wholly within the West Melton Observatory Lighting Area.
- 3.4. The PC74 site has a relatively flat topography and accommodates rural and lifestyle activities that are common in the area. 163 Halkett Road has frontage and access to Halkett Road, which is a Local Road in the SDP network road classification. 1066 SH73 has frontage and access to the State Highway, which is administered by Waka Kotahi and is a State Highway in the SDP network road classification. The northern-eastern portion of 1066 SH73 accommodates a horse training track, and the south-western balance accommodates a cluster of farm and rural utility buildings and paddocks bordered by well-established shelter belts.

Figure 2 – SDP zoning. Request area outlined in blue.



Surrounding environment

- 3.5. The township of West Melton is located approximately 16km west of State Highway 1 at Yaldhurst and 27km west of central Christchurch City. West Melton is identified as the ‘Service Township’ in Selwyn 2031: District Development Strategy (‘Selwyn 2031’)¹⁴ and is characterised by a resident population base of between 1,500 to 6,000 and has a function on providing a high amenity residential environment and primary services to Rural Townships and surrounding rural areas. The proportionality high population growth in the past ten years has been the catalyst for improved services, including the establishment of the West Melton Village Shopping Centre, West Melton Community and Recreation Centre, Domain improvements and water and wastewater upgrades. Waka Kotahi New Zealand Transport Agency (‘Waka Kotahi’) has also indicated that improvements to the intersection of West Coast Road (State Highway 3) with West Melton Road and Weedons Ross Road.¹⁵

Request

- 3.6. PC74 seeks to rezone the site from the existing Rural (Inner Plains) Zone to a Living WM East Medium Density Zone that adopts the Living WM North Medium Density framework and to

¹⁴ [Selwyn 2031 \(selwyn.govt.nz\)](https://www.selwyn.govt.nz/)

¹⁵ [SH73 West Melton intersection improvements project update – November 2021 \(nzta.govt.nz\)](https://www.nzta.govt.nz/)

include an ODP to facilitate the subdivision and development of the land to accommodate approximately 130 mixed density residential homes.

3.7. PC74 describes the specific changes, which include:

- a. Amending the SDP Planning Maps to rezone the site from Rural (Inner Plains) to Living WM East Medium Density Zone.
- b. Inserting a new ODP, West Melton East into Appendix 20 of Volume 1 Townships (as illustrated in Attachment 1 to the request)
- c. Amending Part C Living Zone Rules – Subdivision, Table C12.1 Allotment Sizes.
- d. Undertaking any consequential amendments (including but not limited to renumbering).

3.8. The plan change proponent submitted additional information on the 4th of October 2022, which was further updated on the 8th of November 2022 in response to the submissions received.¹⁶ These updates seek to reduce the overall densities and how they are distributed across the site, amend the size of the recreation reserve, change the road layout and connections, and to include building line restrictions and measures to reduce carbon emissions and impacts on SH73. The updated ODP with accompanying text was also provided, which is included in **Figure 3** below.

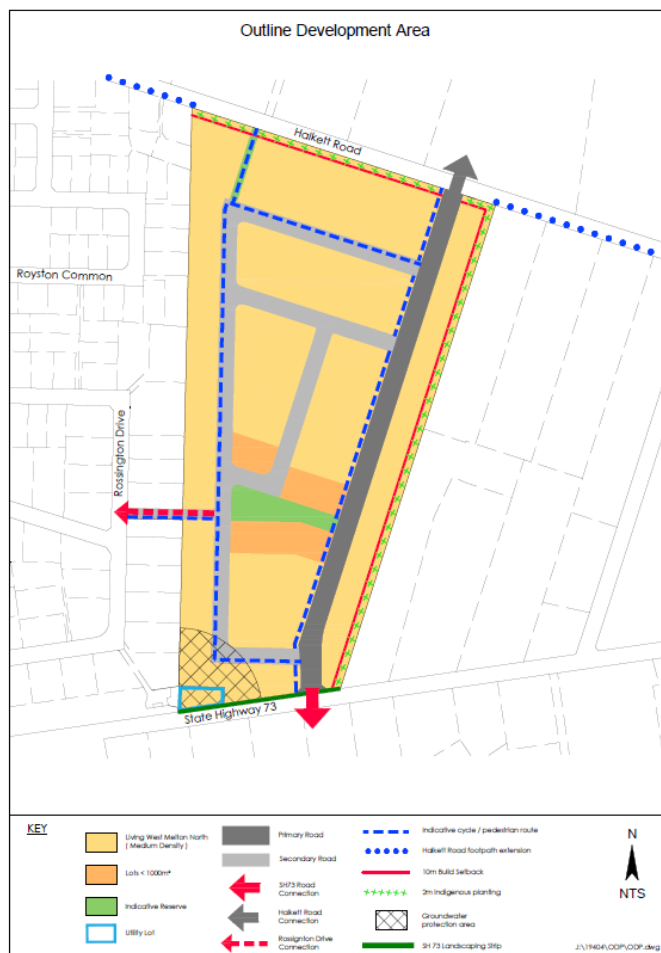


Figure 3 – Latest OPD Plan.

Source: Davie Lovell-Smith, correspondence dated October 2022.

¹⁶ [PC74 Updates and revised ODP, 4 October 2022.](#)

- 3.9. The appropriateness of the specific changes to the SDP and the associated effects on the environmental effects are discussed further in Section 7 below.

District Plan Review – Rezoning hearing requests

- 3.10. As identified in Section 2 above, the consideration of PC74 has the benefit of a substantial body of evidence that has been prepared and presented at the DPR rezoning hearing in respect to the submission lodged by the plan change proponent (DPR-0411 Hughes Development Limited). This includes the following:
- a. Council officer report on submissions received on the rezoning requests to the DPR Panel with transport, infrastructure, urban design/ landscape and geotechnical peer reviews undertaken by discipline experts.¹⁷
 - b. Legal submissions on behalf of the submitter.¹⁸
 - c. Expert rebuttal evidence prepared in response to the officer report.¹⁹
 - d. Joint Witness Statements recording the positions of the planning, transport, urban design and economic experts.²⁰
 - e. DPR Hearing 30.6 proceeding, which was recorded and is available online.²¹
- 3.11. While the consideration of the DPR rezoning request is a separate proceeding where different statutory tests apply, this evidence exchange includes materials that are relevant to the determination of the substantive merits of PC74. Although the majority of submitters have not been able to participate in the DPR proceedings as they did not submit on the corresponding rezoning request, they will have an opportunity to respond through the PC74 evidence exchange.
- 3.12. I understand that the rezoning evidence will also change the scope of PC74 to align the private plan change request with the relief sought in the DPR submission. For example, the rebuttal evidence in response to matters raised in the DPR officer report and expert peer reviews include updates to the ODP and confirmation of the densities that would be achieved if the proposed narrative is adopted. These are covered in more detail in Sections 7 and 8 below.

4. Procedural Matters

- 4.1. The process for ‘making a plan change request’ and how this is to be processed is set out in Schedule 1 of the Act and has been applied to PC74 since it was lodged.
- 4.2. The plan change request was formally received by Council on the 24th of November 2020. A request for further information was issued on the 3rd of February 2021, with the proponent’s response received in full on the 27th of April 2022.

¹⁷ [Hearing 30.6: DPR Rezoning Requests - West Melton - s42A Report.](#)

¹⁸ [Hearing 30.6: DPR Rezoning Requests - West Melton - Legal Submission.](#)

¹⁹ [Hearing 30.6: DPR Rezoning Requests - West Melton - Submitter Rebuttal Evidence.](#)

²⁰ [Hearing 30.6: Rezoning Requests - West Melton 3 March 2023, Day 1 - YouTube.](#)

²¹ [Proposed District Plan Hearing - SDC YouTube.](#)

- 4.3. A decision was made by Council on the 27th of April 2022 to accept the request for notification pursuant to Clause 25(2)(b). The request was publicly notified on the 4th of May 2022, with the submission period closing on the 2nd of June 2022. The plan change proponent sought the request to be placed on-hold on the 22nd of July 2022 to enable them to amend the proposal to address submitter concerns. They sought the request to be taken off-hold on the 3rd of October 2022 to enable the submissions to be notified. A summary of submissions was then prepared and publicly notified on the 5th of October 2022, with the further submission period closing on the 19th of October 2022.
- 4.4. PC74 has reached the point where a hearing is now required (Clause 8B), and a decision made on the plan change and the associated submissions (Clause 10).
- 4.5. Several submitters have raised concerns that they do not consider the necessary procedural steps have been followed, including in respect to the notification process²², the plan change proponent not discussing the plan change request with neighbours²³, and that details in the plan change request are misleading.²⁴
- 4.6. I am satisfied that SDC has followed the necessary mandatory steps to publicly notify the request. While private plan change proponents are encouraged to actively engage with the community, there is no statutory requirement for this to occur under the RMA. I also do not consider that the description of the type of commercial activities that operate from the town centre is purposefully misleading, certainly not to the extent that would preclude interested parties from registering their interest in PC74 through a submission.
- 4.7. As a consequence, I oppose the submission points received from T Stanfield (PC74-0025.020 & .021), WMDRAI (PC74-0026.019 & .020), K & P Bowman (PC74-0063.025) and D Reid (PC74-0068.001).

5. Submissions

- 5.1. A total of 73 submissions were received on PC74. The submissions are listed in the table below and the matters raised by submitters are considered in Section 7 of this report. A summary of submissions is available on Council's website - [PC74 Summary of submissions](#).

Table 3 – Submissions received

Submitter	Support or Oppose
0001 R & A Macpherson	Oppose
0002 S Ellis	Oppose
003 J Neal	Oppose in part
004 A Vernel	Oppose
005 H Helm	Oppose
006 E Colombus	Oppose
007 B & H Wightwick	Oppose
008 S Haughin	Oppose
009 J O'Connor	Oppose
010 M Slater	Oppose in part
011 M French	Oppose

²² T Stanfield (PC74-0025.020), WMDRAI (PC74-0026.019) and K & P Bowman (PC74-0063.025).

²³ D Reid (PC74-0068.001).

²⁴ T Stanfield (PC74-0025.021), WMDRAI (PC74-0026.020) & K & P Bowman (PC74-0063.025).

012	J Taylor	Oppose
013	E Wooding	Oppose
014	P Archbold	Oppose
015	C McLaughlan	Oppose
016	B Caldwell	Oppose
017	T Lillig	Oppose
018	W & A Owens	Support in part
019	N Gardner	Oppose in part
020	A Wilson	Oppose in part
021	E Yeatman	Oppose
022	C Byers	Oppose
023	L Rastrick	Oppose
024	F Bayly	Oppose
025	T Standfield	Oppose & oppose in part
026	West Melton District Residents Association Inc. (WMDRAI)	Oppose & oppose in part
027	L McGilvary	Oppose
028	M & F Hamilton-Manns	Oppose
029	G & A Woods	Oppose
030	GW Wilfield Ltd (GWWL)	Oppose in part
031	R Hughes	Oppose
032	E & G Pringle	Oppose in part
033	C Fraser	Oppose
034	I Sin	Oppose
035	C & J Hey	Oppose & oppose in part
036	D Hunter	Oppose
037	R. Ainsworth	Oppose
038	Ariki Seed Ltd (ASL)	Oppose in part
039	D. Hunter	Oppose
040	S Laing	Oppose
041	M Grantham	Support
042	P & E Fry	Oppose in part
043	L & S Sinton	Oppose
044	S Baird	Oppose
045	P Wyber	Support in part
046	K & K Land	Oppose, oppose in part & support in part
047	T Cochrane & Ors	Oppose in part
048	J & P MacDonald	Oppose
049	K & J Dawson	Oppose & oppose in part
050	F Gallagher	Oppose
051	S Marsh	Oppose
052	S & S Eden	Neither support nor oppose
053	R Glassey	Neither support nor oppose
054	D & F Amberger	Oppose
055	V & S Gilbert	Oppose
056	D Turner	Neither support nor oppose
057	N Williams	Oppose
058	B Williams	Oppose & oppose in part
059	Christchurch City Council (CCC)	Oppose
060	P Rogers	Support
061	Canterbury Regional Council (Environment Canterbury)	Oppose
062	J Gallagher	Oppose
063	K & P Bowman	Oppose, oppose in part & support in part

064	A Staples	Oppose
065	B & H Coker	Oppose
066	O Wiegersma	Oppose
067	N Clement	Oppose and oppose in part
068	D Reid	Oppose, oppose in part & neither support nor oppose
069	Waka Kotahi New Zealand Transport Agency (Waka Kotahi)	Neither support nor oppose
070	Ministry of Education (MoE)	Oppose in part
071	Fire & Emergency New Zealand (FENZ)	Oppose in part
072	Christchurch International Airport Limited (CIAL)	Oppose
073	C & M Boyd	Oppose in part

5.2. A total of 27 further submission were received of PC74, which are summarised in Table 4 below and are available on Council's website - [PC74 - Further Submissions](#).

Table 4 – Further submissions received

Further Submitter		Submission	Support or Oppose
FS025	T Standfield	PC74-025 T Stanfield	Support
FS040	S Laing	PC74-040 S Laing	Support
FS061	Environment Canterbury	PC74-059.01 CCC	Support
		PC74-069.001 to .004 Waka Kotahi	Support in part
FS063	K & P Bowman	PC74-063 K & P Bowman	Support
FS072	CIAL	PCPC-059.004 to .007 CCC	Support
		PC74-059.008 to .009 CCC	Oppose
		PC74-061.001 to .007 Environment Canterbury	Support
		PC74-061.001 to .011 Environment Canterbury	Support
		PC74-061.021 to .024 Environment Canterbury	Support
		PC74-061.031 Environment Canterbury	Support
FS074	Hughes Developments Ltd	PC74-002.002 S Ellis	Support in part
		PC74-003.001 J Neal	Support in part
		PC74-004.001 A Vernel	Support in part
		PC74-005.002 H Helm	Support in part
		PC74-010.001 M Slater	Support in part
		PC74-014.001 P Archbold	Support in part
		PC74-015.001, .007, .009 & .012 C McLachlan	Support in part
		PC74-017.001 T Liling	Support in part
		PC74-018.001 & .002 W & A Owens	Support in part
		PC74-020.001 & .002 A Wilson	Support in part
		PC74-022.004 & .005 C Byers	Support in part
		PC74-024.003 F Bayly	Support in part
		PC74-025.002 to .007, .009 & .014 T Stanfield	Support in part
		PC74-026.002 to .007, .009 & .014 WMDRAI	Support in part
		PC74-028.002, .004 & .006 M & F Hamilton	Support in part
		PC74-029.001 G & A Wood	Support in part
		PC74-030.001 to .004 GWWL	Support in part
		PC74-033.004 C Fraser	Support in part
		PC74-034.005 I Sin	Support in part
		PC74-035.002, to .004 & .008 C & J Hey	Support in part
		PC74-036.001 D Hunter	Support in part
		PC74-038.003 Airiki Seed	Support in part
		PC74-040.001, .002 & .009 S Laing	Support in part
		PC74-041.003 M Grantham	Support in part
		PC74-042.001 & .002 P & E Fry	Support in part
		PC74-043.003 L & S Sinton	Support in part

		PC74-044.001 S Baird	Support in part
		PC74-045.005 P Wyber	Support in part
		PC74-046.002 & 0.005 K & K Land	Support in part
		PC74-047.002, .004 & .006 T Cochrane	Support in part
		PC74-049.003 K & J Dawson	Support in part
		PC074-050.005 F Gallagher	Support in part
		PC74-051.001 S Marsh	Support in part
		PC74-052.001, .002 & .004 S & S Eden	Support in part
		PC74-054.001 & 005 D & F Amberger	Support in part
		PC74-056.002, to .004 D Turner	Support in part
		PC74-057.001 to .004, .006, .014 & .017 N Williams	Support in part
		PC74-058.003 & .004 B Williams	Support in part
		PC74-060.001 P Rogers	Support in part
		PC74-062.001 J Gallagher	Support in part
		PC74-063.004, .006, .007, .010 & .019 K & P Bowman	Support in part
		PC74-065.001 B & H Coker	Support in part
		PC74-066.002 O Wiegersma	Support in part
		PC74-067.003, .006, .008 & .009, .011 & .012 N Clement	Support in part
		PC74-068.002 & .003 D Reid	Support in part
FS075	Oakridge Homes	PC74-033.004 C Fraser	Support in part
FS076	B Shefford	PC74-025.009 & .010 WMDRAI	Oppose
FS077	J Herdman	PC74-008.003 S Haughin	Oppose
FS078	C Fernando	PC74-033.004 C Fraser	Oppose
FS079	K Hanna	PC74-050.001 F Gallagher	Support in part
FS080	S Sanders	PC74-040.001 S Laing	Support in part
FS081	M Sanders	PC74-040.001 S Laing	Support in part
FS082	J Sanders	PC74-040.001 S Laing	Support in part
FS083	W Issacs	PC74-033.004 C Fraser	Support in part
FS084	Wendelborn Homes	PC74-033.004 C Fraser	Support in part
FS085	C Kelly	PC74-008.003 S Haughin	Oppose
FS086	C Alsop	PC74-008.003 S Haughin	Oppose
FS087	N Miglani	PC74-050.001 F Gallagher	Support in part
FS088	Signature Homes	PC74-003.001 J Neal	Oppose in part
FS089	Golden Homes	PC74-002.001 S Ellis	Oppose
		PC74-002.002 S Ellis	Support
FS090	JD Homes	PC74-003.001 J Neal	Support in part
FS091	Clark Bros Construction	PC74-040.001 S Laing	Support
FS092	Bell Developments	PC74-005.005 H Helm	Support in part
FS093	Today Homes	PC74-010.001 M Slater	Oppose in part
FS094	Orange Homes	PC74-003.001 J Neal	Support
FS095	Jennian Homes	PC74-026.001 & .009 WMDRAI	Oppose in part

- 5.3. There were no late submissions received, the nature and scope of the submissions do not give rise to trade competition²⁵ and there are no jurisdictional scope issues that I consider need to be raised with Commissioner.

²⁵ Pursuant to s308A of the Act.

6. Statutory Framework

- 6.1. Section 73(2) of the RMA allows for any person to request that a change be made to a District Plan, in accordance with the process set out in Part 2 or Part 5 of Schedule 1. Part 5 of Schedule 1 is not relevant to this request as it relates to the use of the 'streamlined planning process', which is not proposed in this instance.
- 6.2. Clause 21(2) of Part 2 of Schedule 1 requires that the plan change request: explain the purpose of, and reasons for, the proposed change and contain an evaluation report prepared in accordance with s32 of the RMA; and where environmental effects are anticipated, describe those effects in such detail as corresponds with the scale and significance of the actual or potential environmental effects anticipated from the implementation of the change.
- 6.3. In this case, the tests to be applied to the consideration of PC74 under Schedule 1 Part 2 of the RMA are summarised below and include whether:
 - a. It accords with and assists the Council to carry out its functions (s74(1)(a) and s31).
 - b. It accords with Part 2 of the Act (s74(1)(b)).
 - c. It accords with a national policy statement, a New Zealand coastal policy statement, a national planning standard and any regulation (s74(1)(ea) and (f)).
 - d. It will give effect to any national policy statement, national planning standard or operative regional policy statement (s75(3)(a)(ba) and (c)).
 - e. The objectives of the request (in this case, being the stated purpose of the request) are the most appropriate way to achieve the purpose of the RMA (s32(1)(a)).
 - f. The provisions in PC74 are the most appropriate way to achieve the objectives of the District Plan and the purpose of the request (s32(1)(b)).
- 6.4. In evaluating the appropriateness of PC74, Council must also:
 - a. Have particular regard to an evaluation report prepared in accordance with s32 (s74(1)(d) and (e)).
 - b. Have regard to any proposed regional policy statement, and management plans and strategies prepared under any other Acts and consistency with the plans or proposed plans of adjacent territorial authorities (s74(2)).
 - c. Take into account any relevant planning document recognised by an iwi authority (s74(2A)).
 - d. Not have regard to trade competition or the effects of trade competition (s74(3)).
 - e. Not be inconsistent with a water conservation order or regional plan (s75(4)).
 - f. Have regard to actual and potential effects on the environment, including, in particular, any adverse effect in respect to making a rule (s76(3)).
- 6.5. The functions of Council set out in s31 of the Act that are required to be maintained when evaluating the appropriateness of PC74 include the establishment, implementation and review of objectives, policies, and methods to:

- a. Achieve integrated management of the effects of the use, development and protection of land and associated natural and physical resources (s31(1)(a)).
 - b. To ensure that there is sufficient development capacity in respect of housing and business land to meet the expected demands of the district (s31(1)(aa)).
 - c. Control any actual or potential effects of the use, development, or protection of land (s31(1)(b)).
- 6.6. The request considers the actual and potential effects of the plan change on the environment, and where necessary, I have assessed these in Section 7 of this report.
- 6.7. The statutory documents that the request is required to have regard to, and the manner in which the plan change request does so, is set out in Section 8 of this report.
- 6.8. I do not consider there to be any directly relevant provisions in the District Plans of neighbouring territorial authorities that are affected by PC74. Matters of cross-boundary interest are outlined in the SDP. The most applicable to PC74 include:
 - a. Effects on the strategic and arterial road network from people commuting between Selwyn and Christchurch.
 - b. Development on or near the boundary of Selwyn District and Christchurch City Council that may influence housing sufficiency and the coordination of infrastructure services.
- 6.9. These cross-boundary interests have primarily been addressed and managed through the sub-regional approach of managing growth across Greater Christchurch through the Greater Christchurch Partnership forum. Further background on the specific initiatives and approaches for managing cross-boundary resource management issues has been provided in Section 2 and are detailed in the Council's 'Technical Memo on Growth Planning' in Selwyn District prepared by Council's Policy Analyst, Mr. Ben Baird (refer to **Appendix 1**). Further assessments of the cross-boundary matters are provided in Section 8 of this report.

7. Assessment of the Request and Matters Raised in Submissions

- 7.1. This section includes a summary of the material included within the request, details the submission points received, and outlines the expert evidence to inform the overall recommendations of this report. A conclusion is then made on the relief sought by submitters.
- 7.2. I consider that the key matters that have either been raised by submitters, or are necessary to be considered in ensuring that the Council's statutory functions and responsibilities are fulfilled, are:
 - a. Quality of the Environment – Strategic planning and urban form, lot size and density, and character, amenity and outlook.
 - b. Infrastructure servicing – Water, wastewater, water races, and utilities.

- c. Transport - Network safety and efficiency, accessibility and public transport, and greenhouse gas emissions and effects on climate change.
- d. Community facilities and services – School capacity, community facilities and services, and reserve.
- e. Land suitability – Contaminated land and flood and geotechnical risk.
- f. Environmental – Reverse sensitivity, West Melton Observatory and light spill, water race removal, nuisance effects and air quality.
- g. Land and soil - Versatile soils and highly productive land.
- h. Historic heritage.
- i. Covenants.

Quality of the environment

Plan change request

- 7.3. The request includes an assessment of the influence that the rezoning may have on the urban form of West Melton and the Greater Christchurch settlement pattern, the rationale for why minimum and average allotment sizes have been identified as being an optimal minimum density for the site, and what the amenity implications and expectations are in respect to the site, both in terms of its current and potential future states. This assessment is supplemented and informed by the expert urban design and landscape assessment contained in PC74, the plan change proponents' response to Council's further information request and evidence prepared in support on the plan change proponents DPR rezoning request submission.

Submissions

- 7.4. There are 90 submission points seeking relief on the quality of the environment topic, including in respect to the following:
- a. 21 submission points oppose or neither support nor oppose the request on the basis that the locational attributes do not support a sustainable concentric urban form, a well-functioning urban environment (under the NPS-UD), the sub-regional settlement pattern (under the CRPS and Our SPACE) or the function of the township (in Selwyn 2031).²⁶ Four submission points oppose or neither support nor oppose the request on the basis that its approval would set a precedent, including for the further development of the rural land to the west.²⁷
 - b. 26 submission points oppose, oppose in part, or neither support nor oppose the request on the basis that the proposed average allotment size will enable sections that are too small, the distribution of the densities throughout the site are not

²⁶ R & A Macpherson (PC74-001.001), M French (PC74-011.004), C & S McLachlan & D Memari (PC74-015.003 & .006), J O'Connor (PC74-009.002), C Byers (PC74-022.22), T Standfield (PC74-025.001 & .019), WMDRAI (PC74-026.018), I Sin (PC74-034.001), S Baird (PC74-044.002), F Gallagher (PC74-050.002), D Turner (PC74-056.002), N Williams (PC74-057.005, .013 & .016), Environment Canterbury (PC74-061.001 & .002), J Gallagher (PC74-062.001), K & P Bowman (PC74-063.001 & .020), and Waka Kotahi (PC74-069.001 & .003).

²⁷ L McGilvary (PC74-027.002), L & S Sinton (PC74-043.001), K & P Bowman (PC74-063.008 & .018), and N Clement (PC74-067.004).

supported and inconsistency with other neighbourhoods in West Melton.²⁸ Three submitters oppose or neither support nor oppose the request on the basis that PC74 does not support the needs of different households that would be better achieved through a density of 12hh/ha.²⁹

- c. 27 submission points oppose or oppose in part the request as it will compromise amenity and the townships character and rural outlook.³⁰
- d. One submitter opposes the request on the basis of the ODP layouts.³¹ One submitter opposes the request on the basis that any future fencing needs to be consistent, including post and rail on property frontages and solid closed board fencing on side and rear boundaries.³² One submitter opposes the request in part on the basis that landowners should be indemnified from paying for the cost of non-rural fencing.³³
- e. Seven submission points oppose or oppose in part the establishment of the storage tanks as they will result in adverse visual effects unless they are buried.³⁴

Analysis - Strategic Planning and Urban Form

Strategic planning

- 7.5. The PC74 site has not been identified as a Greenfield Priority Area ('GPA') or Future Development Area ('FDA') in CRPS Chapter 6 Map A as there are no additional residential areas for West Melton identified in the Greater Christchurch Our SPACE future development strategy prepared under the NPS-UDC. These outcomes are emphasised in the SDP through objectives and policies that require that new residential development is only provided for within existing zoned land or the GPA.³⁵
- 7.6. As identified in Section 2, SDC has not undertaken a strategic planning exercise to guide how West Melton will grow, with a preference being to enable additional 'greenfield' development to occur in Rolleston to satisfy the housing demand that exists within the Greater Christchurch

²⁸ S Ellis (PC74-002.002), J Neal (PC74-003.001), A Vernel (PC74-004.004), H Helm (PC74-005.002), E Yeatman (S74.0021.004), T Standfield (S025.009, .013 & .014), WMDRAI (PC74-026.009 & .013), GWWL (PC74-030.001), Carla (PC74-033.004), C & J Hey (PC74-035.007), K & K Land (PC74-046.007), S Marsh (PC74-051.001), S & S Eden (PC74-052.001 & .003), D & F Amberger (PC74-054.005), D Turner (PC74-056.002), B Williams (PC74-058.004), K & P Bowman (PC74-063.006), and N Clement (PC74-067.006, .007 & .010).

²⁹ CCC (PC74-059.001) and Waka Kotahi (PC74-069.001 & .004).

³⁰ F Gallagher (PC74-050.004), M Slate (PC74-010.001), C & S McLachlan & D Memari (PC74-015.005), A Wilson (PC74-020.001), C Byers (PC74-022.001), F Bayly (PC74-024.001 & .007), T Standfield (PC74-025.011), WMDRAI (PC74-026.001, .010 & .012), L McGilvary (PC74-027.001), M & F Hamilton-Manns (PC74-028.001), I Sin (PC74-034.007), C & J Hey (PC74-035.001), R Ainsworth (PC74-037.001), S Laing (PC74-040.001), K & J Dawson (PC74-049.004), S & S Eden (PC74-052.001 & .003), D & F Amberger (PC74-054.001), D Turner (PC74-056.002), O Wiegiersman (PC74-066.002), and D Reid (PC74-068.003).

³¹ L & S Sinton (PC74-043.002).

³² T Standfield (PC74-025.010).

³³ C & J Hey (S74035.013).

³⁴ S Haughin (PC74-0008.002 & .005), M & F Hamilton-Manns (PC74-0030.003 & .009), S Laing (PC74-0040.008 & .009), and K & P Bowman (PC74-0063.022).

³⁵ Township Volume Objectives and Policies, B4 Growth of Townships Objectives B4.3.3 and B4.4.4 and Policy B4.3.1.

area of the district.³⁶ On face value, PC74 fails to give effect to the outcomes sought in the CRPS for delivering the desired urban form and settlement pattern in Greater Christchurch.³⁷

- 7.7. This is acknowledged in the planning evidence provided in support of the DPR rezoning request and PC74, with reliance being placed on the rezoning satisfying the Policy 8 requirements of the NPS-UD as it relates to enabling ‘unanticipated’ or ‘out of sequence’ urban development capacity. The ability to reach a determination on this aspect of the rezoning request is challenging as the CRPS does not contain ‘significance criteria’ and SDC has not prepared a township structure plan or area plan³⁸ to assist in evaluating the appropriateness of ‘out of sequence’ rezoning requests. This complex planning context emphasises the need for the rezoning to satisfy the responsive planning requirements prescribed in Subpart 2 - Clause 3.8 of the NPS-UD. This includes establishing whether: (a) additional plan-enabled capacity is required;³⁹ (b) the rezoning contributes to a well-functioning urban environment;⁴⁰ and (c) the site is connected along transport corridors.⁴¹
- 7.8. A substantial body of evidence and legal submissions have been submitted in support of the DPR rezoning request, which form the basis of my assessment of PC74. The s42A officer report prepared in response to the DPR submission reached the following conclusions pending additional evidence in respect to NPS-UD Policy 8 and Clause 3.8 (as expressed in the PDP strategic growth outcomes):⁴²
- a. The rezoning request is inconsistent with the strategic growth outcomes (objective UG01 – Urban Growth) in the absence of economic and transport evidence to establish that the rezoning ‘gives effect’ to the National Policy Statement on Highly Productive Land 2022 (‘NPS-HPL’), and traffic modelling and road safety audit to establish that the rezoning will maintain transport network safety and efficiency.
 - b. The rezoning request is inconsistent with but not contrary to the urban form outcomes (objective UG-02 – Urban Form) as it is unlikely to reduce greenhouse gas emissions without significant public investment.
 - c. Further economic evidence is required to substantiate the need for the additional housing capacity to establish whether the rezoning is consistent with the strategic growth outcomes (objective UG-03 – Housing sufficiency) and the objectives and policies of the NPS-UD and the NPS-HPL.

³⁶ In summary, this was because growth was planned within the Rolleston Structure Plan and that additional growth in Rolleston would improve self-sufficiency of the local economy, provide greater certainty to inform investment decisions, improve the amenity of the Rolleston Town Centre and the efficient use of its social infrastructure, and promote the efficient use of infrastructure and transport networks.

³⁷ Including in respect to the Recovery Framework in Objective 6.2.1, the consolidation of the existing settlement in West Melton and achieving the wider urban form and settlement pattern in Objective 6.2.2, urban development that gives effects to the urban form in Map A in Policy 6.3.1, the integration of land use and infrastructure on Policy 6.3.5 and residential location, yield and intensification in Policy 6.3.7.

³⁸ Other than the UDS and Our SPACE future development strategy that have focused on Rolleston and to a lesser extent Lincoln and Prebbleton.

³⁹ NPS-UD Clauses 3.2 and 3.4.

⁴⁰ NPS-UD Policy 1(c), (e) and (f).

⁴¹ NPS-UD Clause 3.8(2)(b).

⁴² [Hearing 30.6: DPR Rezoning Requests - West Melton - s42A Report](#), Paragraph 13.78.

- d. Changes are recommended to the ODP to ensure the rezoning supports a well-functioning urban environment (including additional roading, walking and cycling connections, increased densities, and fencing controls).
- 7.9. Transport network safety, efficiency, accessibility and the increased emissions are evaluated in the subsection and paragraphs 7.59 and 7.80 below to determine whether the rezoning supports an accessible and well-functioning urban environment. The objective and policies of the NPS-HPL are evaluated in the sub-section and paragraphs 7.143 to 7.167 below to determine whether the rezoning gives effect to the higher order planning instruments. The balance of this sub-section evaluates whether PC74 satisfies the NPS-UD 'gateway' tests provided in Policy 8 and Clause 3.8 in respect to it contributing to a well-functioning urban environment. This includes by enabling a variety of homes, supporting and limiting adverse impacts on the competitive operating of land and development markets⁴³ and providing significant 'not in sequence' and 'unanticipated' development capacity⁴⁴.
- 7.10. The plan change proponent submitted legal submissions and rebuttal economic and development evidence prepared by Mr. Colegrave from Covec Ltd and real estate evidence from Mr. Christopher Jones from Bayleys Canterbury in support of the corresponding DPR rezoning request and matters raised in the s42A report.
- 7.11. Mr. Colegrave reached the following conclusions in respect to housing demand and supply:⁴⁵
- a. There is insufficient housing capacity due to underestimated demand and overstated capacity estimates, where growth has been much faster than expected.
 - b. The MRZ (that is being enabled through PDR Variation 1) will have a small impact on supply over the long term.
 - c. The rezoning will support a range of economic benefits, including by promoting competitiveness in the housing market.
 - d. The NPS-UD housing bottom lines⁴⁶ are a minimum, not targets and providing excess supply is not precluded.
 - e. There are significant shortfalls in the medium and long terms in West Melton, with PC74 providing significant additional capacity.
 - f. The remaining supply of vacant large lot sections in the township is scarce and PC74 will support the provision of a range of housing typologies.
- 7.12. Mr. Jones made the following conclusions in respect to the housing market:⁴⁷
- a. West Melton is a unique low-density lifestyle market.
 - b. There is significant buyer demand for larger lots (above 1,000m² in size) and the lack of supply has contributed to a significant increase in values.

⁴³ NPS-UD Policy 1(a) & (d).

⁴⁴ NPS-UD Clauses 3.8(1) and (2)(a).

⁴⁵ [DPR Rezoning - Economic rebuttal evidence \(DPR-0411 HDL\)](#).

⁴⁶ As prescribed in CRPS Objective 6.2.1a and SDP Objective B4.3.9.

⁴⁷ [DPR Rezoning - Retail Estate rebuttal evidence \(DPR-0411 HDL\)](#).

- c. PC74 would contribute significant additional housing capacity to meet demand to correct what is described as a “*dysfunctional market*”.
- 7.13. The DPR Hearings Panel issued instructions for witness conferencing to take place between the planning, economic, urban design and transport experts to prepare Joint Witness Statements (the ‘JWS’) to identify areas of agreement and a list of matters to be resolved in respect to the PC74 rezoning submission. The JWS that were provided to the Hearing Panel on the 2nd of March 2023 are contained in **Appendix 2** of this report.
- 7.14. The JWS included the following areas of agreement between the economic experts, being Mr. Colegrave for the plan change proponent and Mr. Derek Foy of Formative Ltd for SDC, which establishes that PC74 would:
- a. Provide plan enabled housing capacity required to meet at least a long-term capacity shortfall.
 - b. Provide a substantial, direct boost in market supply to help meet current and projected future shortfalls.
 - c. Bolster land market competition by a variety of sections and housing options/typologies to meet diverse needs and preferences to the market quicker and at better average prices.
 - d. Contribute to achieving critical mass to support greater local retail/service provision and employment opportunities.
- 7.15. The JWS included updated housing sufficiency data from Mr. Derek Foy from Formative Ltd, which I understand has been sourced from an update to the Selwyn Capacity for Growth Model (‘SCGM’). While this was additional evidence that had not been previously available to any of the parties and included estimates that had not been factored into the operative housing bottom lines,⁴⁸ I maintain that it provided 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.
- 7.16. The results of the SCGM housing sufficiency update for West Melton was the source of the only difference in opinion between the economic experts. This related more specifically to whether the plan enabled capacity shortfall in West Melton falls within the medium- term period (Mr. Colegrave for the proponent) or the long-term period (Mr. Foy for SDC). Mr. Colegrave stated that he “... *categorically rejects the new model’s estimates of West Melton’s feasible capacity over the short to medium term*” and that he considered “... *the new demand and capacity figures to be devoid of inferential value and treats them accordingly*”.⁴⁹ Mr. Brown in the Planning JWS also identified “... *a number of potential flaws in the figures supplied*” that resulted in the SCGM plan-enabled supply being inflated, which meant that he placed “... *little confidence that sufficient capacity is available to meet demand in West Melton in the medium term*”.⁵⁰

⁴⁸ CRPS Chapter 6 Objective 6.2.1a and SDP Objective B4.3.9.

⁴⁹ DPR-0411 HDL Economic JWS, paragraphs 21 and 23.

⁵⁰ DPR-0411 HDL Planning JWS, paragraphs 28 and 31.

- 7.17. I acknowledged in the Planning JWS that the level of certainty that could be placed on the SCGM was reduced as there was no methodology available to test the results.⁵¹ The methodology and other materials relating to the SCGM were subsequently shared with Mr. Colegrave.
- 7.18. What is clear is that the economic experts agree that there will be at least a long-term plan enabled housing capacity shortfall to meet projected demand in West Melton. The NPS-UD requires territorial authorities to provide at least sufficient development capacity to meet expected housing demand.⁵² I consider that there is a mechanism available to zone land to support plan enabled capacity where there is a shortfall,⁵³ including a long-term shortfall. My rationale for this conclusion is outlined further in the Planning JWS (in **Appendix 2**)⁵⁴ and the NPS-UD assessment provided in Section 8.
- 7.19. On the basis of the expert evidence, I consider that PC74 represents ‘unanticipated’ and ‘out of sequence’ urban development but that it has been able to satisfy the NPS-UD Policy 8 pathway by demonstrating that the rezoning will support plan enabled capacity⁵⁵ that is required to give effect to Objectives 1 and 2, Policies 1, 2 and 8 and Clauses 3.2, 3.4, 3.5 and 3.8. Consequently, I support in part and oppose the submissions listed in paragraph 7.4 a. above.

Urban Form

- 7.20. The SDP Growth of Township policies include a preferred growth option for the township. This recognises that substantial expansion is expected and that the focal point for this is either side of Weedons Ross Road and north of SH73 but not extending north to Halkett Road.⁵⁶ The focus of the residential and business growth is north of SH73 and south of Halkett Road, with only limited low-density residential development anticipated south of SH73.⁵⁷ The SDP promotes a consolidated pattern of urban growth and the maintenance of the lower residential density of the existing village. The wastewater capacity constraint identified in the Growth of Township policies has been resolved through the establishment of the East Selwyn Sewer Scheme.⁵⁸
- 7.21. The site is located on the eastern boundary of the Gainsborough subdivision so it can be integrated into the existing urban form of West Melton. I also consider that the area bounded by Halkett Road, Wylies Road and SH73 forms a relatively strong urban containment boundary that could eventually provide a more concentric form that aligns with the eastern extent of the Wilfield subdivision established to the south.
- 7.22. The location of the township on either side of SH73 and the sites’ ability to consolidate with the Gainsborough subdivision establish that the land can be connected to a nationally significant transport corridor, albeit one that currently has limited public transport services to connect the township with other townships and Christchurch City. I agree with the plan change proponent’s planning evidence that the site is located within reasonable proximity to the town centre to

⁵¹ DPR-0411 HDL Planning JWS, paragraph 23.

⁵² NPS-UD Policy 1, Clauses 3.2 & 3.3.

⁵³ NPS-UD Clauses 3.2, 3.4 and 3.8.

⁵⁴ DPR-0411 HDL Planning JWS, paragraphs 28 and 31.

⁵⁵ NPS-UD Clauses 3.2 & 3.4(1).

⁵⁶ Township Volume Part C B4 Growth of Townships, West Melton Preferred Growth Option.

⁵⁷ Township Volume, Part C B4 Growth of Townships, Policy B4.3.97.

⁵⁸ Township Volume, Part C B4 Growth of Townships objectives and policies, including township specific Policies B4.3.97, B4.3.98, B4.3.100 and B4.101.

promote accessibility and connectivity. This is substantiated by Mr. Nicholson's PC74 evidence statement, which identifies that the sites distance of 950m from the town centre is within the average walking (1km) and cycling distances (4km) identified in the New Zealand Household Travel Survey.

- 7.23. I consider that the amended ODP in **Appendix 3**, which was tabled at the DPR Rezoning hearing that took place on the 3rd of March 2023,⁵⁹ will further ensure that the site is integrated into the urban form of West Melton through connections to the wider transport and infrastructure networks and community facilities.

Analysis – Lot Size Range and Minimum Net Density

- 7.24. PC74 initially sought to adopt the Living WM North Medium Density Zone⁶⁰ to facilitate a range lot sizes between 729m² to 2,095m² with an average lot size of 1,144m².⁶¹ The amended ODP and subdivision concept plan decrease the net density of the development by reducing the number of allotments that are less than 1,000m² in size and by clustering the smaller sections around the central reserve.⁶² The ODP narrative requires that the future subdivision provides a maximum of 10% of lots sizes between 650m² and 1,000m², and that the remaining lots achieve an average lot size of 1,500m².
- 7.25. PC74 seeks a Living WM East Medium Density Zone to maintain the low-density housing supply that characterises West Melton, which the plan change proponent identifies will assist in retaining a point of difference with the 12hh/ha densities that are typically being realised in Rolleston, Lincoln and Prebbleton that are all now subject to Variation 1 to the PDP.
- 7.26. There was no information provided in PC74 on what minimum household densities would apply to the site or to evaluate whether the rezoning request is able to achieve the SDP objectives, policies and rules⁶³ or give effect to the objectives and policies of the CRPS Chapter 6.⁶⁴ In the absence of this information, the s42A officer report that relied in part on Mr. Nicholson's urban design evidence for the DPR rezoning request (in **Appendix 4**) identified that a minimum net density of 12hh/ha should be applied to the site and that it should be referenced in the ODP.⁶⁵ It was acknowledged that these densities would reflect a change in the low-density character of the township and that a better understanding of the minimum density that is being sought is required to evaluate the merits of the rezoning.
- 7.27. A detailed assessment on the rationale that has been applied to establish the optimal density for the site has been prepared by Mrs. White as part of the urban design rebuttal evidence

⁵⁹ The ODP was originally contained in the Memorandum of Counsel for DPR-0411 HDL.

⁶⁰ SDP Township Volume C12 LZ Subdivision Rules and Definitions, Table C12.1 – Allotment Sizes provides for a minimum lot area of 500m² and maximum area of 3,000m² in the Living WM North Medium Density Zone.

⁶¹ PC74 Request, Section 3.1 Description of the Proposal, Page 4. March 2022.

⁶² [PC74 Updates and revised ODP, 4 October 2022](#).

⁶³ Township Volume Objectives B4.1.1, B4.1.2, B4.2.2, and B4.3.1 and Policies B4.1.1(a), B4.1.10, and B4.3.8 and C12 LZ Subdivision – Table C12.1 – Allotment Sizes.

⁶⁴ Policy 6.3.7.3, which requires that *"Intensification developments and developments in greenfield priority areas shall achieve at least the following net densities averaged over the whole of an ODP area..." "...a. 10 household units per hectare in greenfield areas in Selwyn and Waimakariri District; ..."*.

⁶⁵ [Hearing 30.6: DPR Rezoning Requests - West Melton - s42A Report](#), paragraph 13.62.

prepared in support of the DPR rezoning request submission.⁶⁶ In summary, Mrs. White identified that:

- a. Achieving a density of 12hh/ha would require a significant proportion of the lots to be within the 500m² to 600m² size range. This would influence the streetscape and housing typologies to the extent that they would be inconsistent with the character of West Melton and preclude the low density lots from being provided at the rural interface.
- b. Best practice urban design requires that density responds to “*place*”, which I take to be the context of West Melton as it is described in the ‘Existing Environment’ analysis and design rationale provided in the urban design rebuttal evidence.
- c. While not supporting the need for a specific reference in the ODP to a minimum net density, 8hh/ha strikes the best balance between increasing the density that is typical in West Melton, while encouraging a greater range of housing typologies. In comparison, this minimum net density is more intensive than what is provided for within the Gainsborough (4.2hh/ha), Preston Downs (6.2hh/ha) and Wilfield (4.2hh/ha) subdivisions.
- d. The scenario analysis establishes the implications of achieving the 12hh/ha in comparison to alternatives to illustrate the poor outcomes that could arise if this minimum net density is a requirement of the ODP. These include lot sizes, housing typologies and interfaces that are inconsistent with the character and streetscapes of West Melton.

7.28. The JWS included the following areas of disagreement between the urban design experts in respect to minimum net density (in **Appendix 2**):

- a. Mr. Nicholson remained unconvinced that achieving 12hh/ha would lead to poor urban design outcomes, considering that this density would ensure an efficient use of the land and that the NPS-UD enables changes in amenity to be disregarded.
- b. He considered that a minimum net density of 10hh/ha would be acceptable following an analysis of the development scenarios presented by Mrs. White.
- c. Mrs. White maintained that a minimum net density is a blunt tool that disregards urban design principles and values, such as recognising place and location.
- d. She considered that the application of a minimum net density of 10hh/ha would significantly alter the character and amenity in West Melton, but that 8hh/ha would be appropriate based on scenario analysis and evidence.

7.29. The DPR rezoning request Planning JWS included the following areas of agreement between the experts in respect to the optimal density (in **Appendix 2**):

- a. A minimum density requirement was not required to be incorporated into the ODP (based on the detail in the ODP plan and narrative).

⁶⁶ [DPR Rezoning - Urban design rebuttal evidence \(DPR-0411 HDL\)](#), paragraphs 15 to 24 and 51 to 104.

- b. The ODP would deliver residential outcomes that are consistent with the established character and amenity within West Melton, while providing satisfactory variation in lot sizes and delivering appropriate rural urban interface treatments.
 - c. The 8hh/ha minimum net density represented a significant incremental increase from the 6hh/ha densities that are typical in the township to optimise the land and takes appropriate account of site context, while maintaining the amenity that characterises West Melton.
- 7.30. As identified in the DRP rezoning Planning JWS,⁶⁷ I consider that the requirement for the site to be developed to a minimum net density of 8hh/ha through the ODP plan and narrative best responds to the site context and meets the balance between optimising the development of residential 'greenfield' land and avoiding the adverse amenity effects outlined in Mrs. Whites evidence (if a higher minimum net density was to be applied to the site).
- 7.31. The planning experts also agreed that a minimum net density of 8hh/ha is consistent with the approach taken within the SDP for maintaining the low-density character of West Melton. This differs from the minimum net densities of 10hh/ha required in CRPS Policy 6.3.7.3 that only applies to the Greenfield Priority Areas and is given effect to through the Living Z Zone.⁶⁸ It also reflects SDC's position in Variation 1 that West Melton did not qualify for inclusion because the township has a current resident population below 5,000 and that applying the MRZ to the township would "*constitute poor planning practice*" due to existing low density built and zoned environment, its distance to Christchurch City, lack of employment and amenities, and its lack of access to public transport.⁶⁹
- 7.32. I support the rationale that has been applied to determine the optimal lot size range and layout that reflects the context of the site and the surrounding environment, as detailed in Mrs. White's rebuttal urban design evidence in support of the DPR rezoning request.⁷⁰ The design controls that are integrated into the ODP are supported to achieve an attractive, pleasant, high quality and resilient urban environment and to integrate the site into the adjoining Gainsborough subdivision and wider urban environment of West Melton. I consider that the lot size range detailed in the ODP (in **Appendix 3**) meets the most appropriate balance between the large lot character and amenity that is being sought by the submitters and optimising the subdivision and development of residential 'greenfield' land. I also acknowledge that there are a significant number of submissions on PC74 that seek to maintain the low density amenity and character and amenity of West Melton, which the lot size range and 8hh/ha will continue to support.
- 7.33. Consequently, I consider that the PC74 lot size range and densities will optimise the use of the land, while maintaining the character and amenity of West Melton. I therefore support in part the submissions from CCC (PC74-059.001) and Waka Kotahi (PC74-069.001 & .004) in respect to the optimal density and the submissions listed in paragraph 7.4 b. above in respect to the lot size range for the site.

⁶⁷ DPR-0411 HDL Planning JWS, paragraphs 16 and 17.

⁶⁸ SDP Objective B4.3.6 and Policy B4.3.8.

⁶⁹ Refer to the discussion on Page 7 and 8 - [Variation 1 Section 32 Report \(selwyn.govt.nz\)](#).

⁷⁰ [DPR Rezoning - Urban design rebuttal evidence \(DPR-0411 HDL\)](#).

Analysis – Amenity, Character and Outlook

- 7.34. Any expansion to an urban area will typically alter people’s appreciation of that area through a change in the environment that they have become accustomed to over time. A process is provided under Schedule 1 Part 2 of the RMA, and objectives and policies included in the SDP, to evaluate amenity and character outcomes associated with changes to land use zones. In addition, Policy 6(b) of the NPS-UD expressly anticipates that urban environments and the amenity values that are attributed to them will develop and change over time.⁷¹ I consider that this needs to be balanced against the need to enable additional housing capacity within well-functioning urban environments and the extent to which the rezoning is consistent with the locational context of West Melton.
- 7.35. The plan request identifies that the design principles that have been applied will ensure that any future subdivision and development of the site, should the rezoning be accepted, will be a pleasant place to live and will contribute to the character and amenity of West Melton.⁷² It outlines that the character and amenity of the neighbours and future residents has been taken into account throughout the development of the ODP (PC74 Appendix A) that provides for lower density allotments in areas opposite rural zoned land⁷³. These conclusions draw on the findings of the more detailed urban design (PC74 Appendix E) and landscape and visual assessment (PC74 Appendix H).
- 7.36. The s42A officer report on the corresponding DPR rezoning request that references Mr. Nicholson’s PC74 urban design and landscape evidence (in **Appendix 4**) makes the following conclusions and recommendations in respect to character, amenity and rural outlook⁷⁴:
- a. West Melton is characterised by single-storey modern dwellings on spacious sections with landscaped curvilinear streets.
 - b. PC74 is likely to detract from the character and some of the amenities enjoyed by local residents, however, Policy 6 of the NPS-UD specifically directs that these changes to amenity values need to be balanced against the positive effects of increased housing and types, and are not, of themselves, an adverse effect.
 - c. The design controls in the ODP plan and narrative ensure the rezoning supports an attractive, pleasant, high quality and resilient urban environment and promote the low-density character and amenity of the site at the rural interface of the site and to maintain streetscape amenity.
- 7.37. Additional landscape and visual rebuttal evidence was prepared by Mr. Paul Smith from Rough Milne Mitchell Landscape Architects in support of the DPR rezoning request submission.⁷⁵ In summary, Mr. Smith identified that:

⁷¹ [NPS-UD 2020](#). Objective 4 and Policy 6(b) (Pg.12).

⁷² [PC74 Hughes Developments Ltd \(selwyn.govt.nz\)](#). Township Section Part B4 Growth of Township assessment, Pages 28 & 29. Section 7.1 Objectives and Policies of the Selwyn District Plan, Page 32.

⁷³ [PC74 Hughes Developments Ltd \(selwyn.govt.nz\)](#). 6.1 National Policy Framework, Page 12.

⁷⁴ [Hearing 30.6: DPR Rezoning Requests - West Melton - s42A Report](#), paragraphs 13.44 & 13.45.

⁷⁵ [DPR Rezoning - Landscape rebuttal evidence \(DPR-0411 HDL\)](#), paragraphs 39 to 40 & 42.

- a. The distribution of larger lots along the perimeter of the site positively contributes to the urban and rural interface and amenity that is experienced along Halkett Road.
- b. Smaller sections (than what are proposed) would be inconsistent with, and would detract from, the amenity and character of West Melton.
- c. Densities at 8hh/ha or less would ensure the development is visually cohesive and consistent with the local character afforded by the existing development within West Melton and surrounding rural landscape.

7.38. Additional urban rebuttal evidence has been prepared by Mrs. White in support of the DPR rezoning request submission that covers amenity, character and outlook.⁷⁶ In summary, Mrs. White identified that:

- a. West Melton has a unique character that stems from its small size, rural location and outlook, large lot sizes, high-quality single level housing and spacious streetscapes.
- b. The ODP rationale and design controls promote a compact urban form and high amenity neighbourhood with appropriate interfaces with adjacent land and roads that will contribute to West Melton's character and amenity.

7.39. On the basis of the expert evidence and the conclusions reached in the previous assessment of the proposed lot size range and minimum net densities, I consider that PC74 will not compromise the amenity and character of the area of the wider township and appropriately interfaces with the adjoining urban and rural environments. I therefore support in part the submissions listed in paragraph 7.4 c.

Analysis – Outline Development Plan and Fencing

7.40. The PC74 ODP has been the subject of iterative changes throughout the process as the plan change proponent has responded to submissions and expert evidence. The DRP rezoning evidence of Mr. Brown succinctly summarises the amendments that have been made to the ODP in **Appendix 3** of this report, which includes:⁷⁷

- A shared path has been provided within the secondary road connection with Rossington Drive.
- A shared path has been provided along Halkett Road to connect with Rossington Drive.
- A shared path connection is provided through the central reserve.
- Two future road connections with shared paths provided along the eastern boundary.
- Post and rail fencing is to be provided along the north and south boundaries.
- Traffic calming measures are to be established on the north south primary road.
- A detailed safety assessment of the SH73-Halkett Road intersection is to be provided as part of any future subdivision.

⁷⁶ [DPR Rezoning - Urban design rebuttal evidence \(DPR-0411 HDL\)](#), paragraphs 33 to 37, 39, & 105.

⁷⁷ [DPR Rezoning - Planning rebuttal evidence \(DPR-0411 HDL\)](#), paragraph 39.

- Specifications of the planting requirements for the landscape edge treatments along the sites northern and eastern rural boundaries and sites southern boundary with SH73.

- 7.41. The plan change proponent has amended the ODP following agreement with Mr. Nicholson's⁷⁸ recommendation that a requirement be included to establish and maintain post and rail fencing along the northern and southern boundaries with Halkett Road and West Coast Road respectively. I agree that this will assist in promoting the low-density character and amenity of the site at the rural interface of the site and to maintain streetscape amenity. The use of closed board fencing on the remaining boundaries of the site and future allotments where a landscape strip or post and rail fence isn't a requirement of the ODP is considered to be appropriate and in keeping with the amenity of West Melton. I therefore accept in part the submission points from L & S Sinton (PC74-043.002), T Standfield (PC74-025.010) and C & J Hey (S74035.013).
- 7.42. One submitter opposes the request in part on the basis that landowners should be indemnified from paying for the cost of non-rural fencing. I consider that the costs of replacing or upgrading fences at the interface between sections is a private matter between landowners that is subject to the requirements in the Fencing Act 1978.⁷⁹ I therefore oppose the submission point from C & J Hey (PC74-035.013) as it is not within the scope of the RMA.

Analysis – Visual Effects of the Water Storage Tanks

- 7.43. The submitters raise concerns that the establishment of the storage tanks within a residential subdivision will result in adverse visual effects that could compromise residential amenity.
- 7.44. Mr. Nicholson's urban design and landscape evidence for the DPR rezoning request evaluates the visual impact of the water storage tanks (in **Appendix 4**). He concludes that while the submitters concerns are understandable, there are a range of design solutions that could mitigate any adverse visual impacts, which would need to be addressed through any subsequent consenting process.⁸⁰ I note that it will also integrate with a similar facility that has been established and is operating from the south-eastern corner of the Gainsborough subdivision directly adjacent to the proposed utility lot illustrated on the PC74 ODP (in **Appendix 3**).
- 7.45. On the basis of this expert urban design and landscape assessment, I consider that the visual effects of the water storage tanks can be effectively mitigated. Consequently, I oppose the submission points from S Haughin (PC74-0008.002 & .005), M & F Hamilton-Manns (PC74-0030.003 & .009), S Laing (PC74-0040.008 & .009), and K & P Bowman (PC74-0063.022).

Infrastructure Servicing

Plan change request

- 7.46. The request includes an infrastructure and servicing assessment that is based on a report prepared by Davie Lovell-Smith, which is contained in Appendix C of PC74. This has been peer reviewed by Mr. Shane Bishop from Stantec NZ on behalf of SDC. Additional rebuttal evidence

⁷⁸ As confirmed in the proponent's DPR Rezoning rebuttal evidence of Mr. Smith on visual effects (in paragraphs 20.a and 41), Ms. White on urban design (paragraphs 16, 17, 48 to 50 and 120) and Mr. Brown on planning (paragraphs 13, and 39 and Attachment A – Updated ODP).

⁷⁹ [Fencing Act 1978 No 50 \(as at 28 October 2021\), Public Act Contents – New Zealand Legislation.](#)

⁸⁰ Statement of evidence of Mr. Nicholson, paragraphs 9.7 to 9.9 (pg12).

covering infrastructure servicing prepared by Mr. Jamie Verstappen from Davie Lovell-Smith has been submitted in support of the plan change proponents' submission on the DPR.

Submissions

7.47. There are 97 submission points seeking relief in respect to infrastructure servicing, including in respect to the following:

- a. 56 submitters either oppose, support in part or neither support nor oppose the request on the basis that there is insufficient capacity in the reticulated potable water supply or available groundwater.⁸¹
- b. 21 submitters either oppose, support in part or neither support nor oppose the request on the basis that there is insufficient capacity in the reticulated wastewater network.⁸²
- c. Six submitters either oppose or are unstated on the request due to concerns associated with stormwater management, including flooding from the swale, water storage tanks and holding pond.⁸³
- d. Nine submitters oppose the storage of effluent and extensions to the water and stormwater services due to nuisance effects, including odour, vibration and contamination of groundwater.⁸⁴
- e. Three submitters either oppose or neither support nor oppose the request on the basis that either the rezoning is an opportunity to extend the Chorus telecommunication network, or it will compromise the communication network.⁸⁵
- f. Two submitters either oppose or neither support nor oppose the request as Carbon Zero has not be addressed and because reticulated gas is considered to be inefficient when compared to electricity.⁸⁶

⁸¹ S Ellis (PC74-0002.001 & .005), N Clement (PC74-006.014 & .015), B & H Wightwick (PC74-0007.002 & .005), M French (PC74-0011.001 & .005), P Archbold (PC74-0014.002 & .005), C & S McLachlan & D Memari (PC74-0015.010 & .015), Owens (PC74-0018.006 & .007), E Yeatman (PC74-0021.003 & .006), L Rastrick (PC74-0023.001 & .002), F Bayly (PC74-0024.006), T Standfield (PC74-0025.012 & .023), WMDRI (PC74-0026.002 & .011), M & F Hamilton-Manns (PC74-0028.003), GWML (PC74-0030.005 & .006), Carla (PC74-0033.009 & .011), I Sin (PC74-0034.002 & .008), ASL (PC74-0038.001 & .006) S Laing (PC74-040.008), P Wyber (PC74-0045.001 & .002), K & K Land (PC74-0046.001, .004 & .009), T Cochrane (PC74-0047.001 & .009), K & J Dawson (PC74-0049.002 & .006), W & A F Gallagher (PC74-0050.004), D & F Amberger (PC74-0054.003 & .006), V & S Gilbert (PC74-0055.003 & .005), N Williams (PC74-0057.011 & .012), J Gallagher (PC74-0062.004 & .005), K & P Bowman (PC74-0063.013, .014 & .016), and M & C Boyd (PC74-0073.002 & .003).

⁸² N Clement (PC74-006.014 & .015), B & H Wightwick (PC74-0007.002), P Archbold (PC74-0014.002 & .006), W & A Owens (PC74-0018.006 & .007), E Yeatman (PC74-0021.003 & .006), L Rastrick (PC74-0023.001 & .002), F Bayly (PC74-0024.006), S Laing (PC74-040.007), K & K Land (PC74-0046.003, .004 & .010), D & F Amberger (PC74-0054.004 & .006), V & S Gilbert (PC74-0055.003 & .005), and K & P Bowman (PC74-0063.015).

⁸³ M & F Hamilton-Manns (PC74-0028.007, .009 & .010) and S Laing (PC74-0040.002, .009 & .011).

⁸⁴ S Haughin (PC74-008.004 & .006), N Gardner (PC74-0019.001 & .003), M & F Hamilton-Manns (PC74-0028.009), C & J Hey (PC74-0035.006 & .014), S Laing (PC74-0040.010), and K & P Bowman (PC74-0063.021).

⁸⁵ T Cochrane (PC74-0047.008), ASL (PC74-0038.005), and K & P Bowman (PC74-0063.017).

⁸⁶ S & S Eden (PC74-0052.002) and N Williams (PC74-0057.002).

Analysis – Water, Wastewater and Stormwater Infrastructure

- 7.48. The ability to coordinate the cost effective and efficient provision of infrastructure services and aligning future development with SDC’s strategic planning is a relevant consideration when evaluating the appropriateness of changes to land use zonings. This is particularly important when considering ‘out of sequence’ and ‘unanticipated’ rezoning requests that do not have the benefit of a coordinated spatial plan to determine impacts on the capacity and efficiency of network infrastructure.
- 7.49. Mr. Bishop from Stantec NZ has prepared expert infrastructure evidence that reviews the plan change and the submissions received, which is contained in **Appendix 5** of this report. In evaluating the infrastructure needs of PC74 against the current and future infrastructure demands for West Melton, Mr. Bishop concludes that:
- a. There are viable methods for providing potable drinking water, managing wastewater, and treating and discharging stormwater to meet the demand that would be generated by PC74.
 - b. Water network upgrades are planned and have been funded to ensure there would be connections available should the land be rezoned and subdivided to urban densities.
 - c. The reticulated water supply would be required to be designed to meet firefighting standards.
 - d. Wastewater network upgrades to build capacity in the Pines Wastewater Treatment Plant are planned and budgeted within SDC’s 2021 to 2031 Long Term Plan.
 - e. There are viable means to dispose of stormwater for this plan change area that are likely to require discharge consents from Environment Canterbury.
 - f. All new infrastructure will be required to be installed in compliance with the District Plan, designed in accordance with New Zealand Standards relative to the importance level of the structure, and with measures taken to integrate the assets within the local environment.
- 7.50. These findings are substantiated further in Mr. Verstappen’s rebuttal evidence on the DPR rezoning request, where he concludes that all matters regarding the servicing of the PC74 site for water supply, wastewater and stormwater have been appropriately investigated and there are viable means for these services to be provided to support the rezoning of the Site.⁸⁷
- 7.51. On the basis of the expert infrastructure evidence, I consider that there are appropriate funding arrangements in place to ensure that the site can be efficiently and effectively integrated into the public reticulated water and wastewater networks. There are mechanisms available to enable SDC to recuperate the proportional costs from the developer for the increased demand on the network, such as development contributions. The SDP subdivision rules also require that all allotments created in West Melton are supplied with reticulated water (12.1.3.3), effluent

⁸⁷ [DPR Rezoning - Infrastructure rebuttal evidence \(DPR-0411 HDL\)](#), paragraphs 42 and 43.

disposal (12.1.3.4), solid waste disposal (12.1.3.5) and provision is made for a water supply for firefighting purposes (12.1.4.3).

- 7.52. The detailed subdivision design, should the rezoning be approved, would be required to establish finished ground levels and utility services that meet minimum engineering standards. This includes applying a design methodology and incorporating contingency measures in response to projected stormwater events to reduce the risk of flooding associated with the identified facilities. These designs would need to satisfy SDC's Engineering Code or Practice and be prepared and approved by qualified and experienced engineers. I am satisfied that appropriate steps will be required to design and certify the stormwater management system at the time of subdivision to ensure all necessary steps are taken to reduce the risk of failure during a high rainfall event.
- 7.53. In respect to the concerns raised by submitters regarding the potential for nuisance effects associated with any extensions to the wastewater network, Mr. Bishops evidence establishes that the proponent would be required to install emergency wastewater storage within the site. He confirms that this would be required to be below ground and that it could only be operated as a contingency measure. Mr. Bishop also establishes that an odour management system would be required to be installed and that the facility would be established within a utility lot to mitigate nuisance effects. I am satisfied on the basis of this evidence that the location and design of the wastewater infrastructure will mitigate any related nuisance effects. I also consider that the risk of noise and odour effects associated with extending the reticulated potable water would be negligible.
- 7.54. Overall, I consider that there are no infrastructure constraints that preclude the rezoning of the site and oppose the relief sought by the submitters listed in paragraph 7.47 a to d.

Analysis – Communication network capacity

- 7.55. I consider that future connections to utilities that are managed by independent service providers, such as gas, power, or telecommunication supplies, are best managed at the time of subdivision following engagement with utility service providers by the developer. More specifically, SDP subdivision rule 12.1.4.7 requires telecommunication and electricity connections to be made available to each allotment, or to include a mechanism to alert prospective buyers if these connections haven't been installed.⁸⁸ Similar subdivision rules and requirements are proposed for the PDP.⁸⁹
- 7.56. Overall, I am satisfied that there are appropriate processes in place to ensure that extensions to the communication network to the site can be established without compromising the current levels of service. I therefore oppose the submission points from T Cochrane (PC74-0047.008), ASL (PC74-0038.005), and K & P Bowman (PC74-0063.017).

Analysis – Carbo Zero and Reticulated Gas

- 7.57. In respect to the viability and sustainability of reticulated gas supplies, I consider that this continues to remain a viable energy source that is available to landowners through utility service providers in accordance with industry standards and Government emissions policies. I do not

⁸⁸ Township Volume C12 LZ Subdivision

⁸⁹ Proposed rule SUB-R1 and requirements SUB-REQ9 and SUB-REQ10.

consider that the option to reticulate any future subdivision with gas is sufficient grounds to decline PC74. I therefore oppose the submission points from S & S Eden (PC74-0052.002) and N Williams (PC74-0057.002) in respect to the viability and sustainability of reticulated gas versus electricity as an energy source for future residential dwellings if the rezoning is supported.

Conclusion

- 7.58. On the basis of the expert engineering evidence, I consider that there are no infrastructure network constraints or concerns that prevent the request from being approved. Infrastructure planning in the Long-Term Plan to fund the construction of any necessary infrastructure upgrades for West Melton and the wider utility services network are well advanced. Rules within Part C12 subdivision of the SDP and the associated engineering approval processes will require the necessary infrastructure and utility services to be in place before any allotments can be sold.

Transport

Plan change request

- 7.59. The request initially included an Integrated Transport Assessment ('ITA') prepared by Novo Group Ltd, which is contained in Appendix I of PC74. The proponent submitted additional information on the 4th of October 2022 that included changes to the road layout, road cross sections, connections and updates to the movement network in the ODP (refer to **Figure 3**).⁹⁰ Transport network safety, efficiency and accessibility and whether the rezoning supports an accessible and well-functioning urban environment are key requirements of the NPS-UD that need to be satisfied to support the release of 'not in sequence' and 'unanticipated' land⁹¹.

Submissions

- 7.60. There are 149 submission points seeking relief on the transport network topic, including in respect to the following:
- a. 89 submission points oppose, support, oppose in part or neither support nor oppose the request on the basis that the roading arrangements and insufficient capacity in the local road network will generate adverse effects, including on the safety and efficiency of Halkett Road, Rossington Drive, Brinsworth Avenue, Wylies Road, Taylor Avenue, Brampton Drive, and SH73.⁹²

⁹⁰ [PC74 Updates and revised ODP, 4 October 2022](#).

⁹¹ NPS-UD Policy 1 & 8 and Clause 3.8.

⁹² R & A Macpherson (PC74-001.003), S Ellis (PC74-0002.003), A Vernel (PC74-004.001), H Helm (PC74-0005.001), E Colombus (PC74-0006.002), B & H Wightwick (PC74-007.001), S Haughin (PC74-008.001), J O'Connor (PC74-009.001), M French (PC74-0011.002), P Archbold (PC74-0014.001), C & S McLachlan & D Memari (PC74-0015.007), B Caldwell (PC74-0016.001), T Lillig (PC74-0017.001), W & A Owens (PC74-0018.001 & .005), A Wilson (PC74-0020.002), C Byers (PC74-0022.004 & .005), F Bayly (PC74-0024.004 & .005), T Standfield (PC74-0025.002, .003, .004, .005, .006, .007, & .022), WMDRAI (PC74-0026.002, .003, .004, .005, .006, .007), M & F Hamilton-Manns (PC74-0028.004), G & A Woods (PC74-0029.001), GWWL (PC74-0030.002 & .003), E & G Pringle (PC74-0032.001), Carla (PC74-0033.001, .005, .006 & .010), I Sin (PC74-0034.004 & .005), C & J Hey (PC74-0035.003, .004 & .008), D Hunter (PC74-0036.001), ASL (PC74-0038.002), S Laing (PC74-0040.004 & .005), M Grantham (PC74-0041.003), P & E Fry (PC74-0042.002), L & S Sinton (PC74-0043.003), S Baird (PC74-0044.001), K & K Land (PC74-0046.002 & .005), T Cohrane (PC74-0047.002), J & P MacDonald (PC74-0048.001), K & J Dawson (PC74-0049.001, .003 & .005), F Gallagher (PC74-0050.005), S & S Eden (PC74-

- b. 29 submission points oppose, support or neither support nor oppose the request because it fails to support accessibility and there is a lack of public transport.⁹³
- c. 31 submission points oppose or neither support nor oppose the request on the basis that it will contribute to traffic congestion and increase vehicle emissions, including the effects of climate change.⁹⁴

Analysis – Transport Network Safety and Efficiency, Accessibility and Public Transport

7.61. Mr. Collins from Flow Transportation Specialists has prepared expert transport evidence that reviews the plan change and the submissions received, which is provided in **Appendix 6** of this report. In evaluating the transport needs and impacts of PC74 on network capacity, safety and efficiency and accessibility to enable mode shift, Mr. Collins makes the following conclusions and recommendations:

- a. Traffic modelling is required for the Halkett Road/SH73 intersection, to determine if traffic efficiency effects are required to be mitigated.
- b. Further analysis of the Halkett Road/SH73 intersection is required, including a through road safety audit. Should the primary access / SH73 intersection be formed as a left in/left out, PC74 may create negative safety effects at the Halkett Road/SH73 intersection as this is likely to be the primary access point to the State Highway network for PC74 vehicle trips travelling to the site from the east. A District Plan rule is recommended to ensure these transport arrangements are adhered to.
- c. The ODP plan and narrative are required to be amended to incorporate:
 - i. A roading connection to Rossington Drive that includes a shared footpath/cycleway to improve site connectivity.
 - ii. Cycle facilities are required on Halkett Road, between Wylies Road and Rossington Drive.

0052.004), D & F Amberger (PC74-0054.002), V & S Gilbert (PC74-0055.001), D Turner (PC74-0056.003 & .004), N Williams (PC74-0057.001, .006, .007 & .014), B Williams (PC74-0058.001, & .002), P Rogers (PC74-0060.001 & .002), Environment Canterbury (PC74-0061.003), K & P Bowman (PC74-0063.002, .004, .007 & .024), A Staples (PC74-0064.001), B & H Coker (PC74-0065.001), N Clement (PC74-0067.003 & .009), D Reid (PC74-0068.002), Waka Kotahi (PC74-0069.006), FENZ (PC74-0071.001), and M & C Boyd (PC74-0073.001).

⁹³ T Cochrane (PC74-007.007), J O'Connor (PC74-009.001), C & S McLachlan & D Memari (PC74-0015.002 & .009), T Lillig (PC74-0017.002 & .003), W & A Owens (PC74-0018.002), T Standfield (PC74-0025.017), WMDRAI (PC74-0026.016), GWWL (PC74-0030.002), Carla (PC74-0033.008), C & J Hey (PC74-0035.012), D Hunter (PC74-0039.001), K & K Land (PC74-0046.002), F Gallagher (PC74-0050.003), S & S Eden (PC74-0052.006), N Williams (PC74-0057.006), B Williams (PC74-0058.001), CCC (PC74-0059.002), Environment Canterbury (PC74-0061.003), J Gallagher (PC74-0062.003), K & P Bowman (PC74-0063.005, .019 & .026), N Clement (PC74-0067.009 & .012), and Waka Kotahi (PC74-0069.002 & .005).

⁹⁴ R & A Macpherson (PC74-001.004), A Vernel (PC74-004.003), J Taylor (PC74-0012.001), E Wooding (PC74-0013.001), C & S McLachlan & D Memari (PC74-0015.001, .009 & .012), W & A Owens (PC74-0018.002), E Yeatman (PC74-0021.001), C Byers (PC74-0022.004), T Standfield (PC74-0025.002, .003 & .017), WMDRAI (PC74-0026.021), GWWL (PC74-030.004), C & J Hey (PC74-0035.004 & .005), P & E Fry (PC74-0042.001), B Williams (PC74-0058.003), P Wyber (PC74-0045.005), V & S Gilbert (PC74-055.002), N Williams (PC74-0057.003), CCC (PC74-0059.002), Environment Canterbury (PC74-0061.003), K & P Bowman (PC74-0063.003), A Staples (PC74-0064.001), O Wiegersma (PC74-0066.003), N Clement (PC74-0067.008, .009 & .011), D Reid (PC74-0068.006), and Waka Kotahi (PC74-0069.007).

- iii. Two road connections are required to the eastern site boundary, to allow for extension should urbanisation occur.
 - iv. The ODP narrative is required to identify that the north-south Primary Road through the site includes traffic calming to discourage through traffic between Halkett Road and SH73.
 - v. A cycling and pedestrian route through the central reserve is required to allow future extensions of the cycling and pedestrian network to the east of the site.
 - vi. The ODP narrative is required to identify that the subdivision applicant consults with SDC regarding the relocation of the speed limit transition on Halkett Road.
 - vii. Amendments illustrated in Figure 4 (of **Appendix 6**) are required to be made to the ODP plan and narrative.
- d. The PC74 site has low accessibility to public transport, with one peak hour bus service on Halkett Road. Additional bus stops along the Site frontage with Halkett Road are unlikely to be required applicant consultation with Environment Canterbury is recommended either now or at the time of subdivision.
 - e. Should PC74 affect the quantum of residential growth within Selwyn District, without a corresponding increase in local employment and access to services, additional impact on the Greater Christchurch transport network can be expected as additional residents in the district travel to access services and employment.
 - f. The transport effects of PC74 at a subregional level, as an urban area outside the anticipated urban boundary, are likely to be minor and West Melton Road and SH73 are less constrained than other key corridors in Selwyn District (such as those around Rolleston, Lincoln and Prebbleton). However, the cumulative effect of large-scale urban development outside the anticipated urban boundary (as proposed by multiple plan changes) could have a significant effect on the transport network, which may require additional and/or reprioritised funding from public agencies at the local, district or regional level to mitigate.
- 7.62. In addition to Mr. Collins transport evidence (in **Appendix 6**), Mr. Nicholson's urban design evidence (in **Appendix 5**) also makes the following recommendations and conclusions in respect to site accessibility and the movement network contained in the ODP:
- a. The ODP plan and narrative are required to be updated to incorporate the following:
 - i. Three additional connections, one northward onto Halkett Road, one southward onto SH73, and one westward onto Rossington Drive.
 - ii. The Halkett Road frontage will be upgraded to an urban standard and footpath extensions will be provided to the east to Wylies Road and to the west to Rossington Drive.

- b. The site could have a '*moderate level*' of connectivity if a future street connection is established to the east, and provision is made for an urban upgrade to the SH73 frontage with a footpath extension to the west to the existing crossing facility.
 - c. The site would have a '*moderate-high*' level of accessibility reflecting the good access to services within the village, but this should be balanced against limited public transport and the need to drive for employment and shopping opportunities.
- 7.63. The plan change proponent has submitted rebuttal transport evidence prepared by Mr. de Verteuil from Novo Group Ltd in support of the corresponding DPR rezoning request, which covers the recommendations and conclusions contained in Mr. Collins and Mr. Nicholson's PC74 evidence.
- 7.64. Mr. de Verteuil makes the following conclusions in respect to transport network capacity, safety and efficiency:⁹⁵
- a. Transport modelling of the SH73 and Halkett Road intersection has been prepared, which indicates that the intersection will operate at an acceptable level of service.
 - b. Agrees that it is appropriate to provide SDC with a Road Safety Audit of the SH73 and Halkett Road intersection as part of the future subdivision process and that any upgrades are undertaken and certified prior to the issue of certificates pursuant to s224(c) of the RMA.
 - c. The roading connection to Rossington Drive alongside the shared footpath/ cycleway, two indicative road connections to the east, and walking/cycling link through the central reserve and indicative extensions to the east are supported. These amendments have been incorporated into the updated ODP (in **Appendix 3**).
 - d. The recommendation to amend the ODP to require the plan change proponent to liaise with SDC to extend the existing speed limit transition is supported in principle, while noting that this is a function of SDC.
 - e. Questions the need for traffic calming measures on the primary north-south road on the basis that it is proposed to be left-in and left-out access arrangement only onto SH73, while noting that there is an opportunity to review this detailed design of the roading network through the subdivision engineering approval process.
 - f. Does not support a shared footpath/cycleway along Halkett Road between Wylies Road and Rossington Drive as there is currently no existing facility along the length of Halkett Road.
- 7.65. The JWS includes the following areas of agreement between the transport experts (in **Appendix 2**):
- a. The intersection of SH73/Halkett Road will operate with an acceptable Level of Service both with and without the right turn lane facility on SH73.

⁹⁵ [DPR Rezoning - Transport rebuttal evidence \(DPR-0411 HDL\)](#).

- b. The potential safety effects at the intersection of SH73/Halkett Road can be assessed during future subdivision stages that can be effectively implemented through the ODP narrative.
- c. It is appropriate that a shared path is to be constructed along Halkett Road from Wylies Road (east of the Site) to the west, to the intersection with Rossington Drive with a connection to be made to the existing footpath within Rossington Drive.
- d. The updates to the ODP that are recommended by Mr. Collins are agreed (as identified in **Appendix 3**).
- e. Traffic calming along the north-south primary road can be addressed through the future subdivision and engineering plan review processes.
- f. A footpath along SH73 is not essential.

7.66. There were no areas of disagreement between the transport experts.

7.67. Mrs. White makes the following conclusions in respect to connectivity, accessibility and site integration, which are detailed in the Urban Design JWS (in **Appendix 2**):⁹⁶

- a. The recommendation that two indicative road connections to the east is considered appropriate to enable local connectivity and to support integrated neighbourhoods, which have been incorporated into the updated ODP (in **Appendix 3**).
- b. The existing connections through Rossington Drive to the SH73 pedestrian refuge and crossing point supports an appropriate level of accessibility without the need for a separate footpath along SH73.

7.68. Mr. Nicholson maintained that a shared path along this section of SH73 would improve the pedestrian and cycle connectivity to the site and would provide a more direct and legible alternative to the Rossiter Drive connection. He acknowledged that the footpath would be on the State Highway and that the applicant would need to the agreement of Waka Kotahi to implement the path.

7.69. While I recognise that a shared pathway would providing alternative options for people to access the town centre and services and facilities established on the southern side of SH73, I support the transport experts position that it is not necessary to achieve the required level of accessibility. I also agree with the plan change proponent that there are physical constraints that limit the practicalities of the pathway being established. Overall, I am satisfied that the PC74 ODP can achieve an appropriate level of accessibility.

7.70. On the basis of the expert evidence and the agreed changes that have been made to the amended ODP, I consider that the rezoning will not compromise network safety or efficiency and satisfies the NPS-UD tests in regard to it having appropriate levels of accessibility⁹⁷ and is well connected along a State Highway corridor.⁹⁸ I therefore support in part the submissions listed in paragraphs 7.4 a. and b.

⁹⁶ [DPR Rezoning - Urban design rebuttal evidence \(DPR-0411 HDL\)](#), paragraph 47.

⁹⁷ NPS-UD Policy 1(c) and Clause 3.8(2)(a).

⁹⁸ NPS-US Clause 3.8(b).

Analysis – Greenhouse Gas Emissions and Effects on Climate Change

- 7.71. The NPS-UD requires that ‘unanticipated’ and ‘out of sequence’ rezoning requests that seek to enable additional plan enabled and infrastructure ready housing capacity to meet identified shortfalls must contribute to a well-functioning urban environment, which requires that they reduce greenhouse gas emissions and be resilient to the likely and current and future effects of climate change.⁹⁹
- 7.72. The proponent submitted additional information on the 4th of October 2022 to introduce measures to reduce carbon emissions and impacts on SH73.¹⁰⁰ This was by way of ODP narrative to manage carbon emissions and promote water conservation, including:
- Street and reserve lighting within the development shall be solar powered.
 - Rainwater tanks (and pumps) shall be installed within all properties at the time of subdivision for water harvesting purposes.
- 7.73. The approach taken in PC74 differs from the measures that apply to the Wilfield subdivision that were formalised through the Plan Change 67 to reduce the future effects of climate change.¹⁰¹ SDP subdivision rule 12.1.3.57B requires individual landowners to establish dwellings that include facilities to generate solar energy, harvest rain, and achieve Homestar building requirements in accordance with the consent notices registered on the records of title of the individual allotment.¹⁰² In contrast, the narrative in the PC74 ODP requires the developer to install sustainability measures into the public facilities and spaces that are then vested in SDC to maintain on an ongoing basis. The ODP narrative also requires the rainwater tanks to be installed into each section by the developer.
- 7.74. The s42A officer report for the DPR rezoning request submissions evaluated the sustainability initiatives proposed by the plan change proponent relative to the NPS-UD objectives and policies, concluding in summary that:¹⁰³
- a. The townships relative isolation from large urban centres and the current lack of public transport options and walking and cycling connections to promote alternative transport modes meant that the rezoning was unlikely to reduce the future effects of climate change or reduce greenhouse gas emissions through continued use of private motor vehicles for people to access everyday needs, at least in the short term.
 - b. Emissions reductions require wider sub-regional and national responses to promote alternative travel modes through transport network upgrades, monetary incentives, and public transport funding.
 - c. The rezoning could support the critical mass needed to fund public transport options in the future but that this is a long-term outcome that would require a

⁹⁹ NPS-UD Objective 8, Policy 1(e) and (f), Policy 8 and Clause 3.8(2).

¹⁰⁰ [PC74 Updates and revised ODP, 4 October 2022](#).

¹⁰¹ Refer to 12.1.3.57B that requires a legal instrument to be recorded on each allotment requiring that provision is made for solar power generation, rain harvesting, Homestar 6 housing construction certification.

¹⁰² Condition 15 RC225425 granted by SDC on the 24th of November 2022.

¹⁰³ [Hearing 30.6: DPR Rezoning Requests - West Melton - s42A Report](#), paragraphs 13.65 to 13.69 and 13.78.2.

substantial shift in how public transport is currently funded and operated across Selwyn District and the Greater Christchurch sub-region.

- 7.75. The plan change proponent submitted rebuttal planning evidence from Mr. Brown¹⁰⁴ and land developer evidence from Mr. Hughes¹⁰⁵ to address the above points. In summary, the plan change proponent considered that the following sustainability initiatives and anticipated changes in circumstance would reduce vehicle emissions the future effects of climate change:

Sustainability initiatives

- a. Commitment to a low-impact development ethos to maximise solar gain, promote walking and cycling and utilising energy efficient technologies for infrastructure.
- b. Ensuring that all street and reserve lighting is solar powered, and each section is fitted with a rainwater tank and pump (as required) for rainwater harvesting purposes at the time of subdivision.
- c. Native planting along the east and south borders that would be protected by way of covenant and the use of swales within the road corridors, and this would remove contaminants from the stormwater before it is discharged to ground.
- d. Researching the concept of a community owned and operated Electric Vehicle which would be available to residents by way of a booking app on their devices.

Circumstances to support reduced emissions from single occupancy vehicle trips

- e. Proximity of West Melton to major employment hubs would reduce commuter travel distances.
- f. Future Mass Rapid Transport options to Rolleston being advanced by the Greater Christchurch Partnership would be accessible from West Melton.
- g. Public transport services to West Melton are improving, including the establishment of a daily school bus to Christchurch.
- h. The completion of the West Melton to Rolleston cycleway scheduled for 2034 would provide further multi-modal transport alternatives, including for e-bikes and scooters.
- i. Increased uptake of e-vehicles, working from home arrangements and fuel prices would have a greater influence on the regulatory and distances people's willingness to travel.

- 7.76. The rebuttal evidence concluded that the proposed rezoning is unlikely to directly give rise to any significant, quantifiable reductions in greenhouse gas emissions and the initiatives and changing behaviours outlined in the rebuttal evidence would not be frustrated by PC74.

- 7.77. The DPR rezoning request Planning JWS clarified my position in respect to greenhouse gas emissions, which is expressed in the following statement (in **Appendix 2**):¹⁰⁶

¹⁰⁴ [DPR Rezoning - Planning rebuttal evidence \(DPR-0411 HDL\)](#), paragraphs 52 to 67.

¹⁰⁵ [DPR Rezoning - Corporate rebuttal evidence \(DPR-0411 HDL\)](#), paragraphs 17 to 24.

¹⁰⁶ DPR-0411 HDL Planning JWS, paragraph 18.

“It is inevitable that the rezoning will increase carbon emissions, at least in the short to medium term. I maintain that the rezoning will only partially give effect to the NPS-UD and CRPS objectives until significant shifts in behaviour, investment in public transport and changes in national policies occur. I do not consider this is sufficient grounds to decline the rezoning request as the required responses are beyond the control of an individual plan change proponent. The request also satisfies the balance of the matters that constitute a well-functioning urban environment under the NPS-UD.”

- 7.78. Mr. Brown accepted my position at a very high level, while considering that the factors included in his rebuttal evidence support current and future reduction of greenhouse gas emissions. He also considered that PC74 (via the DPR rezoning) was able to satisfy the minimum requirements of the NPS-UD, as in his opinion it supported the reductions in greenhouse gas emissions.
- 7.79. In respect to PC74, I maintain that the rezoning will only partially give effect to the NPS-UD¹⁰⁷ and CRPS¹⁰⁸ objectives or achieve the relevant SDP objective¹⁰⁹ until significant shifts in behaviour, investment in public transport and changes in national policies occur. I maintain that this is not sufficient grounds to decline PC74 as the required responses are beyond the control of the plan change proponent and the request satisfies the balance of the matters that constitute a well-functioning urban environment under the NPS-UD.
- 7.80. On the basis of the above evidence, I consider that PC74 will only partially give effect to the objectives and policies of the NPS-UD, CPS and SDP in respect to reducing vehicle emissions but that the responses to achieve the desired outcomes are beyond the control of an individual plan change proponent. Consequently, I support in part the submissions listed in paragraph 7.60 c above.

Community facilities and services

Submissions

- 7.81. There were 65 submission points seeking relief relating to community facilities and services, including in respect to the following:
- a. 30 submitters oppose, neither support nor oppose, or support the request on the basis that there is insufficient capacity in the local school.¹¹⁰
 - b. 32 submitters oppose, support, support in part or neither support nor oppose the request on the basis that the additional housing will place a strain on facilities in

¹⁰⁷ NPS-UD Policy 1(e) and (f) and Clause 3.8(2)(a).

¹⁰⁸ CRPS Chapter 6 Objective 6.2.4 & Policy 6.3.4.

¹⁰⁹ SDP Objective B2.1.1 and Policies B2.1.13 & B2.1.14.

¹¹⁰ M French (PC74-001.003), C Campbell Byers (PC74-002.003), E Colombus (PC74-006.001), B & H Wightwick (PC74-0007.003), E Wooding (PC74-0013), P Archbold (S47-0014.004), C & S McLachlan (PC74-0015.004), B Caldwell (PC74-0016.002), N Gardner (PC74-0019.002), E Yeatman (PC74-0021.002), F Bayly (PC74-0024.003), L McGilvary (PC74-0027.003), Carla (PC74-0033.002 & .003), I Sin (PC74-0034.003), M Grantham (PC74-0041.002), P Wyber (PC74-0045.003), F Gallagher (PC74-0050.001), S & S Eden (PC74-0052.005), V & S Gilbert (PC74-0055.004), N Williams (PC74-0057.008), J Gallagher (PC74-0062.002), K & P Bowman (PC74-0063.003 & .023), B & H Coker (PC74-0064.004), O Wiegiersma (PC74-0066.001), N Clement (PC74-0067.002 & .013), and D Reid (PC74-0068.005), and MoE (PC74-0070.001).

West Melton, including carparking, commercial areas, health providers, emergency services and recreational space.¹¹¹

- c. Three submitters oppose or neither support nor oppose the request on the basis that the proposed 2,000m² reserve is too small to service the rezoning and the wider area.¹¹² Two submitters oppose or oppose in part the request on the basis that the quality of the public areas in the other subdivisions are poor, there is limited public space and ongoing maintenance of existing areas has added costs to SDC and ratepayers.¹¹³ One submitter supports the request in part on the basis that the developer landscape and irrigate all avenue trees, parks and greenspaces¹¹⁴.

Analysis – School capacity

- 7.82. The submitters raise concerns that the granting of PC74 is likely to increase the roll of West Melton Primary School, which will place pressure on the capacity of the school and the surrounding transport network. These concerns are emphasised in the MoE submission, who consider that PC74 is generally inconsistent with the CRPS¹¹⁵ and that it represents unplanned growth that may result in pressure on the school's roll. The submission identifies a concern that the approval of PC74 may set a precedent that would make planning for school capacity and networks difficult in the future. The MoE request amendments to ensure the rezoning accommodates additional school age children, including through the inclusion of a reference in the ODP to a future education facility being established on the site.
- 7.83. The expert transport evidence has established that the local transport network has capacity to support the additional demand that would be created by the granting of PC74 without compromising network safety or efficiency. The amendments to the ODP will also assist in facilitating safe and convenient walking and cycling connections from the site to the school via existing connections and active networks.
- 7.84. I do not consider that it is necessary or appropriate to recommend changes to PC74, or the ODP, to signal that it may be appropriate to establish an educational facility on the site in the future. Any additional educational facilities that MoE may need to establish to service the wider West Melton catchment would typically be via a Notice of Requirement¹¹⁶ and would require negotiations with private property owners to acquire the land that is necessary to accommodate the projected roll. The granting of PC74 would inform the Ministries decision-making on what actions and investment decisions may need to be taken to either extend the existing school, or establish new schools, to service the needs of students and the community.

¹¹¹ R & A Macpherson (PC74-0001.002 & .005), S Ellis (PC74-0002.003), E Colombus (PC74-006.001), B & H Wightwick (PC74-0007.003 & .004), T Lillig (PC74-0017.004), W & A Owens (PC74-0018.003 & .004), E Yeatman (PC74-0021.002), F Bayly (PC74-0024.003), WMDRAI (PC74-026.001), L McGilvary (PC74-0027.003), Carla (PC74-033.007), I Sin (PC74-0034.006), C & J Hey (PC74-0035.010 & .011), S Laing (PC74-040.001), M Grantham (PC74-041.001), P Wyber (PC74-0045.004 & .006), K & K Land (PC74-046.006), N Williams (PC74-0057.008 & .009), B & H Coker (PC74-0064.004), B & H Coker (PC74-065.002), O Wiegiersma (PC74-0066.001 & .002), N Clement (PC74-0067.001, .002 & .005) and D Reid (PC74-068.003).

¹¹² T Stanfield (PC74-0025.015), WMDRAI (PC74-0026.014), T Cochrane (PC74-0047.004), and S & S Eden (PC74-0052.005).

¹¹³ S Haughin (PC74-0008.003) and M & F Hamilton-Manns (PC74-028.005).

¹¹⁴ S Laing (PC74-040.006).

¹¹⁵ Including Chapter 6 Objectives 6.2.1 and 6.2.2 and Policy 6.3.1.

¹¹⁶ Pursuant to Part 8 and s168 to s176 of the RMA.

- 7.85. On the basis of the expert evidence and the above evaluation, I consider that PC74 will not compromise the safety or efficiency of the local transport network and that the ODP facilitates safe and convenient walking and cycling connections to the school. The rezoning of the site will inform any future investments the MoE needs to make in respect to what education facilities are required to meet the needs of students in the West Melton School catchment. I therefore oppose the submissions listed in paragraph 7.81 a above in respect to this issue.

Analysis – Community facilities and services

- 7.86. I consider that the scale of the subdivision and development that would be facilitated by the request would not be sufficient to change the role or function that West Melton serves as a 'Service Township' within the district's Township Network. The economic evidence prepared by Mr. Colegrave in support of the DPR rezoning evidence identifies that PC74 would contribute to a critical mass to support non-residential growth and activity through local and district-wide employment and improved local retail offerings.¹¹⁷
- 7.87. I also consider that the increased population that would be created through the rezoning is likely to support the economic and social prosperity of the commercial centre and promote some economic and social prosperity. In my experience additional 'greenfield' subdivisions increase the rate payer base within townships that contributes to the funding of upgraded and new community facilities and services. This is evidenced in the significant investment that has been made in recent years to establish a commercial centre, and new community centre, skatepark and transport network and domain upgrades in West Melton.
- 7.88. On the basis of the economic evidence and the above assessment, I do not consider that there are sufficient grants to decline PC74 on the basis that it could compromise the provision or viability of commercial activities, community facilities and services in West Melton. I therefore oppose the submissions listed in paragraph 7.81 b above in respect to this issue.

Analysis – Reserve Provision and Quality of Public Spaces

- 7.89. Provision was initially made within PC74 for a 2,496m² reserve located at the proposed road connection from Rossington Drive.¹¹⁸ The proponent submitted additional information on the 4th of October 2022¹¹⁹ to amend the size of the centralised recreation reserve to 4,248m² that is reflected in the amended ODP (refer to **Appendix 3**) and the updated subdivision concept plan).
- 7.90. I am not aware of any engagement that may have taken place between the plan change proponent and SDC's Open Space Team to assist in determining that the location of the reserve satisfies the guidelines of a 500m 'walkable radius', or the number and location of 'greenspace linkages' indicated on the ODP.¹²⁰ The absence of this advice may mean that any future subdivision layout is required to be amended to meet SDC's minimum reserve requirements prior to s224 certificates being issued. This could have an impact on the number and distribution of lots within the site and may give rise to a more complex consenting process.

¹¹⁷ [DPR Rezoning - Economic rebuttal evidence \(DPR-0411 HDL\)](#), paragraphs 101 to 104.

¹¹⁸ [PC74 Appendix B Concept Subdivision Plan](#).

¹¹⁹ [PC74 Updates and revised ODP, 4 October 2022](#).

¹²⁰ [SDC Engineering Code of Practice. Part 10 – Reserves](#).

- 7.91. I do not consider that this precludes the rezoning from being supported as a clear design rationale has been applied to establish the size and location of the centralised reserve and the pedestrian accessway through to Halkett Road. The SDP also contains subdivision matters of discretion to ensure that the detailed design of the reserve and ‘greenspace’ links throughout the site are appropriate to meet the needs of the community.¹²¹ Similar matters of control and direction are proposed in the PDP.¹²²
- 7.92. On the basis of the expert evidence and the above discussion I am satisfied that appropriate regard has been given to the indicative location and design of the reserve and accessways and that there are appropriate controls within the district plan to ensure the needs of the community are met through the subdivision consent process. I therefore support in part the submissions received from T Stanfield (PC74-0025.015), WMDRAI (PC74-0026.014), T Cochrane (PC74-0047.004), and S & S Eden (PC74-0052.005).
- 7.93. One submitter seeks reassurance that the developer will landscape and irrigate all avenue trees, parks and greenspaces if the rezoning is successful. I understand that all public spaces within new subdivisions are required to be established and maintained by developers over a minimum period and in accordance with Council’s Engineering Code of Practice before they are handed over to SDC to administer on an ongoing basis. These establishment and maintenance requirements would be managed through any subsequent subdivision consent process. I therefore accept in part the submission from S Laing (PC74-040.006).

Conclusions

- 7.94. Overall, I am satisfied that PC74 will not have a significant impact on the viability of the existing community facilities, school, shopping centre or services within West Melton to operate and that the increased population base may assist in improving the current levels of service through additional investment.

Land suitability

Plan change request

- 7.95. PC74 includes an Assessment of Environmental Effects that identifies and assesses land use constraints, flood hazard and geotechnical risks, and the presence of contaminated soils. This is supported by the infrastructure report in Appendix C, the geotechnical assessment in Appendix F and a combined Preliminary Site Investigation (‘PSI’) and Detailed Site Investigation (‘DSI’) in Appendix G of PC74.

Submissions

- 7.96. One submitter opposes PC74 on the grounds that the assessments provided in support of the request are insufficient to establish the extent of soil contaminants that may be present on the site¹²³.

¹²¹ Township Volume C12 LZ Subdivision, Rules 12.1.4.14, 12.1.4.21, 12.1.4.23, and 12.1.4.24.

¹²² PDP Part 2 – District Wide Matters, Subdivision, SUB- Subdivision, SUB-MAT10 Reserves.

¹²³ Environment Canterbury (PC74-0061.005).

Analysis – Contaminated soils

- 7.97. The risks to human health and the environment associated with the presence of contaminated soils are managed under the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (the 'NES-CS'). This applies to any subdivision or change in the use of a piece of land, and therefore would apply to the type of land use change that would be facilitated by PC74. As this is a request for a zone change, and not to determine the actual use of the site, the NES-CS does not strictly apply.
- 7.98. The PC74 request includes a combined PSI and DSI prepared by ENGEO in accordance with the NES-CS'.¹²⁴ This expert assessment identifies that there are no activities identified on Environment Canterbury's Listed land Use Register ('LLUR'). The site walkover indicated the presence of burn pits that constitute an activity on the Hazardous Activities and Industrial List ('HAIL') and there are four localised areas that have the potential to contain contaminated soils. The farm buildings on 163 Halket Road also have the potential to include asbestos materials that requires an associated survey. The investigation concludes that site validation analysis should be undertaken for the areas identified to be a risk but that the balance of 163 Halkett Road is highly unlikely to contain contaminated soils that would present a risk.
- 7.99. Environment Canterbury's submission identifies several deficiencies in the PSI and DSI, including that they consider further validation is required to establish any appropriate remedial works and that the full site is required to be assessed.
- 7.100. I consider that the uncertainties raised by ENGEO and Environment Canterbury places the private plan change proponent at risk of proceeding without the relative certainty of a more comprehensive investigation is likely to provide. However, I am also mindful that the NES-CS requires that a DSI is carried out when the use of the land changes or is proposed to be subdivided to identify the extent of the contaminants, and a Remedial Action Plan or Site Validation Reports prepared if required.
- 7.101. I consider that any risk of developing the land for residential purposes to people's health and wellbeing can be effectively managed under the NES-CS.¹²⁵ Although I support Environment Canterbury's (PC74-0061.005) submission in principle, I oppose it in part as my understanding is that the NES-CS only applies when there is a change in use of the land or subdivision consent is sought.

Analysis - Geotechnical

- 7.102. The geotechnical report contained in PC74 was peer reviewed on behalf of SDC by Mr. Ian McCahon of Geotech Consulting Ltd.¹²⁶ He concludes that there is minimal to no liquefaction potential at the site and that the land is equivalent to the Technical Category 1 Technical Land classification under MBIE's guidance. I am satisfied that there are no site-specific geotechnical risks that preclude the rezoning from being supported.

¹²⁴ [PC74 Appendix G - Contamination Report.](#)

¹²⁵ As well as other legislation such as the Health and Safety at Work (Asbestos) Regulations 2016.

¹²⁶ [PC74 Geotechnical Peer Review.](#)

Analysis – Flood Risk

7.103. The site is subject to the Plains Flood Management Overlay in the PDP. The PC74 infrastructure report prepared by Davie Lovell-Smith consultants evaluates the flood risk against the 1 in 200 and 1 in 500-year scenario events.¹²⁷ This assessment concludes that the flow paths that would be created during these events, and the secondary flow paths to accommodate a 1 in 50-year event, will form part of the detailed subdivision design. This design would need to support minimum finished building floor levels of 300mm above a 1 in 200-year flood hazard event.¹²⁸ I am satisfied that there are no site-specific flood risks that preclude the rezoning from being supported and that the detailed design and engineering approval steps as part of the subdivision process will mitigate any associated risk.

Conclusions

7.104. I consider that there is sufficient information available, and processes to be followed if the request is granted, to establish that there are no land suitability constraints or natural hazards risks that preclude the granting of the request.

Environmental

Submissions

7.105. There are 37 submission points seeking relief on various environmental related topics, including in respect to the following:

- a. Four submitters oppose or neither support nor oppose the request on the basis that it will generate reverse sensitivity effects, including in respect to the operation of SH73, Christchurch International Airport, Ruapuna Raceway, the Defence Force West Melton Rifle Range and rural production.¹²⁹
- b. Christchurch International Airport Limited (CIAL) opposes the request as the rezoning promotes a noise sensitive activity within the remodelled 50 dB Ldn Outer Envelope Air Noise Contour (Updated Noise Contour) for Christchurch International Airport.¹³⁰
- c. 11 submitters oppose or neither support nor oppose the request on the basis that it will compromise the operation of the West Melton Observatory through increased lighting glare.¹³¹ One additional submitter supports in part the request on the basis that light spill associated with the proposed link road is effectively managed, including in respect to it satisfying SDC's Engineering Code of Practice.¹³²

¹²⁷ [PC74 Appendix C - Infrastructure Report](#) Section 4.2 (Pg.9).

¹²⁸ This is sufficient to satisfy proposed rule NH-R2.3 of the PDP.

¹²⁹ T Standfield (PC74-025.016), WMDRAI (PC74-026.015), ASL (PC74-038.003) and K & P Bowman (PC74-063.010).

¹³⁰ CIAL (PC74-0072.001).

¹³¹ A Vernel (PC74-004.002), C & S McLachlan & D Memari (PC74-015.008), E Yeatman (PC74-021.005), T Standfield (PC74-025.008), WMDRAI (PC74-026.008), ASL (PC74-038.004), T Cochrane (PC74-047.003), R Glassey (PC74-053.001), N Williams (PC74-057.019), K & P Bowman (PC74-063.011), and N Clement (PC74-067.016),

¹³² C & J Hey (PC74-035.009).

- d. Six submitters oppose the request on the basis that any filling of the water race will contribute to the loss of habitats for indigenous fauna, reduce water for stock animals and require private landowners to upgrade fence.¹³³ One submitter¹³⁴ opposes the request on the basis that any works to fill-in the water race should only occur following an assessment to establish that it would not result in the loss of habitat for longfin eels/tuna and related cultural impacts.
- e. Five submitters oppose or neither support nor oppose the request on the basis that the construction phase works may generate adverse nuisance effects.¹³⁵
- f. Four submitters oppose or neither support nor oppose the request on the basis that it will result in the removal of the existing shelter belts.¹³⁶ One submitter neither supports nor opposes the request but considers that buffer planting is required to assist in the maintenance of the hedge.¹³⁷
- g. Six submitters oppose or oppose in part the request on the basis that it will enable additional log burners to operate in West Melton that will compromise air quality.¹³⁸

Analysis – Reverse Sensitivity

West Coast Road (SH73)

7.106. SH73 is nationally significant infrastructure as it provides a key connection between the east and west coasts of the South Island, where it plays a pivotal role in transporting people and goods. A key consideration when evaluating the appropriateness of PC74 is whether the rezoning could give rise to complaints from future landowners that could undermine the legitimate operation of SH73, and the costs associated with upgrading and maintaining it, through adverse reverse sensitivity effects.

7.107. Waka Kotahi's submission does not specifically raise reverse sensitivity effects as a concern, but it has been raised by other submitters and it is a relevant consideration when determining the appropriateness of an 'out of sequence' rezoning request. The SDP recognises the significance of state highways and the need to manage reverse sensitivity effects, including through objectives, policies and rules.¹³⁹ Similar objectives and policies are contained within CRPS Chapter 6.¹⁴⁰

7.108. The plan change proponent seeks to reduce the risk of reverse sensitivity effects by maintaining an appropriate separation through the provision of larger allotments (between 1,431m² to

¹³³ C & S McLachlan & D Memari (PC74-0015.011, .013 & .014), F Bayly (PC74-0024.002 & .008), and M & F Hamilton-Manns (PC74-0028.002).

¹³⁴ C & S McLachlan & D Memari (PC74-0015.013).

¹³⁵ M & F Hamilton-Manns (PC74-028.001), K & J Dawson (PC74-049.004), D Turner (S056.001), K & P Bowman (PC74-063.009), and D Reid (PC74-068.004).

¹³⁶ K & K Land (PC74-046.008), T Standfield (PC74-025.016), T Cochrane (PC74-047.005) and K and P Bowman (PC74-063.012).

¹³⁷ T Cochrane (PC74-047.006).

¹³⁸ T Standfield (PC74-025.018), WMDRAI (PC74-026.017), N Williams (PC74-057.004, .010 & .018) and B Williams (PC74-058.005).

¹³⁹ Township Volume B2 Physical Resources Objective B2.1.2, Policy B2.1.9 and Rule 12.1.3.56.

¹⁴⁰ Objective 6.1.3 and Policy 6.3.5.

1,793m² in size) and a utility lot along the southern boundary that directly interfaces with SH73. The ODP also makes provision for a landscaping strip along the southern boundary to assist in mitigating reverse sensitivity effects associated with the operation of SH73.

7.109. I note that the PDP includes a rule that would require any building for a noise sensitive activity that includes a residential activity to be set back a minimum of 50m from a state highway, a noise barrier is established and the building is designed to minimum noise standards.¹⁴¹ The risk of noise complaints associated with the operation of the State Highway would also be mitigated through reduced speed limits to extend the 60km limited speed environment to the easternmost point of the site, the appropriateness of which would be determined by Waka Kotahi and SDC at a future point in time.

7.110. On the basis of the above evidence, I consider that any reverse sensitivity effects on SH73 can be effectively managed. Consequently, I support in part the submissions listed in paragraph 1.78 c above.

Christchurch International Airport Noise Contour

7.111. Submissions oppose PC74 on the grounds that the site sits within the remodelled 50dB Ldn (Outer Envelope) Air Noise Contour that has been developed to protect the efficient operation of Christchurch International Airport from complaints arising from noise sensitive activities. It is understood that the remodelled contour is subject to an independent expert panel review appointed by Environment Canterbury to establish whether the provisions in CRPS Chapter 6 are changed, which may include adjusting the spatial extent of the airport noise contour illustrated on Map A.

7.112. I consider that the establishment of an airport noise contour that applies to the site would present a significant constraint that would result in the rezoning failing to give effect to the CRPS and SDP.¹⁴² However, there is no certainty that the Environment Canterbury panel will support the remodelled contour, and if it is supported, whether it will extend cover the site or how it will be implemented through changes to the relevant statutory planning instruments. I therefore oppose the submission points from CIAL (PC74-0072.001), T Standfield (PC74-025.016), WMDRAI (PC74-026.015), and K & P Bowman (PC74-063.010).

Other noise sensitive activities

7.113. The Defence Force West Melton Range is located within a large site on the northern extent of the District's territorial boundary close to McLeans Island. The range is designated for Defence Purposes – Military Training Area (DE3) purposes¹⁴³ under the SDP and is located approximately 2.9km to the north-east of the site. The SDP does not specifically manage activities that compromise the ongoing legitimate operation of the range, other than through the Growth of Township policies¹⁴⁴ that promote a consolidated urban form that is contained to the south of Halkett Road and policies to manage rural residential rezonings.¹⁴⁵

¹⁴¹ Consistent with proposed rule NOISE-R3.3 of the PDP and the State Highway Corridor Noise Control Overlay on the Planning Maps.

¹⁴² Including giving effect to CRPS Objective 6.2.1 and Policies 6.3.5.4 and achieves the outcomes sought in SDP Objective B2.1.5 and Policy B2.1.26.

¹⁴³ Rural Volume E2 Designations.

¹⁴⁴ Township Volume B4 Growth of Townships, Policies B4.3.97, B4.98, & B4.3.100.

¹⁴⁵ Township Volume B3 Health, Safety and Values, Policy B3.4.4(a).

- 7.114. The SDP designation is proposed to be carried over to the PDP (MDEF-3) with a similar purpose. The PDP proposes to manage activities more actively within proximity to the West Melton Range through the introduction of Noise Control Overlays (WMRR 65 dB Noise Control Boundary and WMRR 55dB Outer Noise Control Boundary) and rule NOISE-R7 to manage noise sensitive activities proposing to establish with the noise contour.
- 7.115. I do not consider that there are sufficient grounds to oppose the rezoning on the basis that it may generate future complaints that could ultimately undermine the legitimate operation of the West Melton Range. This is on the basis that the Defence Force is required to operate the facility in accordance with its designation and there is a general requirement on them to avoid any unreasonable nuisance effects. In addition, the site is located outside the PDP noise sensitive overlay that is proposed to be introduced to actively manage adverse reverse sensitivity effects that could undermine the efficient and ongoing operation of the range.
- 7.116. Ruapuna Raceway is located within the territorial boundary of Christchurch City Council and is approximately 7.8km to the west of the PC74 site. As means of comparison, I estimate that Templeton is located 1.6km to the south-west, Islington is a similar distance to the east and Rolleston is 8.4km to the southwest. While I am not a noise expert, I consider that this separation is sufficient to ensure that any adverse reverse sensitivity effects associated with the ongoing and legitimate operation of the speedway would not arise as a consequence of the rezoning.
- 7.117. On the basis of the above assessment, I am satisfied that the rezoning will not generate adverse reverse sensitivity effects to the extent that it would undermine the operation of legitimate noise sensitive activities in proximity to the site. I therefore oppose the submission points from T Standfield (PC74-025.016), WMDRAI (PC74-026.015), ASL (PC74-038.003) and K & P Bowman (PC74-063.010).

Rural productivity

- 7.118. The SDP Objectives B3.4.2 and Policy B3.4.21 of the Rural Volume and Township Volume Objective B3.4.3 and Policy B3.4.39 require that reverse sensitivity effects that may compromise rural productivity are avoided, remedied, or mitigated. Policy B4.3.8 of the Township Volume requires that the ODP must demonstrate that the design will minimise any reverse sensitivity effects. The SDP subdivision assessment matters of discretion do not specifically cover reverse sensitivity effects, other than in respect to protecting strategic infrastructure.
- 7.119. PC74 includes an assessment of the potential reverse sensitivity effects of rezoning the site in respect to adjoining rural productive activities.¹⁴⁶ The ODP (in **Appendix 3**) also includes low-density residential sections, a 10m minimum building setback and the minimum specifications for an indigenous planting strip along the northern and eastern boundaries of the site to reduce the risk of adverse reverse sensitivity effects arising.
- 7.120. PC74 outlines that for reverse sensitivity effects to arise in this context, there must be an effect from a permitted activity that would give cause for complaints to occur that could impact on the ability for that permitted activity to operate. Typically, this arises within rural areas where

¹⁴⁶ PC74 Sections 5.6 and 6.3.

operations associated with horticultural and viticultural activities, intensive farming (such as poultry and pig farms) or quarrying take place in proximity to urban areas or lifestyle properties.

- 7.121. **Figure 4** below illustrates that there are no intensive farming activities operating in proximity to the PC74 site. I am also not aware of any quarries or similar operations in the area that are likely to generate dust, noise or vibrations beyond what would be anticipated from a rural activity that satisfies the permitted activity rules of the SDP (or the proposed rules and requirements of the PDP).

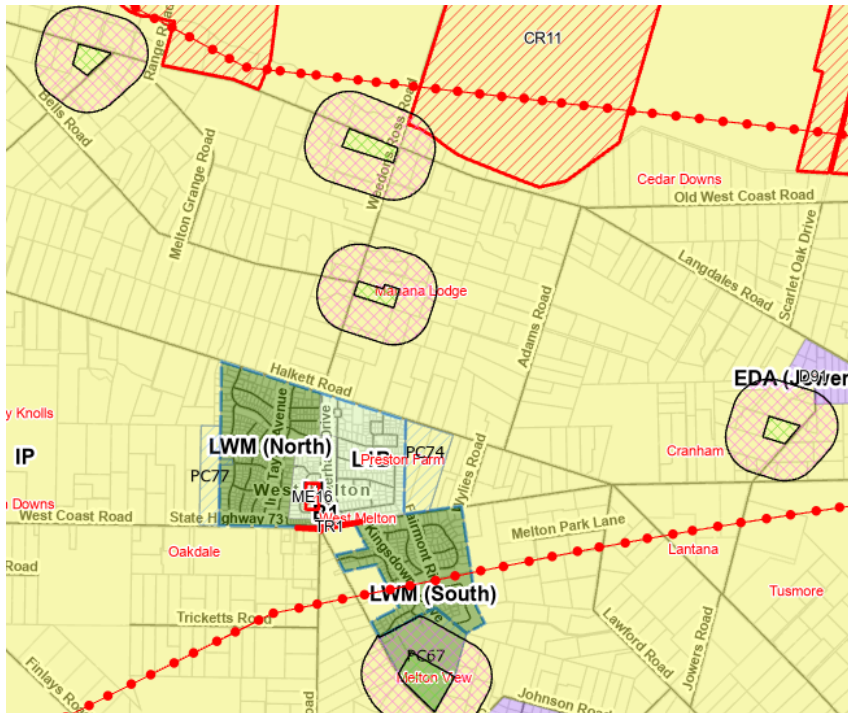


Figure 4 – Intensive Farming Activities with the 300m reverse sensitivity buffer.

Source: SDC Mapviewer, 21 February 2023.

- 7.122. The properties within the block that is bound by the site, Halkett Road, Wylies Road and SH73 also contains smaller rural allotments that range from 0.7ha to 2.18ha in size and appear to be in fragmented ownership, which further reduces the likelihood that large scale intensive farming activities will occur in proximity to the site.

- 7.123. On the basis of the above assessment, I am satisfied that PC74 achieves the outcomes of the relevant SDP objective and policies¹⁴⁷ and will not give rise to any significant adverse reverse sensitivity effects that would undermine the operation of any legitimately established rural activities in the vicinity of the site. I therefore oppose the submissions from T Standfield (PC74-025.016), WMDRAI (PC74-026.015), ASL (PC74-038.003) and K & P Bowman (PC74-063.010).

Analysis – West Melton Observatory and Light Spill

- 7.124. West Melton is valued for its clear night skies that are attributed to the township's separation from Christchurch City, which has been optimised through the establishment and operation of the Canterbury Astronomical Society's observatory on Bells Road, West Melton. There is a risk that a change in use of the site from rural to urban could increase the amount of artificial light that is emitted at night-time in the West Melton area. This may have a negative impact on the

¹⁴⁷ Including Objective B3.4.2 and Policy B3.4.21 of the Rural Volume and Township Volume Objective B3.4.3 and Policies B3.4.39 and B4.3.8.

amenity values that characterise the area and potentially undermine the operation of West Melton Observatory.

- 7.125. A policy in the SDP seeks to reduce the potential nightglow from outdoor lighting in the area around the West Melton Observatory.¹⁴⁸ An SDP subdivision rule in respect to utility cables also requires that street lighting options within the Living WM Zone are considered to mitigate any adverse effects on the operation of West Melton Observatory.¹⁴⁹ The PDP contains a more comprehensive set of rules and requirements to appropriately manage any glare effects arising from the rezoning on the night sky values of the West Melton Observatory Lighting Area.¹⁵⁰
- 7.126. Land use and subdivision consents would be required to enable the site to be redeveloped if the rezoning is successful. The conditions of these resource consents would be required to manage glare effects and will typically require that all street lighting satisfies the minimum standards in SDC's Engineering Code of Practice at the time of subdivision, including by employing designs that reduce sky glow.
- 7.127. On the basis of the above assessment, I am satisfied that there are appropriate mechanisms in place to ensure that any significant increases in sky glow can be avoided should the rezoning be approved. I therefore oppose the submission points from A Vernel (PC74-004.002), C & S McLachlan & D Memari (PC74-015.008), E Yeatman (PC74-021.005), T Standfield (PC74-025.008), WMDRAI (PC74-026.008), ASL (PC74-038.004), T Cochrane (PC74-047.003), R Glassey (PC74-053.001), N Williams (PC74-057.019), K & P Bowman (PC74-063.011), and N Clement (PC74-067.016), and C & J Hey (PC74-035.009).

Analysis – Water Race

- 7.128. I understand that an SDC administered water race is within the road reserve directly adjacent to the Wilfield subdivision and that it follows the alignment SH73. The submitters identify a legitimate concern that the closure and disestablishment of water races could compromise native fauna and habitats if the correct procedures are not followed.
- 7.129. In evaluating this matter, I can confirm that there are no Significant Indigenous Vegetation or Indigenous Ecosystems listed in the SDP within the site or the water race. The SDP includes provisions that provide scope for water races to be integrated into subdivision designs,¹⁵¹ although the opportunity for this to occur is limited as it is located in the road reserve on the opposite side of SH73 to the PC74 site.
- 7.130. A separate non-statutory process is employed by SDC to evaluate applications to close existing water races, which requires 80% landowner buy-in, a publicly notified process and hearing and the salvaging of aquatic life to take place where it is appropriate prior to the closure occurring.¹⁵²

¹⁴⁸ Township Volume B3 Health, Safety and Values, Policy B3.4.13.

¹⁴⁹ Township Volume C12 LZ Subdivision, Rule 12.1.4.6.

¹⁵⁰ Rules LIGHT-R1 Artificial outdoor lighting, LIGHT-R2 Artificial Outdoor Lighting – Roads and Public Accessways and Cycleways, and LIGHT-R3 Artificial Outdoor Lighting – Public Sports Courts and Grounds and requirements LIGHT-REQ3 Sky Glow and LIGHT-REQ4 Sky Glow – Road and Public Accessways and Cycleways, and LIGHT-REQ5 Sky Glow – Public Sports Courts and Grounds.

¹⁵¹ Township Volume, C12 Subdivision. Matters of discretion 12.1.4.38 and 12.1.4.40.

¹⁵² [Selwyn District Council - Water Race Closures Process](#).

7.131. On the basis of the above assessments and processes, I am satisfied that the existing water race will not be affected by the rezoning request and that there are appropriate steps required to be taken to identify and protect native fauna and habitats should the water race be closed. I therefore oppose the submission points from C & S McLachlan & D Memari (PC74-0015.011, .013 & .014), F Bayly (PC74-0024.002 & .008), and M & F Hamilton-Manns (PC74-0028.002).

Analysis – Construction Phase Nuisance Effects

7.132. Any successful rezoning of the site from rural to residential will require the related development works to either satisfy the permitted activity rules of the SDP and the Canterbury Land and Water Regional Plan (the 'CWLRP') or require consent from SDC and/or Environment Canterbury. These planning instruments contain rules and subdivision assessment matters to manage stormwater discharges, dust, noise, and vibrations that would apply to the proposed Living WM East Medium Density Zone.¹⁵³ Similar rules and requirements are proposed to be contained in the PDP.¹⁵⁴ There is also a general duty under the RMA that unreasonable noise effects are avoided¹⁵⁵ and to avoid, remedy or mitigate any adverse effect on the environment.¹⁵⁶

7.133. Earthworks of the scale that are likely to be required to establish the subdivision are typically undertaken in accordance with an Earthworks Management Plan that is approved through the land use and subdivision consent process that follows a successful rezoning of the land.¹⁵⁷

7.134. While I acknowledge that the rezoning will facilitate the significant redevelopment of the site that would require extensive earthworks and construction phase works, I am satisfied that there are appropriate provisions and processes in place to ensure that any adverse nuisance effects are effectively managed. I therefore oppose the submissions from M & F Hamilton-Manns (PC74-028.001), K & J Dawson (PC74-049.004), D Turner (S056.001), K & P Bowman (PC74-063.009), and D Reid (PC74-068.004).

Analysis – Shelter Belts

7.135. The submitters oppose the rezoning on the grounds that it will contribute to the loss of the shelter trees, which they value as a windbreak, barrier to dust and noise and amenity feature. It is also apparent that the existing shelter belt plantings on the eastern boundary of the Gainsborough subdivision and the site are a source of ongoing tensions between property owners.

7.136. The interface between rural and urban properties can represent challenges when rural landowners wish to maintain shelter belts that have a function within farming operations, but where they can also shade adjoining outdoor living areas or generate debris that can conflict with neighbouring urban activities. However, there are no provisions within the SDP to manage

¹⁵³ For example, Township Volume C2 LZ Earthworks and C10 LZ Activities - 10.6 Activities and Noise.

¹⁵⁴ Proposed rule SUB-R1 and requirement SUB-REQ12.

¹⁵⁵ Section 16.

¹⁵⁶ Section 17.

¹⁵⁷ An Earthworks Management Plan as part of the conditions of a resource consent typically include measures such as restricted hours of operation, installation of noise dampers on heavy machinery, measures to contain silt laden run-off, suppress dust, limit the time and extent of earth exposed, compensation for any damage to property arising from development works and the provision of contact details of site manager's and other health and safety information.

boundary plantings, other than through building setbacks and mitigation planting requirements that are typically recorded on ODPs for residential 'greenfield' developments.

7.137. The Gainsborough ODP does not include any reference to the need to establish and maintain boundary plantings on the eastern boundary of the subdivision.¹⁵⁸ As a consequence, the adjoining landowners can choose to establish and maintain shelter plantings and vegetation within their property, and I understand that neighbours have general rights to trim branches and foliage where it extends into individual property boundaries. Any successful rezoning will inevitably result in the removal of shelter belts and established plantings within the site. However, this could occur at any point in time as the site does not contain any Protected Trees in the SDP¹⁵⁹ (or proposed Notable Trees in the PDP)¹⁶⁰.

7.138. The PC74 ODP requires that the boundary planting is established and maintained (including by future landowners) on an ongoing basis to manage reverse sensitivity effects with the rural land further to the north and east and SH73 to the south. The detailed design, conditions and legal mechanisms to ensure these boundary treatments are maintained on an ongoing basis will need to be determined through the subdivision process.

7.139. On the basis of the above assessment, I consider that that management of the existing shelter belts on the PC74 site is a matter between private landowners as they are not specifically protected by the SDP and could be removed at any time. I therefore oppose the submission points from T Standfield (PC74-025.016), K & K Land (PC74-046.008), T Cochrane (PC74-047.005 & .006) and K and P Bowman (PC74-063.012).

Analysis – Air Quality

7.140. The rezoning of the land from the Rural (Inner Plains) Zone to Living WM East Medium Density Zone would likely increase emissions associated with solid fuel burners to heat some of the future residential dwellings. It may also result in a reduction of emissions associated with farming activities. There is insufficient information available to establish whether there would be a net increase in emissions to the air associated with the different land use activities.

7.141. However, the SDP and the proposed Living WM East Medium Density Zone purposefully do not contain specific rules or subdivision matters of discretion to manage air quality, which comes under the jurisdiction of Environment Canterbury. The Canterbury Air Regional Plan (the 'CARP') specifically manages discharges of contaminants to air, including associated with emissions associated with 'small-scale heating appliances'.¹⁶¹ The future landowners, should the rezoning be approved, would be required to either satisfy the permitted activity rules of the CARP¹⁶² or obtain the necessary discharge to air permits from Environment Canterbury, which is typically determined when building consents are sought for residential dwellings.

7.142. While I acknowledge that the rezoning is likely to contribute to an increase in the number of 'small-scale heating appliances' operating within West Melton, I consider that any related

¹⁵⁸ Township Volume – Appendices, Appendix E20 ODP – Living WM South Zone).

¹⁵⁹ Rural Volume – Appendices, Appendix E4 Protected Trees.

¹⁶⁰ Part 2 – District Wide Matters, TREE Notable Trees – TREE Schedules.

¹⁶¹ West Melton is located west of the Christchurch / Ōtautahi Clean Air Zone, but activities are still required to satisfy rules 7.82 and 7.83 of the CARP.

¹⁶² [Canterbury Air Regional Plan 2017](#).

effects can be effectively managed under the CARP rules and related consenting processes. I therefore accept in part the submission points from T Standfield (PC74-025.018), WMDRAI (PC74-026.017), N Williams (PC74-057.004, .010 & .018) and B Williams (PC74-058.005).

Land and soil

Plan change request

7.143.PC74 establishes that the site is comprised of Class 2 and 3 soils under Land Use Capability classifications and includes a description of the soil types¹⁶³. The accompanying Assessment of Environmental Effects identifies that the productive potential of the site is 'low' due to the inability to access groundwater for irrigation as the Christchurch West Melton Groundwater Allocation Zone is over allocated.

Submissions

7.144.Environment Canterbury¹⁶⁴ oppose PC74 on the grounds that the site contains LUC Class 2 and 3 versatile soils that are a finite and rare resource that contributes to Canterbury's rural productive economy. They consider that the rezoning is inconsistent with Policy 5.3.12 of the CRPS, and Policy B1.1.8 in the SDP. The submission foreshadows the statutory weight that is now afforded to highly productive land under the operative NPS-HPL, which was a proposal at the time PC74 was publicly notified.

Analysis

7.145.The NPS-HPL came into force on the 17th of October 2022 to provide national direction on how highly productive land is protected from inappropriate subdivision and development.¹⁶⁵ It has immediate legal effect and applies to land identified as LUC Class 1, 2 or 3, as mapped by the New Zealand Land Resource Inventory (or any more detailed mapping that uses the LUC classification). This applies until maps containing the highly productive land of the Canterbury Region are prepared under Clause 3.5(1). The NPS-HPL applies to all land that is zoned general rural or rural production and has a LUC Class 1, 2 and 3, but is not identified for future development (i.e., as a FDA in CRS Chapter 6 Map A or the proposed UGO Overlay in the PDP) or is subject to a Council initiated, or adopted, plan change to rezone the land from general rural or urban or rural lifestyle.¹⁶⁶

7.146.The NPS-HPL objective requires that highly productive land is protected for land-based primary production. These outcomes are supported by a policy that recognises highly productive land as a finite resource that needs to be managed in an integrated way.¹⁶⁷ Any urban rezoning¹⁶⁸ of

¹⁶³ PC 74, Section 5.8 Versatile Soils, March 2022.

¹⁶⁴ Environment Canterbury (PC74-0061.004).

¹⁶⁵ [National Policy Statement on Highly Productive Land 2022](#).

¹⁶⁶ NPS-HPL Clause 3.5(7).

¹⁶⁷ NPS-HPL Policy 2.

¹⁶⁸ NPS-HPL – 1.3 Interpretation, **Urban rezoning** means changing from the general rural or rural production zone to an urban zone.

highly productive land¹⁶⁹, its use for rural lifestyle living¹⁷⁰ and subdivision¹⁷¹ is required to be avoided except where the pathways provided in the NPS-HPL are satisfied.

7.147. The NPS-HPL requires that Tier 1 and 2 territorial authorities may allow the urban rezoning of highly productive land but only if:¹⁷²

- The rezoning is required to provide sufficient development capacity to meet housing demand (under the NPS-UD); and¹⁷³
- There are no other reasonably practicable or feasible options for providing at least sufficient development capacity within the same locality and market; and¹⁷⁴
- The benefits of the rezoning outweigh the long-term costs associated with the loss of highly productive land.¹⁷⁵

7.148. Territorial authorities must consider a range of reasonably practicable options for providing the required development capacity, including through intensification of existing urban areas, rezoning land that is not LUC 1, 2 or 3 and rezoning land that has a relatively lower productive capacity¹⁷⁶. The NPS-HPL clarifies what constitutes the same locality and market when determining development capacity¹⁷⁷ and establishes that territorial authorities must take measures to ensure that the spatial extent of an urban zone covering highly productive land is the minimum necessary to provide the development capacity necessary to support a well-functioning urban environment.¹⁷⁸

7.149. This final requirement signals an inherent tension between the NPS-HPL and the NPS-UD. The NPS-UD requires local authorities to “...at all times, provide at least sufficient development capacity to meet expected demand for housing and for business land over the short term, medium term, and long term”.¹⁷⁹ As the direction is to provide “...at least sufficient development capacity” the NPS-UD effectively applies a minimum amount of housing development capacity but no maximum as oversupply is typically seen as a more desirable outcome when compared to undersupply. There is no maximum identified as oversupply is not seen as an issue.

7.150. In contrast, the NPS-HPL requires that urban rezoning should only occur if it “...is required to provide sufficient development capacity to meet demand for housing or business land to give effect to the National Policy Statement on Urban Development 2020...”.¹⁸⁰ This implies that where urban rezonings are being considered the loss of highly productive land cannot be more than the minimum that is required to satisfy identified housing shortfall. I consider that it also means that other reasonable and feasible options for providing the required development

¹⁶⁹ NPS-HPL Policy 5.

¹⁷⁰ NPS-HPL Policy 6. Refer to the Rural Lifestyle Zone (RLZ) in the National Planning Standards 2019, 8. Zone Framework Standard, Table 13 Pg.37.

¹⁷¹ NPS-HPL Policy 7.

¹⁷² NPS-HPL Clause 3.6.

¹⁷³ NPS-HPL Clause 3.6(1)(a).

¹⁷⁴ NPS-HPL Clause 3.6(1)(b).

¹⁷⁵ NPS-HPL Clause 3.6(1)(c).

¹⁷⁶ NPS-HPL Clause 3.6(2).

¹⁷⁷ NPS-HPL Clause 3.6(3).

¹⁷⁸ NPS-HPL Clause 3.6(5).

¹⁷⁹ NPS-UD Policy 2.

¹⁸⁰ NPS-HPL, Section 3.6(1).

capacity need to be evaluated and an assessment completed to establish whether the benefits in enabling additional capacity to outweigh the long-term costs in the loss of highly productive land.

7.151.I consider that this places the onus on decision-makers to evaluate whether an ‘unanticipated’ and ‘out of sequence’ rezoning request that seeks to utilise highly productive land and is able to pass the remaining tests under Clause 3.6 of the NPS-HPL is the ‘minimum necessary’ to provide additional capability, while achieving a well-functioning urban environment.

7.152.The s42A officer report on the corresponding DPR rezoning request submission makes the following recommendation in respect to highly productive land:

- a. Further economic evidence is required to substantiate the need for the additional housing capacity and to establish whether the rezoning is consistent with the NPS-HPL¹⁸¹.

7.153.The plan change proponent submitted legal submissions and rebuttal economic and development evidence prepared by Mr. Colegrave, highly productive soils evidence prepared by Mr. Sharn Hainsworth from LUC Assessments Ltd and Mr. Victor Mthamo from Reefside Environmental and Projects Ltd, and agricultural economics evidence prepared by Mr. Stuart Ford from The AgriBusiness Group to address the matters raised in the DPR rezoning request s42A report.

7.154.Mr. Colegrave made the following conclusions in respect to the NPS-HPL:¹⁸²

- a. The rezoning provides sufficient development capacity to meet housing demand (to satisfy Clause 3.6(1)(a)).¹⁸³
- b. There are no other reasonably practicable or feasible options to provide the proposed capacity in and around West Melton, having considered an intensification scenario and establishing that the additional capacity is required to serve a specific ‘locality’ and ‘market’ (to satisfy Clause 3.6(1)(b)).¹⁸⁴
- c. The rezoning will generate higher economic benefits and far outweigh all tangible and intangible economic costs and benefits when compared to rural production over the long term (to satisfy Clause 3.6(1)(c)).¹⁸⁵

7.155.Mr. Hainsworth made the following conclusions in respect to the NPS-HPL:¹⁸⁶

- a. The variability of soil depth places moderate to severe constraints on the ability of the land to sustainably support a wider range of primary production-based land uses.
- b. The cost of employing technology to address some of the constraints would be economically unviable.

¹⁸¹ [Hearing 30.6: DPR Rezoning Requests - West Melton - s42A Report](#), paragraph 13.58.

¹⁸² [DPR Rezoning - Economic rebuttal evidence \(DPR-0411 HDL\)](#).

¹⁸³ [DPR Rezoning - Economic rebuttal evidence \(DPR-0411 HDL\)](#). Paragraphs 19, 80, 112 & 113.

¹⁸⁴ [DPR Rezoning - Economic rebuttal evidence \(DPR-0411 HDL\)](#). Paragraphs 19, 112, 55 to 75 & 128.

¹⁸⁵ [DPR Rezoning - Economic rebuttal evidence \(DPR-0411 HDL\)](#). Paragraphs 19, 112 & 129 to 159.

¹⁸⁶ [DPR Rezoning - Versatile Soils rebuttal evidence - Mr Hainsworth \(DPR-0411 HDL\)](#), paragraphs 44 to 47.

- c. The theoretical utilisation of the site for more intensive high yield production activities in unviable due to climatic conditions.
- d. The land is unsuitable for cropping due to the site's proximity to West Melton, fire risk and prevalence of animal pests.
- e. There would be negligible costs associated with the loss of this land for primary production.

7.156.Mr. Mthamo made the following conclusions in respect to the NPS-HPL:¹⁸⁷

- a. There are multiple long-term constraints on the capacity of the site to support primary production activities.
- b. The overall benefits of retaining the land for primary production are negligible given:
 - i. There are no other rural sites within the West Melton area that have lower productive capacity or less constraints than the PC74 site.
 - ii. The proportional reductions in highly productive land in the district and region as a result of the rezoning are negligible.

7.157.Mr. Ford made the following conclusions in respect to the NPS-HPL:¹⁸⁸

- a. The potential use of the land for intensive horticulture has been rejected due to the lack of irrigation, undesirable climatic conditions, distance from post-harvest packaging facilities, potential for reverse sensitivity effects and land size and fragmentation.
- b. The establishment of primary production activities on the site is not commercially viable over the long term.
- c. The economic and social costs associated with the loss of the site for primary production is negligible.

7.158.The DPR panel hearing submissions on the rezoning requests issued Minute 38¹⁸⁹ requesting that SDC provide a legal opinion on the legal submissions that consider the Rural (Inner Plains) Zone to be 'rural residential zoning' for the purposes of applying the NPS-HPL. The legal opinion is contained in **Appendix 7** of this report.

7.159.In summary, the legal opinion reached the following conclusion:

- a. The Rural (Inner Plains) Zone is not the equivalent of the Rural Lifestyle Zone, as defined in the National Planning Standards.
- b. The NPS-HPL applies to land containing LUC Class 1, 2 or 3 soils that are subject to the Rural (Inner Plains) Zone of the SDP and General Rural (Inner Plains) Zone for the PDP.
- c. The application of the NPS-HPL (as it has been applied in the legal submission) is consistent with the intent of the NPS-HPL, which is to avoid the loss of productive land to the rural lifestyle (and urban) activities, and to allow for the preservation of productive land pending a more detailed assessment.

¹⁸⁷ [DPR Rezoning - Versatile Soils rebuttal evidence - Mr Mthamo \(DPR-0411 HDL\)](#), paragraph 74.

¹⁸⁸ [DPR Rezoning - Agricultural Economics rebuttal evidence \(DPR-0411 HDL\)](#)., paragraphs 21 to 25 & 35.

¹⁸⁹ [DPR Minute 38 - Directions of the Commissioner - Rezoning Requests - Request for Legal Opinion](#).

7.160. The Economic JWS prepared as part of the DPR rezoning request proceedings included the following areas of agreement between the experts, being Mr. Colegrave for the plan change proponent and Mr. Derek Foy of Formative Ltd for SDC in respect to whether the rezoning request would give effect to the NPS-HPL (in **Appendix 2**):

- a. The proposal was required to provide plan enabled housing capacity to respond to a shortfall under the NPSUD.
- b. There were no other reasonably practicable or feasible ways to provide the same capacity in the same market and locality (i.e., West Melton) while achieving a well-functioning urban environment.
- c. The economic costs and benefits of the proposal outweigh all tangible and intangible economic costs and benefits of hypothetical foregone rural production.
- d. There were no material areas of disagreement between the economic experts, who had a high level of confidence in the conclusions that have been reached.

7.161. The Planning JWS prepared as part of the DPR rezoning request proceedings included the following areas of agreement in respect to whether the rezoning request would give effect to the NPS-HPL (in **Appendix 2**):

- a. The rezoning request could satisfy the tests under Clause 3.6(1) to (4), which was substantiated by the economic experts. This was because at least a medium or long-term shortfall of plan enabled, infrastructure ready and feasible supply had been identified that needed to be responded to through Clause 3.2 of the NPSUD and that this can be zoned to GRZ under Clause 3.4(1). There was also sufficient evidence to establish that the Clause 3.8 test can be satisfied.
- b. The rezoning could give effect to the objective and policies of the NPS-HPL because the economic experts agreed that the rezoning request will meet the relevant criteria (Clause 3.6(1)), following a consideration of a range of reasonably practicable options (Clause 3.6(2)), having established that the additional capacity is within the same locality and market (Clause 3.6(3) and having confirmed that the spatial extent of the rezoning is the minimum necessary to provide the required development capacity (Clause 3.6(5)).

7.162. The Planning JWS¹⁹⁰ identified that the MfE NPS-HPL guidance indicated that Clause 3.6(1) should only be applied where there is short- or medium-term housing capacity shortfall.¹⁹¹ The planning experts agreed that if that was the intent then this should have been stated more clearly in the NPS-HPL, including by way of a more explicit reference to the NPS-UD timeframes. It also didn't reflect their understanding that Clause 3.4 of the NPS-UD does not preclude a local authority from zoning land to support short-, medium- or long-term capacity shortfalls in an operative district plan. This position was also premised on the view that only a low level of certainty can be placed on the SCGM long term plan enabled feasibility estimate.

7.163. The JWS included the following areas of disagreement between the planning experts:

¹⁹⁰ DPR-0411 HDL Planning JWS, paragraphs 25 to 27.

¹⁹¹ [NPS-Highly-Productive-Land-Guide-to-implementation.pdf \(environment.govt.nz\)](#), paragraph 42.

- a. I adopted the findings of the Adderley Head legal opinion that the rezoning submission was not exempt from the NPS-HPL (which is provided in **Appendix 7**).
- b. Mr. Brown maintained that the rezoning is exempt from the NPS-HPL but virtue of the Rural (Inner Plains) Zone having a commensurate Rural Lifestyle Zone under the National Planning Standards.

7.164. I consequently consider that the evidence provided by the submitter to demonstrate that the land is subject to constraints and attributes that preclude it from being LUC Class 1, 2 or 3 highly productive land should inform Environment Canterbury's mapping exercise that is required to be undertaken pursuant to Clauses 3.4 and 3.5 of the NPS-HPL. I do not consider that it is sufficient to meet the exemptions contained in Clause 3.10 (of the NPS-HPL) that applies to the subdivision, use or development for activities not otherwise provided for in Clauses 3.7, 3.8 or 3.9. I accept that the expert evidence provides a basis for undertaking the cost benefit analysis under Clause 3.6 (of the NPS-HPL).

7.165. In evaluating the submission received on PC74, I consider that CRPS Policy 5.3.12 applies to the versatile soil resource across the wider Canterbury Region (which I take to be inclusive of the Greater Christchurch area). This policy seeks to maintain and enhance natural and physical resources that contribute to the rural productivity economy. The SDP 'gives effect' to this policy by maintaining a 1hh/20ha density in the Rural (Outer Plains) Zone for rural productive activities. The Rural (Inner Plains) Zone applies to the PC74 site to maintain some rural elements and productive functions within the eastern portions of the District where townships are concentrated. I consider that this position is consistent with the Adderley Head legal opinion and that PC74 is not exempt from the NPS-HPL.

7.166. As a consequence, I consider that PC74 is able to give effect to CRPS Policy 5.3.12 as the current zoning does not have a primary objective of protecting rural productivity, while confirming that there the Rural (Inner Plains) Zone is a rural zone for all intents and purposes. Policy B1.1.8 of the SDP encourages residential development to occur in and around existing townships to maintain the versatile soils resource. The site can be effectively consolidated into the existing urban form and the expert economic evidence has demonstrated that the rezoning request can give effect to Policy 5 and Clause 3.6.

7.167. 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 and give effect to associated objectives of the CRPS. I therefore oppose the submission from Environment Canterbury (PC74-0061.004).

Historic heritage

[Plan change request](#)

7.168. The landscape and visual assessment provided in support of PC74 assesses the cultural and natural values of the site and the request includes an assessment of the objectives and policies that are relevant to these values, including in the CRPS and SDP. These assessments establish that there are no historic features that would need to be acknowledged and preserved within the ODP. PC74 also establishes that there are no specific cultural sites identified in Mahaanui –

Iwi Management Plan 2013 and considers that the proposal will not have an adverse impact on the cultural values of Iwi.

Submission

- 7.169. One submitter opposes the granting of the request in part on the basis that the original dwelling on the property should be retained¹⁹².

Analysis

- 7.170. I consider that the plan change proponent has undertaken sufficient analysis to confirm that the site does not contain any historic heritage sites or items of cultural significance. There are also no Heritage Buildings recorded on the site under the SDP or Heritage Items or Settings under the PDP. While the Dunn's residence may have some heritage value, it has not been identified for protection in the SDP or PDP. It is also not on Pouhere Taonga/Heritage New Zealand's heritage list Rārangī Kōrero¹⁹³. Unless the building qualifies for protection under the Heritage New Zealand Pouhere Taonga Act 2014, then there is no requirement on the landowner to retain it in perpetuity.

Conclusions

- 7.171. I consider that there is sufficient evidence available to establish that the existing residence on the site contains heritage values that require it to be protected from removal, either now or as a consequence of any future subdivision work if PC74 was to be approved. I therefore oppose the submission from R Hughes (PC74-0031.001).

Covenants

Submissions

- 7.172. One submitter opposes PC74 because the existing covenants that apply to subdivisions in West Melton are not being effectively administered by developers¹⁹⁴. One additional submitter in opposition raises concerns that future covenants may enable additional subdivision to occur in the future¹⁹⁵. Two submissions in support of PC74 consider that developers need to adhere to covenants, that they should be enforced by SDC and that the Gainsborough subdivision has been devalued through the approval of works that are inconsistent with the covenants¹⁹⁶.

Analysis

- 7.173. Covenants are separate legal agreements between land developers and the purchasers of residential sections within subdivisions. They vary in detail but often prescribe site specific designs over and above what are included in district plan rules and require separate approval steps that are administered by land developers before building and site works can proceed. Territorial authorities are not a party to private covenants, and they do not form part of the consideration of a rezoning request. Any specific ongoing resource management issues that are not able to be effectively managed by district plan rules are registered as consent notices on the records of title of residential sections as part of the subdivision process.

¹⁹² R Hughes (PC74-0031-001).

¹⁹³ <https://www.heritage.org.nz/the-list>.

¹⁹⁴ S Haughin (PC74-0008-003).

¹⁹⁵ N Williams (S057-015).

¹⁹⁶ S Haughin (PC74-0008-003) and M & F Hamilton-Manns (PC74-0028.006).

7.174. I consider that the administration of covenants and the outcomes associated with them not being complied with is outside the scope of the rezoning request. The amenity effects arising from the rezoning are assessed in the previous sections of this report.

Conclusions

7.175. There is no scope within this process to influence how existing private covenants are administered by developers or to support the inclusion of controls to manage covenants should PC74 be granted. I therefore oppose the submissions from S Haughin (PC74-0008-003), N Williams (S057-015) and M & F Hamilton-Manns (PC74-0028.006).

8. Statutory Analysis

Part 2 Purpose and Principles

- 8.1. Under s 74(1)(b), any changes to the SDP must be in accordance with the provisions of Part 2 of the RMA. This sets out the purpose of the RMA (s5), matters of national importance that must be recognised and provided for (s6) and other matters that particular regard is to be had to (s7).
- 8.2. Notwithstanding that the Council has notified the PDP and the hearings are well advanced, I consider that the purpose of the Act is currently reflected in the settled objectives and policies of the SDP, which PC74 does not seek to change to a fundamental extent. Rather, PC74 seeks to rezone the land to Living WM East Medium Density Zone and to coordinate the subdivision and development of the land through an ODP. Establishing the appropriateness of the objective of the request in achieving the purpose of the RMA is also a requirement under s32, which is considered below.
- 8.3. I do not consider that any matter of national importance is relevant to PC74. In terms of other matters set out in s7 of the RMA, I consider that the efficient use and development of natural and physical resources (s7(b)), the maintenance and enhancement of amenity values (s7(c)), and the maintenance and enhancement of the quality of the environment (s7(f)) are relevant to the consideration of PC74. I consider these are matters have been considered in the effects assessment set out above and that there is no reason to oppose the granting of the request on the grounds that the rezoning would not give effect to Part 2 of the Act.

Functions of Territorial Authorities

- 8.4. The functions of Council's are set out in s31 of the RMA and include the establishment, implementation and review of objectives, policies, and methods to:
 - a. Achieve integrated management of the effects of the use, development and protection of land and associated natural and physical resources; and
 - b. Control any actual or potential effects of the use, development, or protection of land.
- 8.5. I consider that PC74 would assist in enabling Council to continue to carry out its functions. This is only the basis that the expert evidence has established that the request is necessary to provide for 'out of sequence' and 'unanticipated' housing capacity in response to medium term demand that satisfies the various tests under the NPS-UD and NPS-HPL. The ODP, in combination with the underlying Living WM East Medium Density Zone rules, will ensure that

the SDP can achieve the necessary integrated management outcomes and all potential effects associated with the use, development and protection of the land can be effectively managed.

Statutory Documents

- 8.6. As noted previously, the District Plan (including as amended by any plan change request) must:
- (a) give effect to any operative national policy statement (s75(3)(a)) and any regional policy statement (s75(3)(c));
 - (b) have regard to any management plan or strategy prepared under other Acts (s74(2)(b)(i));
 - (c) take into account any relevant planning document recognised by an iwi authority and lodged with the territorial authority, to the extent that its content has a bearing on the resource management issues of the district (s75(2A)); and
 - (d) not be inconsistent with any regional plan (s75(4)(b)).

- 8.7. The extent to which PC74 satisfies these statutory tests in the context of changes to the SDP are evaluated further below.

National Policy Statement on Urban Development (NPS-UD)

- 8.8. There is a very strong directive in the objectives and policies of the NPS-UD that territorial authorities must identify and maintain housing needs through market indicator monitoring, future development strategies, zoning land to support the projected housing shortfalls, update planning instruments and establish funding to achieve well-functioning urban environments. The NPS-UD includes a pathway to depart from this approach, but only where the tests in Policies 1 and 8 and Clauses 3.2, 3.4, 3.5 and 3.8 are satisfied.
- 8.9. As identified in the DPR rezoning request Planning JWS, I consider that PC74 would provide plan enabled capacity to respond to an identified medium term housing shortfall that will provide significant market supply to meet current future projected shortfalls.¹⁹⁷ The economic evidence demonstrates that the request will promote market competition through the provision of a variety of sections that support a range of housing types to satisfy an identified need, while contributing to the critical mass needed to support local retail and employment opportunities.
- 8.10. PC74 represents 'unanticipated' and 'out of sequence' urban development but the plan change proponent has satisfied the NPS-UD tests provided in the Policy 8 pathway by demonstrating that the rezoning will support plan enabled capacity¹⁹⁸ and that the rezoning can give effect to Clause 3.8.
- 8.11. The expert evidence establishes that PC74 is able to give effect to Objectives 1 and 2 and Policies 1 and 6 of the NPS-UD because it will enable a variety of homes to meet estimated market demand for feasible development capacity within the specified timeframe.
- 8.12. More specifically, the expert evidence establishes that PC74 represents a well-functioning urban environment as it will be able to give effect to the NPS-UD Policy 1 criteria and Policy 6, including by supporting:
- a. A variety of homes that meet the needs of different households at densities (8hh/ha based on the ODP in **Appendix 3**) that are in excess of the minimum 6hh/ha densities provided for in the SDP Living WM Zone to optimise the use of the land, while maintaining the character and amenity of West Melton.

¹⁹⁷ DPR-0411 HDL Planning JWS, paragraphs 7 & 26.

¹⁹⁸ NPS-UD Clauses 3.2 & 3.4(1).

- b. An increase in plan enabled and infrastructure ready land to meet an identified housing capacity shortfall and to reduce the possible adverse impacts on the competitive operation of land and development markets.
 - c. Having acceptable accessibility for all people between housing, jobs, community services, natural spaces, and open spaces, including by way of public or active transport.
 - d. Supporting reductions in greenhouse gas emissions through current and future Council and Greater Christchurch Partnership transport initiatives and investment.
- 8.13. Objective 6 and Policy 1 of the NPS-UD require that decisions made by local authorities on urban development that affect urban environments to be integrated with infrastructure planning and funding decisions to respond to proposals providing significant housing capacity. The provision of an ODP, alignment of the request with Council's reticulated public infrastructure planning and the expert infrastructure evidence establishes that there is sufficient capacity in the water and wastewater networks, and feasible options to manage stormwater. I therefore consider that PC74 is able to give effect to these aspects of Objective 6 and Policy 1.
- 8.14. The following implementation directions in Part 3 of the NPS-UD are also relevant to the consideration of PC74:
- Clause 3.2 requires that "at least" sufficient development capacity is provided within the district to meet the expected demand for housing, across the short, medium, and long terms.
- 8.15. The granting of PC74 would provide sufficient plan enabled and infrastructure ready feasible development capacity within West Melton, Selwyn District and the Greater Christchurch sub-region to meet an established housing shortfall, having taken appropriate account of the competitiveness margin (in Clause 3.2(2)(d)).
- Clause 3.4(1) establishes that 'plan enabled' development capacity can be enabled through: (a) the zoning of land in an operative plan to respond to short term shortfalls; (b) either zoning in an operative, or a proposed plan to respond to medium term shortfalls; and (c) either zoning in an operative, or a proposed plan, or identifying locations for future urban use in a future development strategy to respond to long term shortfalls.
 - Clause 3.4(2) requires that any land that is zoned for housing is managed through enabling rules in a district plan i.e., is not subject to a non-complying or prohibited activity status.
 - Clause 3.4(3) identifies that development capacity is determined to be 'infrastructure ready' when there is adequate existing infrastructure to support development, or the necessary infrastructure upgrades are either funded in a long-term plan or a local infrastructure strategy.
- 8.16. I consider that Clause 3.4(1)(b) enables capacity to meet an identified medium-term shortfall to be rezoned within an operative plan as an option is provided through the reference to "*either paragraph (a) applies*". Clause 3.4(1)(c) also enables capacity to meet an identified long-term shortfall to be rezoned within an operative plan, as it includes the option to zone a proposed

plan via the reference to “*either paragraph (b) applies*”. I therefore consider that PC74 can give effect to Clause 3.4(1), including through the rezoning of the PDP to respond to either a medium- or long-term housing capacity shortfall.

- 8.17. The Living WM East Medium Density Zone that is being sought is supported by enabling land use and subdivision rules, namely that subdivision and development does not require a discretionary or non-complying consent where it accords with an operative ODP. I therefore consider that PC74 can give effect to Clause 3.4(2).
- 8.18. The additional development capacity is also considered to be ‘infrastructure ready’ as the infrastructure experts have established that there is either existing capacity available or funding has been allocated to complete the necessary network upgrades. I consider that this adds weight to the position that PC74 land can be rezoned, rather than deferred to an FDS that would serve no purpose in responding to the identified housing shortfall.
- 8.19. I therefore consider that PC74 can give effect to Clause 3.4(1) by actively zoning for a housing capacity shortfall, whether that falls within the medium- or long-term period.
- Policy 3.5 requires that local authorities are satisfied that additional infrastructure to service the development is likely to be available.
- 8.20. The infrastructure evidence establishes that there are no infrastructure servicing constraints.
- Policy 3.8 provides direction on how local authorities consider plan change requests that provide significant development capacity that is not otherwise enabled in a plan or is not in sequence with planned land release.
- 8.21. The expert evidence establishes that PC74 can provide significant development capacity that is not enabled in the SDP or is in sequence with the planned release of land (namely, identified as a FDA in Our SPACE FDS, a GPA or FDA in CRPS Chapter 6 and the SDP objectives and policies) under Clause 3.8(1). I consider that particular regard has been given to development capacity. The expert evidence establishes that PC74 will contribute to a well-functioning urban environment and the site can be well-connected along transport corridors to the extent necessary to give effect to Clause 3.8(2). The absence of regional council criteria in the CRPS to assist in determining how the plan change request is to be treated means that Clause 3.8(3) cannot be applied at this point in time. I therefore consider that PC74 can give effect to Clause 3.8.
- 8.22. On the basis of the above discussion and expert evidence, I consider that PC74 is able to give effect to the relevant objectives of the NPS-UD and would enable Council to carry out its functions under s31(1) (aa) by ensuring there is sufficient development capacity in respect of housing and business land to meet the expected demands of the district.
- [National Policy Statement on Highly Productive Land \(NPS-HPL\)](#)
- 8.23. There is a very strong statutory direction in the objective and policies of the NPS-HPL to avoid rezoning highly productive land for urban activities. The NPS-HPL includes a pathway to depart from this approach, but only where various tests in Policies 1 and 8 and Clause 3.6 are satisfied.
- 8.24. As identified in the Planning and Economic JWS prepared for the DPR rezoning request and the detailed assessment provided in Section 7, I consider that PC74 is able to satisfy the tests that

are required to be passed to enable rezoning of highly productive land to occur to the extent necessary to give effect to the NPS-HPL.

National Environmental Standard for Assessing and Managing Contaminations in Soil to Protect Human Health (NESCS)

- 8.25. As this is a request for a zone change, and not to determine the actual use of the site, the NESCS does not strictly apply. The requirements of the NESCS would have to be appropriately addressed at any subsequent subdivision or building consent stage and, depending on the nature of any future activity, may either satisfy the permitted activity requirements or require resource consent under the NES-CS.
- 8.26. As identified in the Section 7 above, I consider that any risk of developing the land for residential purposes to people's health can be effectively managed under the NES-CS.

Canterbury Regional Policy Statement (CRPS)

- 8.27. As identified elsewhere in this report, Chapter 6 of the CRPS applies urban consolidation principles to manage urban growth and development across the Greater Christchurch sub-region. The CRPS and SDP Living Z Zone are the primary mechanism for giving effect to the NPS-UD and implementing the UDS, Our SPACE and Township Structure Plan. Residential growth and development in West Melton has been managed in recent times by a hybrid framework that employs the Living WM Zone to support lower density sections to maintain the function, character and amenity of the township.
- 8.28. The relative ability for PC74 to give effect to the relevant objectives of the CRPS needs to be assessed against the pathways provided under the NPS-UD and NPS-HPL for enabling local authorities to be responsive to plan change that add significantly to development capacity and contribute to well-functioning urban environments. This applies even where the development capacity is 'unanticipated' and 'out of sequence' with the planned release of 'greenfield' land, which is managed specifically by the objectives and policies CRPS Chapter 6 and Map A.
- 8.29. I consider that there is sufficient and appropriate expert evidence to determine that PC74 satisfies the pathways for enabling the land to be rezoned to respond to a housing capacity shortfall under the NPS-UD and NPS-HPL. While the rezoning will fail to give effect to many of the objectives and policies in the CRPS and SDP for achieving the desired urban form and settlement pattern in Greater Christchurch, I consider that the objectives and policies in the higher order national policy statements must take precedence under the current set of circumstances and at this particular point in time. A failure to do so may mean that Council is unable to achieve its duties and functions under the RMA.
- 8.30. The objectives and policies within Chapter 7 seek to protect and maintain water quality and Chapter 11 provides a framework for managing natural hazard risk in Canterbury, including flooding.
- 8.31. There are no known natural hazards or land constraints that would preclude the granting of PC74. The site can be connected to reticulated public water and wastewater networks, stormwater can be managed on-site, and the future subdivision can be integrated into the land transport network. I therefore consider that PC74 can give effect to the relevant objectives of Chapter 7 and 11 of the CRPS.

- 8.32. Overall, I consider that PC74 will only partially give effect to all of the relevant objectives and policies of the CRPS and that the rezoning is only appropriate by virtue of it being able to give effect to the objectives and policies of the NPS-UD and NPS-HPL, which are higher order statutory instruments.

[Canterbury Land and Water Regional Plan \(LWRP\) and Canterbury Air Regional Plan \(CARP\)](#)

- 8.33. Under s75(4)(b) of the RMA, the District Plan cannot be inconsistent with a regional plan, which in respect to PC74 includes the LWRP and CARP. The establishment of activities within the site will either need to meet the permitted activity conditions of these plans or resource consents will be required to be obtained under the regional plans that are in place at the time. There is nothing unique about the site or its proximity to other land uses that would preclude any future consenting process should PC74 be approved.

- 8.34. Overall, I consider that the plan change can be efficiently and effectively developed and serviced in a manner that is consistent with the outcomes sought by the LWRP and CARP.

[Mahaanui Iwi Management Plan 2013](#)

- 8.35. The Mahaanui Iwi Management Plan is a planning document recognised by an iwi authority and lodged with the council, which includes content that relates to the district's resource management issues. PC74 includes an assessment of the request against the Iwi Management and feedback from Mahaanui Kurataiao Limited is documented in Appendix D, and I agree with the content and conclusions of that assessment.

- 8.36. Overall, I consider that PC74 has 'taken into account' the Iwi Management Plan under s74(2A) and there are no specific resource management issues, or specific sites of significance to Mana Whenua, that would be compromised by the granting of the request.

[Selwyn 2031: District Development Strategy, UDS, Our SPACE 2018-2048](#)

- 8.37. As discussed throughout this evidence, I consider that the PC74 has given sufficient regard to management plans and strategies under s74(2), including the UDS, Our SPACE, and Selwyn 2031. I accept that the expert evidence establishes that PC74 would add significant development capacity over the medium or long term and contribute to a well-functioning urban environment under Policy 8 and Clause 3.8 of the NPS-UD. This is because the rezoning satisfies the tests that must be passed to enable additional housing capacity that is 'unanticipated' by RMA planning documents and is 'out of sequence' with planned land release. This provides a pathway to support the rezoning, even though it is in a township that is expressly not anticipated to expand by the CRPS.

[Consistency with the Plans of Adjacent Territorial Authorities](#)

- 8.38. Matters of cross-boundary interest are detailed in the District Plan (in Section A1.5 of the Township Volume). As outlined in Section 6 above and Council's 'Technical Memo on Growth Planning' (**Appendix 1**), the cross-boundary interests associated with the rezoning of the site have primarily been identified, and managed, through the Greater Christchurch Partnership arrangements.

- 8.39. Of more specific interest to PC74 is the impact of the rezoning on:

- a. The overall housing sufficiency and bottom lines, and the locations where they are anticipated to be met, within Greater Christchurch.
 - b. The sub-regional transport network and the potential for adverse environmental effects relating to the anticipated additional movements, the lack of public transport to achieve modal shift and increase in greenhouse gas emissions.
- 8.40. As outlined in Section 7 and the CRPS assessment above, PC74 is inconsistent with the urban form and settlement pattern of Greater Christchurch as it is not identified as a FDA in Our SPACE, a GPA or FDA in CRPS Chapter 6, the related SDP objectives and policies. I also consider that it may increase vehicle emissions without significant policy changes and investments decisions that are beyond the control of the plan change proponent due to the relative isolation of West Melton from Rolleston and Christchurch City. This means that the granting of PC74 may have cross boundary effects, including on the sub-regional transport network and in respect to the coordinated provision of housing.
- 8.41. However, the request satisfies that relevant tests provided in the NPS-HPL and NPS-UD and the cross-boundary issues have been identified, assessed and determined to have been appropriately addressed through the expert evidence.
- 8.42. Overall, I consider that the cross-boundary effects of PC74 have been appropriately identified, considered, and addressed.

Consideration of Alternatives, Benefits, and Costs

- 8.43. Section 32 requires the consideration and evaluation of the extent to which the objectives of the request are the most appropriate way to achieve the purpose of the Act (s32(1)(a)); as well as an assessment of whether the provisions in the request are the most appropriate way to achieve the objectives (of both the request and the existing District Plan objectives), having regard to the efficiency and effectiveness of the provisions and having considered other reasonably practicable options (s32(1)(b)).

Extent to which the Objectives of the Proposal are the Most Appropriate Way to Achieve the Purpose of the Act

- 8.44. As set out in the request,¹⁹⁹ the proposal does not seek any new objectives, or any changes to the existing objectives within the SDP. The assessment required under s32(1)(a) is therefore the extent to which the objective of the proposal is the most appropriate way to achieve the purpose of the RMA.
- 8.45. The stated objective of PC74 is to:

“...request a change to the Selwyn District Plan by rezoning 163 Halkett Road and 1066 West Coast Road with a total area of 20.687 hectares from Rural Inner Plains to Living West Melton.”

- 8.46. 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

¹⁹⁹ PC74, Section 3.3 (Pg.5 & 6).

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.

- 8.47. It is recognised that additional policy changes and ongoing investment is required to optimise the use of ‘greenfield’ land in West Melton, including improvements to the land transport network to maintain safety and efficiency and to promote modal shift and public transport, and options to improve housing affordability. However, the alternative of declining the request would likely either require council to ‘actively zone’ the land or potentially result in less optimal locations taking up the identified housing shortfalls at some point in time. I consider that these alternative scenarios may not achieve the purpose of the Act to the same extent as PC74.

Whether the provisions in the Proposal are the most appropriate way to achieve the Objectives

- 8.48. PC 74 seeks to utilise the operative Living WM North Medium Density Zone by amending the land use zoning from Rural (Inner Plains) to Living WM East Medium Density Zone and introducing an ODP into Appendix E20 of the Township Volume. Importantly, the schedule of District Plan amendments contained in PC74 does not propose any substantial changes to the operative objectives or policies for managing the settlement pattern and the growth of the townships in the District.²⁰⁰
- 8.49. Overall, I consider that PC74 would achieve objectives of the SDP by virtue of having satisfied the objectives and policies of the NPS-UD and NPS-HPL and would effectively integrate with the operative Living WM North Medium Density Zone framework. I therefore accept the conclusion reached in the request that the proposed plan change is consistent with the existing objectives and policies of the Township Volume of the SDP.

9. Proposed Amendments to the District Plan

- 9.1. Having evaluated the appropriateness of PC74 and the latest iteration of the PC74 ODP (in **Appendix 3**), I do not consider that there are any additional amendments required. The proposed amendments to the SDP that are set out in the request should be approved with the modifications detailed in **Appendix 8**, which are limited to referencing the Living MW East Medium Density Zone in Part C Living Zone Rules – Subdivision, Table C12.1 Allotment Sizes.

10. Conclusions and Recommendation

- 10.1. As set out in Section 6, the statutory matters that must be considered in relation to a plan change require the assessment of s31, 32, 74 and 75, and regard must be had to the overall purpose and principles set out in Part 2 of the Act.
- 10.2. As assessed under Sections 7 to 8 of this report, I consider that PC74 satisfies these statutory tests and consider that it is appropriate to grant the rezoning request with the modifications that are evaluated in this report, outlined in Section 9.

²⁰⁰ [Selwyn District Plan](#). Township Volume, Objectives and Policies, B4 Growth of Townships.

Appendix 1 – Technical Memo on Growth Planning in Selwyn District

Appendix 2 – DPR Hearing 30.6 West Melton, Joint Witness Statements for DPR-0411 HDL

Appendix 3 – Updated PC74 ODP, 3rd of March 2023

Appendix 4 – Evidence of Hugh Nicholson, Urban Design Consultant

Appendix 5 – Evidence of Shane Bishop, Consultant Infrastructure Engineer

Appendix 6 – Evidence of Mat Collins, Consultant Transport Engineer

Appendix 7 – SDC NPS-HPL Legal Opinion

Appendix 8 - Proposed District Plan Text Changes

All insertions requested to the Plan by the proponent are shown as **bold and underlined**. Where amendments have been proposed as part of this report, these are shown in ***bold italics***. Deletions are shown as ~~**bold with strikethrough**~~. It is anticipated consequential renumbering will take place as required.

Planning Maps

Amend the Selwyn District Plan Planning Maps, by rezoning the site from Rural (Inner Plains) to Living WM Medium Density East.

Township Volume Appendices

*To amend the Township Volume by inserting a new Outline Development Plan, West Melton East in Appendix 20. Refer to the ODP in **Appendix 3**.*

Township Volume, Part C Living Zone Rules – Subdivision, Table C12.1 Allotment Sizes

Amend Table C12.1 to facilitate the subdivision of the PC74 site to achieve the lot size range provided by the Living WM Medium Density East Zone:

Township	Zone	Average Allotment Size Not Less Than
West Melton	Living 1	1,000m ²
	Living 1B	2,800m ²
	Living WM North Medium Density <u>Living WM North Medium Density</u>	Minimum lot area of 500m ² and maximum lot area of 3000m ² (Appendix 20A)
	Living WM South Medium Density	Minimum lot area of 1100m ² and maximum lot area of 3000m ² (Appendix 20)
	Living WM North Low Density Living WM South Low Density	Minimum lot area of 3000m ² and maximum lot area of 5000m ² (Appendix 20, Appendix 20A).