

**BEFORE THE SELWYN DISTRICT COUNCIL**

**IN THE MATTER OF** Clause 21 of the First Schedule of the  
Resource Management Act 1991

**AND**

**IN THE MATTER OF** Yoursection Limited, Private Plan  
Change 75

**Applicant**

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**RECOMMENDATION BY COMMISSIONER DAVID CALDWELL**

**Dated 14 March 2022**

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**Appearances:**

Council:

Mr Craig Friedel – Consultant Planner for Selwyn District Council

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

Ms Gabi Wolfer – Senior Urban Designer/Town Planner with Selwyn District Council

Applicant:

Ms Kerry Watson, Development Manager – Company Representative

Mr Andrew John Bannock (known as John), Chartered Engineer with Site Solutions (2018) Limited – Infrastructure

Mr Victor Mthamo, Principal Consultant with Reeftide Environmental and Projects Limited – Versatile Soils

Mr Fraser Colegrave, Managing Director of Insight Economics – Capacity/Economics

Mr David Compton-Moen, Director at DCM Urban Design Limited – Urban Design and Landscape

Mr Andrew Metherell, Traffic Engineer and Team Leader at Stantec New Zealand – Transport

Ms Kim Seaton, Principal Planner at Novo Group Limited – Planning

Submitters

Mr Nicholas Boyes, Consultant Planner/Associate at Planz Consultants Limited – Planning – for MON Group Limited

Mr Nicholas Fuller, Senior Transport Engineer at Novo Group Limited – Transportation – for MON Group Limited

Mr Robert Wynn Williams – Submitter

## ABBREVIATIONS TABLE

<b>CARP</b>	Canterbury Air Regional Plan
<b>CCC</b>	Christchurch City Council
<b>CLWRP</b>	Canterbury Land and Water Regional Plan
<b>CRC</b>	Canterbury Regional Council/Environment Canterbury
<b>CRPS</b>	Canterbury Regional Policy Statement
<b>FDA</b>	Future Development Area
<b>GCP</b>	Greater Christchurch Partnership
<b>HCA</b>	Greater Christchurch Housing Development Capacity Assessment 30 July 2021
<b>LTP</b>	Long Term Plan
<b>LUC</b>	Land Use Capability
<b>LURP</b>	Land Use Recovery Plan
<b>MIMP</b>	Mahaanui Iwi Management Plan
<b>NPS-UD</b>	National Policy Statement – Urban Development
<b>ODP</b>	Outline Development Plan
<b>Our Space</b>	Our Space 2018-2048: Greater Christchurch Settlement Pattern Update Whakahāngai O Te Hōrepa Nohoanga
<b>PC75</b>	Private Plan Change 75
<b>PDP</b>	Proposed Selwyn District Plan
<b>Pines WWTP</b>	Pines Wastewater Treatment Plant
<b>pNPS-HPL</b>	Proposed National Policy Statement for Highly Productive Land
<b>RMA</b>	Resource Management Act 1991
<b>RSP</b>	Rolleston Structure Plan
<b>SDC</b>	Selwyn District Council
<b>SDP</b>	Operative Selwyn District Plan
<b>UDS</b>	Urban Development Strategy

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## Introduction

1. I have been appointed to hear submissions and make a Recommendation on Private Plan Change 75 to the Operative SDP.
2. I attended and conducted a hearing at the Selwyn Sports Centre on 3 November 2021. Ms Seaton provided brief comments in reply and provided an amended ODP on 4 November 2021. The hearing was formally closed on 29 November 2021.
3. I have not included a specific summary of all of the documents considered, evidence provided and submissions made. All of that information is publicly available and has been uploaded to SDC's plan change site at [www.selwyn.govt.nz/pc75](http://www.selwyn.govt.nz/pc75). I refer to the relevant evidence, submissions and other documents, when addressing the particular issues and statutory provisions. I have carefully considered all of the relevant documents, evidence and submissions when reaching my Recommendation.

## PC75

4. PC75 is a private plan change initiated by Yoursection Limited. It seeks to rezone 24.7 hectares of land from Rural (Inner Plains) to Living Z Zone. This is to enable residential subdivision and development of the land to accommodate approximately 280 mixed density residential homes. The frontage of the site is Lincoln Rolleston Road. Development is proposed to be in accordance with an ODP to guide the form and layout of future development.
5. The purpose of the Request was specified as to provide for an extension of the adjoining existing urban residential area of Rolleston in a manner that adds significantly to development capacity through provision of critical roading infrastructure, and provides for increased competition and choice in residential land markets while managing adverse effects of the change in land use on the surrounding area.<sup>1</sup>
6. PC75 sought a number of specific changes. These were addressed in paragraphs [27] through to [39] of the s32 Evaluation.<sup>2</sup> The specific changes included:
  - (a) Rezoning the land from Rural (Inner Plains) to Living Z on the planning maps;
  - (b) Adding PC75 ODP to Appendix E38 of the SDP Township Volume with accompanying text to coordinate the subdivision and development of the land;
  - (c) Referencing the site as one of 14 Living Z areas and the ODP in Policy B4.3.9;
  - (d) Including specific matters to implement the ODP in Policy B4.3.77;
  - (e) Undertaking any consequential amendments.<sup>3</sup>

<sup>1</sup> s32 Evaluation, Attachment 3 to Request at para [12]

<sup>2</sup> s32 Evaluation, Attachment 3 to Request

<sup>3</sup> s42A Report 11 October 2021 at para [3.11]

7. PC75 was formally received by SDC on 14 December 2020. A Request for Further Information was issued on 27 January 2021. The Applicant's response was received on 11 February 2021. It was accepted for notification pursuant to clause 25(2)(b) of Schedule 1 to the RMA on 24 March 2021. It was publicly notified on 5 May 2021 with the submission period closing on 2 June 2021. The submissions were summarised and publicly notified on 14 July 2021 and the further submission period closed on 28 July 2021.
8. A total of 6 submissions were received with no further submissions.

#### **Procedural and Jurisdictional Matters**

9. In addition to the matters identified above, on 16 December 2021 I issued a Minute on this, and other current private plan changes, in relation to the Resource Management (Enabling Housing Supply and Other Matters) Act (**Amendment Act**).
10. By Memorandum of Counsel dated 21 December 2021 the Applicant's Counsel submitted that the Amendment Act applied but that the appropriate course of action was to proceed to issue decisions on PC75 (and other relevant plan changes) and allow the Amendment Act to operate "as intended".
11. The Memorandum addressed that process identifying that at the time the SDC notifies the Intensification Planning Instrument (IPI) for the PDP, it will also notify a variation to the operative SDP incorporating the Medium Density Residential Standards (MDRS) (or a less enabling version of it) into PC75 and the other plan changes as applicable. It was through that process that SDC would consider whether there were any qualifying matters applying to the specific areas such that a less enabling version of the MDRS may be appropriate. The Memorandum concluded that the Amendment Act had, in effect, no bearing on, or relevance to, my decision on PC75 and the hearing did not need to be reopened.
12. I considered that issue and issued a Minute on 10 January 2022 agreeing that there was nothing in the Amendment Act that suggested decisions on plan changes be delayed to await new evidence on the likely outcome of future and uncertain SDC variation processes. The Amendment Act provides for those plan changes to continue ahead of the Council embarking on and notifying its IPI and variations. I advised that I considered the appropriate approach was for me to continue with my deliberations and recommendations. I recorded my view that to do otherwise, and reopen hearings, would result in unnecessary delay and costs.<sup>4</sup> Other than recording the above, I do not propose to address the Amendment Act, or its potential consequences, further. Those matters are properly addressed through the variation process specified.
13. Mr Friedel considered the only jurisdictional matter related to the relief sought by MON Group Limited which sought an alternative Neighbourhood Centre Zone for the portion of the site

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<sup>4</sup> At paras [12] and [13]

identified in its submission and illustrated on its Figure 3. This was also shown in Mr Friedel's report at paragraph [5.3].

14. Mr Friedel noted the inclusion of the area and related changes to the ODP to facilitate this differed from the notified version and the stated objective of the Request. That objective was to include an ODP to coordinate the residential subdivision and development of the site through the SDP Living Z Zone and subdivision rules.
15. On balance, he considered that there was some scope to evaluate the merits of the relief that has been sought given there had been an opportunity through the further submission process to consider the implications of the relief sought by the submitter and no further submissions in opposition were received.<sup>5</sup> Mr Friedel noted that the RSP signalled a need for a local centre in the area identified by the submitter within the 2075 development horizon and that it was small enough to avoid any retail distribution effects. He considered that there may be sufficient grounds to consider it within scope subject to the submitter providing additional evidence including an assessment under the relevant sections of the RMA. I return to and address this issue in my subsequent assessment.

#### **Site Visit**

16. I undertook a site visit on 10 November 2021. I spent some time, accompanied by Ms Lewes from the SDC, travelling around the surrounding area. I went on to the property owned by B and P Pullin at 151 Lincoln Rolleston Road. I spent some time walking over the site. I observed the water race and pond which was the subject of evidence at the hearing. I also travelled through into the neighbouring subdivisions and was able to gain an understanding as to how the site related to those.

#### **The Site and Surrounding Environment**

17. The Request summarised the site and surrounding environments in paragraphs [18] – [26] and provided, as Figure 1, a photograph indicating the subject land.<sup>6</sup>
18. That description noted the site had frontage and access to/from Lincoln Rolleston Road to the east, to the north of the site was the existing Rolleston Township including the recently constructed and progressively developing residential subdivision Falcons Landing within ODP Area 11, and largely rural land used for rural and residential activity to the south and east. ODP Area 13 was to the west.
19. It described the site itself as featuring land used for cropping and pastoral grazing with a cluster of existing buildings on each of the two allotments.

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<sup>5</sup> s42A Report 11 October 2021 at para [5.7]

<sup>6</sup> s32 Evaluation, Attachment 3 to Request at pages 3 and 4

20. The s42A Report addressed the site in paragraphs [3.1] – [3.5], and the surrounding environment in paragraphs [3.6] – [3.9]. I accept and adopt the descriptions from both the application and the Officer's Report.

### Statutory Framework

21. The Environment Court has provided a comprehensive summary of the mandatory requirements in its decision in *Long Bay*.<sup>7</sup> This was updated to reflect changes to the RMA in 2009 in the Environment Court's decision in *Colonial Vineyards*.<sup>8</sup>

22. The general requirements are:

- (a) The district plan (change) should accord with and assist the local authority to carry out its functions under s31 and to achieve the purpose of the RMA;<sup>9</sup>
- (b) When preparing the district plan (change) the territorial authority must give effect to any National Policy Statement, a National Planning Standard, the New Zealand Coastal Policy Statement and the operative Regional Policy Statement;<sup>10</sup>
- (c) When preparing its district plan (change) the territorial authority shall:
  - (i) Have regard to any proposed Regional Policy Statement;<sup>11</sup>
  - (ii) Give effect to any operative Regional Policy Statement;<sup>12</sup>
- (d) The district plan (change) must not be inconsistent with an operative Regional Plan for any matter specified in s30(1) or a Water Conservation Order,<sup>13</sup> and must have regard to any proposed Regional Plan on any matter of regional significance;<sup>14</sup>
- (e) The territorial authority must also have regard to any relevant management plans and strategies under other Acts, and must take into account any relevant planning document recognised by an iwi authority and lodged with a territorial authority, to the extent that its contents has a bearing on the resource management issues of the district;<sup>15</sup>
- (f) The policies are to implement the objectives, and the rules are to implement the policies;<sup>16</sup>
- (g) The plan change shall have regard to the actual or potential effects on the environment of activities including, in particular, any adverse effects.<sup>17</sup>

<sup>7</sup> *Long Bay – Okura Great Park Society Inc v North Shore City Council* A078/08

<sup>8</sup> *Colonial Vineyards Limited v Marlborough District Council* [2014] NZEnvC 55

<sup>9</sup> s74(1)(a) and (b) of the RMA

<sup>10</sup> s75(3)(a), (ba) and (c) of the RMA

<sup>11</sup> s74(2)(a)(i) of the RMA

<sup>12</sup> s75(3)(c) of the RMA

<sup>13</sup> s75(4) of the RMA

<sup>14</sup> s74(2)(a)(ii) of the RMA

<sup>15</sup> s74(2)(b)(i) and s74(2A) of the RMA

<sup>16</sup> s75(1)(b) and (c) of the RMA

<sup>17</sup> s76(3) of the RMA



23. Section 32 requires that:

- (a) Each proposed policy or method (including each rule) is to be examined, having regard to its efficiency and effectiveness, as to whether it is the most appropriate method for achieving the objectives of the district plan taking into account the benefits and costs of the proposed policies and methods, and the risk of acting or not acting if there is uncertain or insufficient information;
- (b) If a National Environmental Standard applies, and the proposed rule imposes a greater prohibition or restriction than that, then whether the greater prohibition or restriction is justified in the circumstances;
- (c) The objectives of the proposal (here the stated purpose of the proposal) are to be the most appropriate way to achieve the purpose of the RMA;<sup>18</sup>
- (d) The provisions in PC75 are the most appropriate way to achieve the objectives of the SDP and the purpose of the proposal.<sup>19</sup>

**Assessment of Actual or Potential Effects on the Environment/Matters Raised in Submissions**

24. Mr Friedel identified the key matters either raised by submitters, or necessary to be considered in ensuring that SDC's statutory functions and responsibilities are fulfilled, at paragraph [7.2] of the s42A Report. He identified those matters as:

- (a) Urban form, density and character;
- (b) Infrastructure servicing;
- (c) Transportation network;
- (d) Versatile soils;
- (e) Land suitability and geotechnical risk;
- (f) Sustainability initiatives;
- (g) Cultural values.

25. The s32 Evaluation included a comprehensive assessment in respect of clause 22(2) of Schedule 1 of the RMA. It identified the range of actual and potential environmental effects arising as being limited to the following matters:

- (a) Infrastructure;
- (b) Geotechnical and natural hazards;

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<sup>18</sup> s32(1)(a)

<sup>19</sup> s32(1)(b)

- (c) Contaminated land;
  - (d) Transport;
  - (e) Landscape and visual effects;
  - (f) Amenity values;
  - (g) Urban design and urban form;
  - (h) Ecological effects;
  - (i) Reverse sensitivity;
  - (j) Sites of significance to iwi;
  - (k) Economic effects;
  - (l) Versatile soils.
26. That assessment was supported by detailed reports from experts in the key areas.
27. For ease of reference, Ms Seaton's evidence adopted the subheadings set out in the Officer's Report. I likewise adopt those headings.
28. The Reporting Officers provided a Joint Officer Summary Statement prior to the hearing. That document was helpful and in my view assisted in an efficient hearing as it enabled the participants to focus on the matters which were in dispute.

#### Urban form, density and character

29. Mr Friedel identified that the Request included an assessment of the influence that the rezoning may have on the urban form of Rolleston, the rationale for the 12hh/ha, why it was identified as being an optimal minimum density for the site, and the amenity implications and expectations in respect to the site, both in terms of its current and future states.<sup>20</sup> Mr Friedel noted that the assessment had been supplemented and informed by the landscape and urban design assessment contained in Appendix E of the Request.
30. Mr Friedel identified three submissions addressing urban form, density and character. The submission by S Loeffler (S75-001-001) submitted that it was essential to the urban development of Rolleston and that it had been identified for future growth in the previous District Plan. CCC (S75-005-002) opposed PC75 unless a minimum density of 15hh/ha was applied. The CRC submission (S75-010-001) neither supported nor opposed PC75 but submitted that it was desirable and feasible for a minimum of 15hh/ha density to be applied to the site.

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<sup>20</sup> s42A Report on Submissions Relating to Plan Change 75, 11 October 2021 at para [7.3]

31. Mr Friedel identified the submission of C Greenfield (S75-004-002) which opposed PC75 on the basis that it would not be a pleasant place to live; would not add to the character and amenity of Rolleston; and that the overall pleasantness of the Township was under threat from the cumulative effect of rapid urban development.
32. Mr Friedel supported the relief sought by S Loeffler. Mr Friedel noted that as identified in PC75, Section 2 of his Report, and Council's "Technical Memo on Growth Planning" contained in Appendix 7, the PC75 site is within the RSP boundary, was identified as an FDA in Our Space, and is an FDA and within the Projected Infrastructure Boundary on Map of Chapter 6 CRPS.<sup>21</sup>
33. Mr Friedel considered the rezoning would implement the preferred urban growth of Rolleston that had been determined through "these spatial plans" to give effect to the CRPS and the NPS-UD. He advised that the preferred urban form includes the site and encompasses the remaining pockets of rural land between the current township and the "urban containment boundaries" of State Highway 1 to the north-west, Selwyn Road to the south-west, Weedons Road to the north-east and Dunns Crossing Road to the south-west.<sup>22</sup> He also considered the ODP would ensure the site was integrated into the urban form of Rolleston through connections to the wider transport and infrastructure networks and community facilities such as open space reserves, commercial centres and community facilities.<sup>23</sup>
34. Ms Seaton agreed with the summary of submission points in the Officer's Report. She also agreed with Mr Friedel's comments in relation to urban form, which she noted were consistent with the evidence of Mr Compton-Moen.<sup>24</sup>

#### *Density*

35. Mr Friedel generally supported the position of CCC and CRC that an increase to the minimum net densities would achieve efficiencies in the coordination of land use and infrastructure, support mixed land use activities and multi-modal transport systems, and protect the productive rural land resource. He noted that an increase in minimum densities would implement the RSP and agreed that there were a broad range of benefits that can be achieved as household densities incrementally increase and where intensification is coordinated and incentivised.<sup>25</sup>
36. Mr Friedel discussed the GCP density report referred to in the CCC and CRC submissions. He identified the range of benefits that the report noted could be achieved but also that there were several constraints and options for Partnership councils to consider to activate the benefits. These included spatial planning, addressing constraints, investing in places, improving planning systems and processes, and establishing funding arrangements.

<sup>21</sup> s42A Report on Submissions Relating to Plan Change 75, 11 October 2021 at para [7.5]

<sup>22</sup> s42A Report on Submissions Relating to Plan Change 75, 11 October 2021 at para [7.6]

<sup>23</sup> s42A Report on Submissions Relating to Plan Change 75, 11 October 2021 at para [7.6]

<sup>24</sup> Statement of Evidence of Kim Marie Seaton on Behalf of Yoursection Limited 18 October 2021 at para [25]

<sup>25</sup> s42A Report on Submissions Relating to Plan Change 75, 11 October 2021 at para [7.7]

37. Ms Seaton again agreed with Mr Friedel's conclusion that the minimum density of 12hh/ha would enable PC75 to give effect to the CRPS. She additionally noted that the requirement for a minimum net density of 10hh/ha specified in Policy 6.3.7.3a of the CRPS only technically applies to greenfield priority areas of which this is not one. Nevertheless, in her experience, the minimum of 10hh/ha requirement has guided greenfield residential development more generally in Rolleston.<sup>26</sup>
38. Ms Seaton discussed Mr Compton-Moen's evidence in relation to the proposed density being generally consistent with other greenfield residential developments in Rolleston. Ms Seaton accepted and agreed with Mr Compton-Moen's conclusion that the minimum of 12hh/ha is appropriate for Rolleston. She noted that it was a minimum requirement and there was potential for some additional density to be introduced, albeit that she understood from her discussions with Ms Watson that it was unlikely the density of the PC75 area would approach 15hh/ha.
39. Mr Compton-Moen considered that the 12hh/ha minimum was a positive change from the 10hh/ha previously proposed in the Living Z Zone and was consistent with other residential developments in Rolleston. He noted it was higher than the recommended density in the Township objectives and policies for the Living Z Zone but considered it appropriate for Rolleston to meet the outcomes desired by the NPS-UD. Any amenity effects on existing residents and the ability to create well-functioning urban environments of future residents could, in his opinion, be successfully mitigated through the proposed ODP. It would result in a notable change from the existing rural residential character but was acceptable and, to a large degree, anticipated.
40. Ms Wolfer considered that developing the proposed site to a residential density would be in keeping with Greater Christchurch's settlement pattern and achieving consolidated expansion of the existing urban area within the Rolleston Township.
41. Ms Wolfer supported the distribution of density on the proposed ODP which concentrated medium density in the centre, while using lower density sites as a transition buffer to the adjacent land use areas. She encouraged the Applicant to consider additional clusters of medium density housing.
42. In discussions, Mr Compton-Moen advised that if it went to 15hh/ha that would be "fine" from an urban design perspective. Again in discussions, Ms Wolfer advised that 15hh/ha would be good but at present the 12hh/ha was appropriate, again noting it was a minimum.

#### Findings

43. I accept and find that PC75 assists in the implementation of the preferred urban form for Rolleston. I agree with Mr Friedel's conclusions that the rezoning to Living Z will implement

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<sup>26</sup> Statement of Evidence of Kim Marie Seaton on Behalf of Yoursection Limited 18 October 2021 at para [26]

the preferred urban form of Rolleston that has been determined through the spatial plans to give effect to the CRPS and the NPS-UD and that the ODP will further ensure that the site is integrated into the urban form of Rolleston. As noted, Ms Seaton agreed with that conclusion.

44. In relation to density, while I acknowledge that an increase to 15hh/ha may present a more optimum use of the site, it is not required by the CRPS or the SDP. Overall I consider that the density proposed is appropriate. It is comparable to the other greenfield areas in Rolleston and is consistent with the policy direction in the CRPS, Our Space and the SDP. I acknowledge the Living Z zoning would enable the density to potentially be increased if the market moves in that direction.

#### Amenity, Character and Outlook

45. Ms Wolfer considered that existing residential development to the north and proposed future residential development (PC78) to the west and south cumulatively have an impact on the amenity, character and outlook of the site. She noted that part of the existing natural characteristics of the site (and adjoining sites to the west, south and east) include a flat topography, large open grass fields with clusters of vegetation framed by tall shelterbelt plantings, which allow for intermittent views to the Alps and Port Hills. She considered the physical site characteristics to the north could be summarised as being sub-urban, with predominantly single storey standalone housing on smaller residential sections while the site itself, and adjacent sites to the south and west, and land across the Lincoln Rolleston Road, had a rural residential character.
46. She noted the proposal would alter the site to be aligned with the residential sub-urban character to the north. She supported the distribution of density proposed, and agreed with the Applicant's assessment of effects on visual amenity that the change from open to densely populated would impact on existing views, in particular from public spaces and adjacent lifestyle properties.<sup>27</sup> She considered that a number of the proposed mitigation measures were appropriate. She considered the SDP matters for discretion would enable matters such as the nature of fencing along Lincoln Rolleston Road and similar to be addressed.
47. Ms Wolfer considered that the existing vegetation, sense of open space and an open-drain water race/pond area contributed to the on-site amenity. She considered these natural features to provide a point of difference to the site.<sup>28</sup>
48. She identified Policy B4.1.1.11 which encourages new residential areas to be designed to maintain or enhance the aesthetic values of the Township, by retaining existing features of the site. She considered the water race to be a strong feature of the site. She stated that the water races had been identified as one of the oldest heritage features in the District, and as such are part of the Selwyn character. She considered they add visual amenity to a

<sup>27</sup> Evidence of Gabi Wolfer 27 September 2021 at para [8.14]

<sup>28</sup> Evidence of Gabi Wolfer 27 September 2021 at para [8.17]

neighbourhood if upgraded and visually incorporated into a reserve. She provided examples of where that had been successfully demonstrated. She also advised that Mr Rykers, SDC's Open Space and Strategy Manager, supported an integrated approach where the water race could be realigned along a road or public reserve corridor.

49. Mr Compton-Moen confirmed that he was largely in agreement with Ms Wolfer that the proposed plan change was consistent with the objectives, policies and provisions of the SDP relating to urban design. He identified there were a number of changes to the ODP and text that had been recommended. He discussed those in his paragraph [39].
50. The key area of disagreement between him and Ms Wolfer related to the inclusion of the existing water race in the ODP and references in supporting text. It was his view that the water race was a minor element of the existing landscape character and not of a scale or importance worthy of protection. He considered this to be supported by the majority of ODPs which had been developed in Appendix E38 of the SDP which do not reference the water race. He considered that the inclusion of the water race into the development could be evaluated at the subdivision stage.
51. Ms Seaton agreed with Mr Compton-Moen's evidence. She advised in her experience it was common for water races to be addressed by piping, as occurred through Falcons Landing, but occasionally also by naturalisation as has occurred on the Wilfield frontage at West Melton. In this case, she considered the most appropriate option is best addressed at the time of subdivision and for that reason she recommended against referencing the water race on the ODP.<sup>29</sup>
52. Mr Friedel noted that only two of the 12 ODPs within Appendix E38 of the SDP illustrate water races. These were the Stonebrook subdivision (ODP Area 1) and the initial stage of the Farrington subdivision (ODP Area 6). He noted the balance of the more recently developed ODPs do not reference water races including the neighbouring Falcons Landing subdivision. It was his view that there were subdivision matters of discretion to evaluate whether the water race is integrated into the development, including whether it is retained as an amenity feature within a road or greenspace corridor, piped or terminated. He identified Township Volume C12 Subdivision, Matters of Discretion 12.1.4.38 and 12.1.4.40.<sup>30</sup>
53. Mr England addressed this issue in paragraphs [42] to [46] of his report. He advised that there were a number of ways to treat the water race including incorporating the race within the development, closing the race, diverting the race, or piping the race.<sup>31</sup>
54. He also advised that SDC's water race closure process requires 80% of downstream users approval prior to going out for consultation and ultimate Council decision to approve or

<sup>29</sup> Statement of Evidence of Kim Marie Seaton on Behalf of Yoursection Limited 18 October 2021 at para [30]

<sup>30</sup> s42A Report on Submissions Relating to Plan Change 75, 11 October 2021 at para [7.20]

<sup>31</sup> Officer Comments of Murray England at para [43]

otherwise. It was his view that the ultimate treatment of the water race can be determined at subdivision consent stage and there are viable means to manage it.

### Findings

55. As identified in paragraph [16] of this Recommendation, I visited the property owned by B and P Pullin and I observed the water race and pond. I understand the pond is man-made and was in essence created for recreational purposes. I walked along a length of the water race. It did not display any obvious ecological values.
56. As part of my site visit I viewed the Stonebrook playground and surrounding area. The water race there has been incorporated into the subdivision. It runs within the lineal park. It has been naturalised and widened in parts. It appears to be a key feature. In the context of that subdivision, I consider the treatment of the water race provides a significant and positive contribution to the amenity of that area. A photograph taken on my site visit is included below.



57. Overall, I consider the issue in relation to the treatment of the water race can be appropriately addressed at subdivision stage. The rules identified by Mr Friedel provide for that. Rule 12.1.4.38 provides:

*The extent to which the subdivision relates well to its surroundings, cultural features, and makes use of existing features and amenities, such as the retention of trees and water features, view shafts to mountains, or good use of the rural interface to enhance the urban area.*

58. Rule 12.1.4.40 specifically refers to water races. That provides, as a matter of discretion, "*The location of water races in prominent locations such as along the front of lots rather than along rear boundaries*".
59. In terms of amenity, character and outlook, I consider that those matters have all been well addressed by the Applicant. A number of changes have been incorporated into the ODP and text. Other than the water race issue and its identification on the ODP, there was significant agreement between Mr Compton-Moen and Ms Wolfer in relation to these matters. I am satisfied that any effects regarding amenity, character and outlook have been satisfactorily addressed in so far as they can be at this stage. The subdivision rules provide wide discretion to consider and address amenity related issues.

#### Infrastructure servicing

60. The Request included, as Appendix A, an infrastructure assessment. This was prepared by Mr Bannock of Site Solutions. It addressed and described the infrastructural elements of the development proposal.
61. Mr Bannock provided evidence addressing infrastructure and the characteristics of the site. In his conclusion, he noted that the site lies within the "metropolitan urban limit" as detailed in the RSP and as such he understood it to be an anticipated area for future residential development. He noted the agreement between Mr England and himself that there was sufficient existing and planned potable water and sewer capacity to service the PC75 area. He noted that ground conditions were similar to the surrounding environment being topsoil covering gravels that was highly suitable for urban development and for disposal of stormwater to ground. He noted that the PC75 area would include the principal roading and infrastructure connections as noted in the ODP including those which had already been partially installed within adjoining developments. He considered there to be no infrastructural constraints that would impede the development of the residential allotments to the proposed density.
62. Mr England provided officer comments in the s42A Report. Mr England has the responsibility of managing SDC's Five Waters which include potable water, wastewater, stormwater, land drainage and water races.
63. In terms of water supply, Mr England described the Rolleston Water Supply as providing UV treated deep water groundwater to the Rolleston community from various bores which supply water to the network either directly online or via reservoir and booster stations. He provided a scheme layout as his Appendix 1. He also noted that several other wells were planned or drilled but not yet operational.<sup>32</sup> He advised that the water take consents limit the maximum rate of water based on a range of controls. The maximum take from the scheme is limited to 7,183,440 m<sup>3</sup>/year. He noted that some of the bores had daily limits. He advised that over

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<sup>32</sup> Officer Comments of Murray England at para [7]



the last three years, the maximum supply demand was 19,200 cubic metres per day and 3,300,000 cubic metres per year. This meant consenting capacity for some growth is available.<sup>33</sup>

64. He then addressed future growth demand and discussed the master planning undertaken by the SDC in response to the accelerated growth. He advised that this provided an assessment of the sizing and timing of new infrastructure and the development of a water balance to forecast growth using historical peak demand per household. He identified the significant growth forecast in Rolleston over the next 30 years and discussed the capacity upgrades proposed to meet the growth, including additional water sources, storage and pipeline infrastructure. He advised that the 2021-31 LTP included budget for further development funded capacity upgrades on the Rolleston Water Supply.<sup>34</sup>
65. He advised that as the township grows, consented allocation will be under pressure and that to ensure growth was appropriately integrated with the provision of infrastructure, and planned growth is able to be serviced, priority water allocation needs to be given to those developments within the RSP area.<sup>35</sup> He confirmed that this was within the RSP area and consented water can be made available.
66. He concluded that additional capacity in the network to service this plan change is available and further capacity upgrades are proposed and planned for, and therefore future water demand can be met. He noted that development contributions would be payable.
67. In terms of wastewater, again he described the process, identified that wastewater is treated and disposed of at the Pines WWTP, noted that SDC consulted on the expansion of the Pines WWTP to cater for growth as part of the 2021-22 LTP, noted that that plant was currently at or near capacity with upgrades currently underway and additional upgrades planned and budgeted for.<sup>36</sup> He advised that the Pines WWTP was designed to be progressively upgraded to accommodate up to 60,000 person equivalents (PE) with plans to increase the treatment capacity up to 120,000 being prepared. He noted the connections from Darfield and Leeston were planned within the next 3-4 years which, along with projected growth, were estimated to require additional treatment processes beyond the 60,000 PE to meet incoming flows. He advised that those upgrades were planned and budgeted for within the SDC 2021-2031 LTP.
68. He was satisfied that conveyance of wastewater was feasible and that the extension of the Pines WWTP to 120,000 PE capacity had been identified and funded within the LTP with design and consenting works programmed for the forthcoming years to enable development within the District, including the proposed plan change request.

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<sup>33</sup> Officer Comments of Murray England at para [9]

<sup>34</sup> Officer Comments of Murray England at para [13]

<sup>35</sup> Officer Comments of Murray England at para [14]

<sup>36</sup> Officer Comments of Murray England at para [25]

69. In terms of wastewater conveyance, he confirmed that connection of the proposal's wastewater network to the SDC's reticulated network was feasible. That would be subject to engineering approval in the future.
70. In terms of stormwater, he noted that discharge of stormwater to ground is appropriate and that resource consent for stormwater discharge would be required. He considered there are viable means to dispose of stormwater.

#### Findings

71. On the basis of the information provided in Appendix A to the Request, the evidence of Mr Bannock and the officer comments from Mr England, I am satisfied that there are no infrastructure network constraints that prevent the Request from being granted. As noted by Mr Friedel, there is planning in the LTP to fund the construction of necessary infrastructure upgrades for Rolleston and they were well advanced. He noted further that the rules within Part C12 Subdivision of the SDP and the associated engineering approval processes would require the necessary infrastructure and utility services to be in place before any allotment could be sold. This area is clearly identified for residential growth and is, to that degree, anticipated in infrastructural planning.

#### Transportation network

72. The Request included an Integrated Transport Assessment (ITA) prepared by Mr Metherell of Stantec. Mr Metherell provided evidence for the Applicant at the hearing. Mr Collins provided the transportation hearing report which formed part of the s42A Report. Mr Fuller provided evidence for MON Group Limited in relation to its submission seeking a Neighbourhood Centre.
73. Mr Friedel identified that Mr Loeffler (S75-001-002) supported the Request as it was essential for completing the Rolleston collector road system. He noted that CCC (S75-005-001) opposed the Request unless a funded and implemented public transport system to service the site, including connections to Christchurch City, were established prior to any residential development, and identified greenhouse gas emissions. He recorded that CRC neither supported nor opposed the Request, but sought that SDC consider how the timely and effective provision of public transport to and through the site can be achieved and that any integrated transport options should encourage the uptake of existing services. Mr Friedel identified that CRC shared CCC's concerns that the development of PC75 in advance of any enhanced public transport services would create a dependency on private motor vehicles and be inconsistent with Policy 8 of the NPS-UD.
74. I also note that Ms Greenfield (S75-004) raised issues in relation to traffic pressures. Her submission stated that more traffic pressures would result together with more pressure on existing amenities. She provided the example of the car parks at the new sports centre and aquatic centre which she described as barely adequate at certain times.

75. Mr Collins' detailed peer review of the ITA addressed the cumulative transport effects of 7 additional private plan changes within Rolleston. While his report focused on PC75, he included comments on the cumulative effects of the additional private plan changes. This was for the purpose of assisting SDC's understanding of the potential future effects on the transport network should all of the private plan changes be approved.
76. In terms of the immediate effects of PC75 and the proposed ODP, he identified that the Lincoln Rolleston Road/Ed Hillary Drive intersection was indicated to operate acceptably in 2033 when traffic from all 8 Rolleston plan changes is modelled and is assumed to be a roundabout. He noted that the ITA recommended that this intersection is formed as a roundabout, subject to further assessment at the time of subdivision. He recommended an update to the ODP legend to address that roundabout.
77. He further recommended that the ODP indicates a frontage upgrade for Lincoln Rolleston Road, the detail of which should be determined by the developer in collaboration with SDC at subdivision stage and in accordance with SDC's Engineering Code of Practice requirements. Mr Collins made some further recommendations in relation to walking and cycling routes within PC75, including north/south and east/west cycle routes. He further recommended that the ODP should extend the secondary east/west road to connect to Lincoln Rolleston Road and that should be realigned to form a logical extension to one of the key secondary north/south roads proposed by PC78.
78. He identified that PC75 was generally consistent with the RSP. He noted it provides for the alignment of the CRETS collector road somewhat north of the indicative design alignment on the RSP but that this deviation would be acceptable.
79. He considered that if his recommendations were adopted the safety and efficiency effects on the localised transport network could be appropriately addressed through the future resource consent process and SDC's LTP. He considered that PC75 would generate safety and efficiency effects on the wider transport network, but those were more appropriate to be addressed by SDC due to PC75 being just a proportion of the cumulative growth effects anticipated in Rolleston.
80. Mr Metherell provided comprehensive evidence which I have considered in full. He noted the transport environment had been seeing rapid change due to growth. He considered the forward planning by councils through the use of traffic modelling and provisions in the LTP, combined with Waka Kotahi projects associated with Rolleston access, would enable the road network to operate at acceptable levels of service into the future. He considered concerns with car park provision at the aquatic centre to be beyond the scope of the plan change request.<sup>37</sup> I accept Mr Metherell's evidence on that submission.

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<sup>37</sup> Statement of Evidence of Andrew Metherell on Behalf of Yoursection Limited 18 October 2021 at para [76]

81. In his Summary of Evidence produced at the hearing, Mr Metherell advised that PC75 would enable residential development in the part of Rolleston where residential development has been anticipated and planned for in terms of transport infrastructure. He noted it was located adjacent to the arterial Lincoln Rolleston Road. This provides good connections for movement to the Rolleston Town Centre, the Rolleston industrial area, and provided options for connections to the east via either State Highway 1 or Selwyn Road.
82. He confirmed that the development of PC75 would enable a new east-west primary road which enables completion of a further portion of the CRETS collector road. This collector road was described as having been an integral part of the road network development in the south of Rolleston. It provides important east-west connectivity through the Township.
83. He was satisfied that connections to the Falcons Landing subdivision to the north were available and the adjacent PC78 land could also be integrated with from a transport perspective. He then discussed a number of changes to the ODP. These were in response to Council officers' recommendations and provide further certainty that a connected local road and cycle network would be achieved.
84. He discussed what appeared to be some disagreement between himself and Mr Collins around the need for a roundabout at the Lincoln Rolleston Road intersection. He considered the standard priority controlled intersections could accommodate future traffic volumes with acceptable delay. He agreed that in the medium term a case for a roundabout might likely exist but it was his view that a roundabout intersection would be required to be centred on the Lincoln Rolleston Road for land efficiency and safety reasons and in anticipation of long term development on the eastern side of Lincoln Rolleston Road. This would require land not owned by the Requester. Based on the 14% contribution that PC75 makes to critical turning volumes, he considered it to be inappropriate to require construction of the roundabout as part of the development, as a sole responsibility of the PC75 land developer. He considered it was a matter for planning through the LTP.
85. The Joint Officer Summary Statement provided a table which included a summary of the officers' recommendations, the plan change proponent's position on each of those recommendations, and the position of submitters who had tabled evidence together with the officers' conclusions on the matters raised. In terms of this plan change, the only matters upon which the officers required clarification were:
- (a) How the roundabout is referenced on the ODP;
  - (b) Minor suggested changes to the ODP text and plan;
  - (c) Clarification of the alignment of the cycle routes on the ODP plan; and
  - (d) Including the changes to the ODP contained in the MON Group Limited evidence.

I will address (d) subsequently in this Recommendation.

86. Ms Seaton, in her Summary, identified that she had made further amendments to the ODP in response to the Joint Officer Summary Statement. She accepted the removal of the word 'possible' from 'possible future roundabout'. She noted that it was not the Applicant's intention to suggest that a roundabout may not be needed in this location; rather there was a question mark over when that might be provided and whether the Applicant would be solely responsible for it financially. She agreed that removal of the word 'possible' from the ODP plan and text makes it clear that a roundabout will be required although not necessarily in the short term. She considered this would ensure that the Applicant will, at a minimum, set aside land for the roundabout construction with the timing to then be appropriately a matter for determination through future resource consent processes.
87. In terms of the officer recommendation in relation to the frontage upgrade, she added the words "*The Lincoln Rolleston Road frontage is to be upgraded to an urban standard in accordance with Engineering Code of Practice*" to the Density Plan text. She also confirmed that an additional cycle connection was annotated onto the ODP plan along the CRETS collector road.

#### Findings

88. I am satisfied on the comprehensive evidence which has been provided, and expanded on in questions and discussion during the hearing, that the transportation issues and effects have been properly assessed and addressed.
89. In terms of the submission by S Loeffler (S75-001-002), I agree that PC75 will contribute to the establishment of the CRETS collector road.
90. In relation to the matters raised by CCC and CRC, and the wider transport effects and public transportation, the network within PC75 has been well designed. It does not preclude the efficient provision of public transport services. Indeed the contribution towards completion of the CRETS collector road may assist in that regard. I also agree with Mr Collins that the funding and implementation of the public transport system is a matter for Rolleston as a whole rather than for this site specific plan change. Future policy changes and investment in the public transport network are beyond the control of the Applicant. As noted by Mr Friedel, other initiatives, such as mass rapid transport and enhanced transport services, are being progressed by the GCP and SDC to respond to concerns raised.

#### Versatile soils

91. The Request identified and assessed the versatile soil resource confirming that the site has been comprised of Class 2 and 3 soils under the LUC classifications and this included an area of Class 2 versatile soils in the eastern portion of the site.
92. Ms Greenfield (S75-004-001) opposed the Request on the basis that it would reduce the availability of versatile soils and rural productive land. CRC (S75-010-003) sought that the

impacts on the versatile soils resource be considered and identified the pNPS-HPL and that Policy 5.3.12 of the CRPS and Policy B1.1.8 of the SDP needed to be considered.

93. Mr Mthamo identified the PC75 area included 16.26 hectares of LUC Class 2 soils and 8.44 hectares of LUC Class 3 soils. He identified the pNPS-HPL recognises that the LUC classification is simply a default position or a starting point for identifying the productive value in soils. He identified a number of limitations with the LUC classification system noting that the classifications are based on high level soil properties to ascertain the productivity potential. He undertook a review of site specific matters relevant to the productivity of the soils, identifying moisture deficits and nutrient application restrictions in particular. He considered that PC75 would not result in any significant cumulative loss of versatile soils and noted that the site was bounded by existing subdivisions and lifestyle blocks expecting significant resultant reverse sensitivity issues associated with intensifying agricultural production in such an area.
94. He also noted that the RSP identified and evaluated the soil resource when determining the urban growth pattern for the Township. Given the rezoning of the site as a future residential area, the loss had already been anticipated. He considered that the effect of PC75 on District and regional agricultural productivity potential is insignificant or less than minor.
95. I discussed a number of the matters raised in Mr Mthamo's evidence with him. Those discussions were useful. Ms Seaton addressed impacts on versatile soils in paragraphs [39] – [44] of her evidence. She accepted and adopted Mr Mthamo's opinion. She addressed Policy B1.1.8. She accepted that there was nothing to indicate the PC75 land was unsuitable for ongoing rural use but noted that the explanation to Policy B1.1.8 indicated the policy is intended to be interpreted more subtly than plain reading might at first suggest. She acknowledged that there are alternative locations for residential development at Rolleston, being generally to the south-west/west of the Township and overall considered that while there was some tension with the policy, it was not contrary to it.
96. Ms Seaton's view was that in balancing the value of protecting versatile soils against the appropriate growth direction of the Township, the PC75 site has been identified in multiple strategic planning exercises as an appropriate direction for growth. Its development, at least in part, is critical to the completion of the CRETS collector road. She considered the value of providing for residential development in this location outweighs the potential adverse effects of the loss of versatile soils.
97. Mr Friedel again addressed this in some detail. He concluded that appropriate regard had been given to the versatile soil resource in identifying the site as a future residential area to support the housing needs of the Township, District and wider sub-region. He identified Policy B1.1.8 of the SDP encourages residential development to occur in and around existing townships to maintain the versatile soils resource, and given that the land had been identified as a future extension to the Township in the RSP and as an FDA in Our Space and CRPS Chapter 6 Map A, PC75 was consistent.

#### Finding

98. Overall, I accept that versatile soils, while a relevant issue properly raised, are not determinative of this Request. The land has clearly been identified as a future extension to the Township to support the housing needs of Rolleston, the District and the wider sub-region. The loss of versatile soils has been anticipated as part of that process.

#### Land suitability and geotechnical risk

99. An infrastructure assessment was provided as Appendix A to the Request, a geotechnical assessment was provided as Appendix B, and a preliminary site inspection (PSI) was provided as Appendix C.
100. Mr Friedel noted that there were no submissions seeking relief in relation to those issues.
101. I note that the geotechnical report was peer reviewed on behalf of SDC by Mr Ian McCahon. That was provided as Appendix 6 to the Officer's Report and concluded that there was minimal to no liquefaction potential of the site and confirmed that the land is equivalent to TC1 technical land classification under MBIE's guidance and considered it was appropriate. Mr McCahon identified that it is appropriate for further site specific testing to be undertaken at any future house sites at building consent stage.

#### Finding

102. I accept Mr Friedel's conclusion 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 hazard risks that prevent the granting of the Request.

#### Sustainability initiatives

103. Submitter R Wynn-Williams (S75-003-001) supported the Request in part conditional on future subdivision plan meeting environmental and energy best practices, including through section orientation and covenants that address building materials, and water and wastewater disposal.
104. Mr Wynn-Williams sought the inclusion of rules or other methods to ensure that sustainability measures are applied to the future development of the land. Mr Wynn-Williams appeared at the hearing. He advised that he had lived in Selwyn for 50 years. He confirmed his view that at some stage SDC needs to make a meaningful change to make sure that subdivisions are sustainable. He identified the colour of roofing as a real issue noting that towns increase the temperature by at least 2 degrees and noted that in some jurisdictions roof colours were controlled. He discussed the orientation of allotments and noted the absence of photovoltaics and noted the difference that such can make to address global warming and the operational costs of housing. He identified the need for gutters and for houses to have rainwater storage to enable use of that water for gardens and similar.

105. Ms Watson considered the issues in relation to section orientation is a matter better addressed in the detailed subdivision stage. She noted that the Applicant endeavoured to achieve this as part of the subdivision layout but it was not always possible for all sections to be orientated that way.<sup>38</sup>
106. Mr Friedel supported the positive outcomes that would be achieved through the implementation of the sustainability measures identified by Mr Wynn-Williams. However he opposed the relief as he did not consider it appropriate to include such measures at the plan change level. He noted there remained opportunities to consider sustainability measures in the design and layout of future homes as part of the subdivisional processes outside of the RMA.<sup>39</sup>
107. Ms Seaton did not accept Mr Freidel's view that it was not appropriate to include sustainability initiatives at plan change level. She noted that such had been offered in respect of PC67. In the context of West Melton she considered the rule addressing sustainability initiatives was warranted to directly support reductions in greenhouse gas emissions. She did not consider the same applied to Rolleston given it already has a greater level of public transport opportunities and a larger amount of employment and community facilities. She did not consider such a rule was warranted for PC75 but agreed that there remain opportunities to consider sustainability at stages in the design and layout of future homes as part of the subdivision or processes outside of the RMA, for example property covenants.

#### Findings

108. Mr Wynn-Williams has raised some valid points in relation to sustainability initiatives. As noted by Ms Seaton, such were included in the Recommendation on PC67. I consider, in the context of West Melton, that inclusion was appropriate. However I accept Ms Seaton's evidence that in the context of Rolleston their inclusion is not warranted at this stage. There remains the opportunity to consider sustainability measures during the design and layout of the future subdivision.

#### Cultural values

109. C Greenfield (S75-004-003) opposed the Request on the basis that consultation with local rūnanga had not been undertaken.
110. The Request identified that specific consultation was not undertaken with local rūnanga via Mahaanui Kurataiao Limited but it did provide a summary of advice provided by other plan change proponents and an assessment of the MIMP 2013 was undertaken.
111. Mr Friedel advised that notice of PC75 was served on rūnanga and no submission was received. He also advised that rūnanga have been actively engaged through the preparation

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<sup>38</sup> Statement of Evidence of Kerry Watson on behalf of Yoursection Limited 18 October 2021 at para [37]

<sup>39</sup> s42A Report on Submissions Relating to Plan Change 75, 11 October 2021 at para [7.62]



of the RSP, Our Space and changes to the CRPS that have identified the site as an FDA. Those processes did not identify any sites of significance associated with the PC75 land that would either preclude the rezoning of the land or would need to be protected through a reference on the ODP.<sup>40</sup>

### Findings

112. I accept Mr Friedel's conclusion that cultural values have been appropriately considered and addressed and that there is nothing to suggest that the rezoning would compromise sites of cultural significance or preclude the SDP from giving effect to the relevant sections of the RMA.

### Submission by MON Group Limited

113. MON Group Limited (PC75-007) supported the rezoning from Rural (Inner Plains) to Living Z. It sought an amendment to the ODP to be added to E38 of the Township Volume of the SDP to show a Neighbourhood Centre at the intersection of Lincoln Rolleston Road and the proposed new road.

114. Mr Boyes provided planning evidence for the submitter at the hearing. He identified that MON Group Limited had an agreement to acquire land for the purposes of establishing a small commercial centre in the location identified. He advised that MON Group Limited had identified an opportunity to provide for the local shopping needs of the residents resulting in a better urban design outcome for existing and future residents of this part of Rolleston. He considered the proposal to establish the commercial centre in this location was fully supported by the RSP which identifies a Neighbourhood Centre in this location. He advised that the "key planning argument" supporting the submission is to achieve consistency with the RSP. He described the RSP as a significant planning document, noting that all subsequent spatial planning affecting Greater Christchurch has been cognisant of its content, including Selwyn 2031: District Development Strategy, the CRPS (Chapter 6) and Our Space 2018-2048.<sup>41</sup>

115. Mr Boyes addressed the relevant objectives and policies set out Section B4 of the SDP advising Policy B4.3.8 states that each ODP shall provide (amongst other things) "any land to be set aside for business activities". He also identified Policy B4.3.11 which is to:

*Provide Neighbourhood and Local Centres, as shown in operative Outline Development Plans, to satisfy the more localised and convenience needs of people and communities, whilst recognising that neighbourhood and local centres are to complement Key Activity Centres which shall remain the primary focus for commercial, social and community activity within that Township.*

116. Mr Boyes considered that given the intended GFA, the area identified would be classified as a Neighbourhood Centre. He advised that the submitter was agreeable to the explanatory text accompanying the ODP limiting the future GFA of this area to no more than 2,000m<sup>2</sup> in

<sup>40</sup> s42A Report on Submissions Relating to Plan Change 75, 11 October 2021 at para [7.65]

<sup>41</sup> Statement of Evidence of Nicholas Brian Boyes 26 October 2021 at paras [11] and [12]

accordance with the explanation set out in Policy B4.3.11. He considered the relief sought was consistent with the outcomes sought in Policy B4.3.71 and Policy B4.3.72, and accords with Policy B4.3.75.

117. Mr Boyes addressed the need for a Neighbourhood Centre. He advised that the provision of a large Neighbourhood Centre along both sides of Springston-Rolleston Road appears to have been abandoned through subsequent promulgation of ODPs. He identified commercial areas in the surrounding locality. He concluded that the current level of commercial development within the locality is certainly not exceeding that identified in the RSP and that any shortfall would only be exacerbated by the ODP for PC75 not including the same. Mr Boyes considered that his review of other developments in the locality showed they did not appear to be approaching any threshold whereby there would be an over-provision of suburban commercial land.
118. Mr Boyes, while acknowledging he was not an economist, discussed retail distribution type effects. He noted that the site and distribution of centres contained in the RSP, and the policy framework set out in Policy B4.3.11, were designed to ensure that retail distribution effects on the Town Centre did not arise. From his experience as a planner, Mr Boyes considered that activities at the scale proposed could not have any meaningful retail distribution impact on a Key Activity Centre which, in the case of Rolleston, is anchored by two supermarkets, a major department store, multiple retail and service offerings. Conversely small local and neighbourhood centres enabled residents to walk or cycle to obtain day-to-day items in a timely and convenient manner which added to the vitality and liveability of suburban areas.<sup>42</sup>
119. Mr Fuller's evidence primarily attached a transport statement that he had prepared for the submission. While noting that a specific assessment of traffic generation, access layout and operation would be required at the time of applying for resource consent, there was sufficient certainty to confirm the site could reasonably be developed for commercial activity. He also noted that the site was identified as a Neighbourhood Centre on the RSP and as such the wider transport network would have been developed being cognisant of the likely use of the land. He considered the transport effects of the Neighbourhood Centre zoning to be acceptable.
120. I discussed the transport issues with Mr Fuller at the hearing and I asked for clarification of several issues and queries that I had arising from his report. This included queries relating to ingress and egress, clarification of traffic generation, and the diversion of traffic to visit the site. I also discussed the proximity of the site to the main entry/exit onto Lincoln Rolleston Road. We discussed vehicle movement generation, impacts on intersection and similar issues.
121. Mr Metherell made a number of comments on the rezoning in his Summary of Evidence. Again I discussed this with him during the hearing. He advised that any centre would lead to a concentration of movements but that is normal and expected.

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<sup>42</sup> Statement of Evidence of Nicholas Brian Boyes 26 October 2021 at para [31]

122. The Reporting Officers agreed there was scope to consider the relief. They also agreed that the inclusion of the Neighbourhood Centre on the ODP was supported by the technical evidence.
123. The officers noted the submitter had circulated planning and transport evidence to support the relief sought. The assessment provided by the submitter in support of the changes to the ODP were accepted by the officers. They agreed that the inclusion of a reference to the Neighbourhood Centre on the ODP was consistent with the RSP and the objectives and policies of the SDP, and that rules could effectively manage effects relating to the detailed design and operation of the Neighbourhood Centre.
124. They considered the scale of the Neighbourhood Centre ensured the relief being sought would be consistent with the CRPS in respect to supporting business needs without compromising other commercial centres. They considered the Neighbourhood Centre would support and encourage housing in the area consistent with the urban development outcomes of the NPS-UD and would satisfy the relevant statutory tests.
125. The Applicant took a neutral position on the merits of the submission. A number of its witnesses addressed the submission in discussions. Mr Compton-Moen considered it “makes sense” in terms of layout and location, fronting Lincoln Rolleston Road. He discussed similar developments on other ODP areas within Rolleston.
126. Mr Colegrave considered that the area sought was potentially too much. He described the GFA as “getting up there” but the SDP rules would enable an assessment. He considered it was at the upper end of what one would expect.

#### Findings

127. I have carefully considered all of the above. As noted the Applicant is neutral. None of its experts identified any substantive concerns, other than Mr Colegrave's concern that it was “getting up there” in terms of GFA. It needed to be clearly restricted to a convenience role. As noted, the officers were generally supportive.
128. Ms Seaton provided an updated ODP which deleted the word ‘retail’ from the maximum gross floor area. The relevant part of the ODP now reads “*The Neighbourhood Centre will provide for a maximum of 2,000m<sup>2</sup> of gross ~~retail~~ floor area to cater for local weekly and day-to-day retail requirements. ...*”. I consider that deletion appropriate in addressing the concerns of Mr Colegrave in particular in relation to the GFA “getting up there”.
129. For the reasons traversed by Mr Boyes in some detail, I am comfortable that there is scope for the submission to be considered. This is particularly given that the submission relates to an area of land within the site as opposed to being a “me too” submission. I am comfortable on the evidence before me that the identification on the outline development plan and the text describing its intended function are appropriate. Any development of this site at any scale is likely to trigger assessment and any effects can be properly identified and assessed at that

stage. It accords with the RSP and gives effect to a number of relevant policies in the SDP, including Policy B4.3.11.

#### Conclusion On Effects and Matters Raised in Submissions

130. Overall, having considered all of the submissions, the evidence and reports, in my view with the additional matters proposed to address specific concerns that have been raised, the actual and potential effects on the environment are adequately addressed in so far as relevant at this stage. A number of effects will of course be subject to further scrutiny at consent stage in accordance with the rule framework adopted. There is nothing in my view which indicates that the actual and potential effects of the proposal are likely to be such as to render this plan change inappropriate. I consider all matters raised in the submissions have been appropriately considered and addressed.

#### **Statutory Assessment**

##### Statutory Tests

131. I have identified the statutory framework in paragraphs [21] to [23] above and I do not repeat those here.

##### Part 2 Matters

132. Mr Friedel identified the purpose and principles of the RMA. He noted pursuant to s74(1)(b) any changes to the SDP must be in accordance with the provisions of Part 2 of the RMA including s5, matters of national importance that must be recognised and provided for (s6), and other matters to which particular regard is to be had (s7). He was of the view that notwithstanding the notification of the PDP, the purpose of the RMA is currently reflected in the settled objectives and policies of the SDP which PC75 did not seek to change to a fundamental extent.
133. He considered that there were no matters of national importance. In terms of s7, he considered that the efficient use and development of natural and physical resources, the maintenance and enhancement of amenity values, and the maintenance and enhancement of the quality of the environment were relevant and they had been considered in the effects assessment. He considered there was no reason to oppose the granting of the Request on the grounds that it would not give effect to Part 2 of the RMA.

##### Functions of Territorial Authorities

134. Mr Friedel identified the functions of territorial authorities pursuant to s31. He supported the proponent's conclusions that PC75 would enable SDC to carry out its functions under the RMA. He noted that this included ensuring that there was sufficient plan enabled development capacity in respect of housing land to meet the expected demands of the District. He was of the view that the Request was necessary to provide sufficient housing capacity as it would

facilitate the development of an FDA identified in CRPS Chapter 6 and Our Space. He considered that the ODP as amended, in combination with the underlying Living Z Zone rules, would achieve integrated management and all potential affects associated with the use, development and protection of the land can be effectively managed.<sup>43</sup>

135. I agree that PC75 will assist SDC to carry out its functions under the RMA.

### **Statutory Documents**

136. Mr Friedel noted that the District Plan 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)). That is a helpful summary.<sup>44</sup>

### **NPS-UD**

137. Mr Friedel considered the planning context as outlined in Section 2 of the s42A Report, and summarised in SDC's Technical Memo on Growth Planning,<sup>45</sup> to be an important touchstone when evaluating the extent to which PC75 'gives effect' to the objectives and policies of the NPS-UD. He considered these confirmed that an urban consolidation approach had been applied through the UDS, LURP Actions, Our Space, Selwyn 2031, and the RSP which have been implemented through the SDP and the CRPS.<sup>46</sup>

138. In relation to the Technical Memo on Growth Planning, he noted this outlined how housing capacity within the District had been assessed, how further capacity was intended to be provided to meet projected demand, and why the proposed distribution of capacity – focused primarily on Rolleston – had been preferred.<sup>47</sup>

139. Mr Friedel considered PC75 to be consistent with Objectives 1 and 2 and Policies 1 and 6 of the NPS-UD as it would enable a variety of homes to meet the estimated market demand for feasible development capacity within the medium term timeframe provided in the CRPS and in doing so would support the competitive operation of land and development markets. He considered this was demonstrated by the fact that PC75 will assist in providing additional housing capacity in accordance with the FDA in the CRPS Chapter 6 Map A and Our Space, the Selwyn 2031 township network and the residential growth areas in the RSP.<sup>48</sup> I agree and adopt that assessment.

<sup>43</sup> s42A Report on Submissions Relating to Plan Change 75, 11 October 2021 at para [8.5]

<sup>44</sup> s42A Report on Submissions Relating to Plan change 75, 11 October 2021 at para [8.6]

<sup>45</sup> Appendix 7 to the s42A Report

<sup>46</sup> s42A Report on Submissions Relating to Plan change 75, 11 October 2021 at para [8.8]

<sup>47</sup> s42A Report on Submissions Relating to Plan change 75, 11 October 2021 at para [8.10]

<sup>48</sup> s42A Report on Submissions Relating to Plan change 75, 11 October 2021 at para [8.11]

140. CRC's submission, while neutral, considered that a determination needed to be made that the scale of the proposed development would deliver significant development capacity under Policy 8 and that development needed to better align with identified housing needs.
141. Mr Friedel noted that PC75 is identified as a location where SDC and community would prefer urban growth to be located based on the spatial plans and statutory instruments, and the Request could not be considered to be unanticipated or out-of-sequence for development in the context of Policy 8. It was his view that the identification of land as an FDA in the CRPS and Our Space confirmed the PC75 site is part of the responsive planning undertaken within the Greater Christchurch Sub-region to add development capacity and contribute to well-functioning environments. He considered PC75 to be consistent with Policy 8 of the NPS-UD.
142. Again I agree entirely with that analysis. PC75 will provide additional plan enabled capacity for approximately 280 mixed density sections. That will assist in meeting the projected medium term capacity shortfall for the District. It will assist Council in meeting its obligations under Policy 2 which requires it, at all times, provides at least sufficient development capacity to meet expected demand for housing and for business land over the short term, medium term, and long term for the District. In doing so, the Request also assists SDC in carrying out its functions under s31(1AA) by ensuring there is sufficient demand capacity in respect of housing and business land to meet the expected demands of the District.
143. Mr Friedel considered that PC75 represents a well-functioning urban environment as it would be able to satisfy the NPS-UD Policy 1 criteria and Policy 6 to some extent, including (a) enabling homes and the needs of different households at a density which was above that provided for in the CRPS and SDP; (b) supporting and as much as possible limiting adverse effects on the competitive operation of land and development markets; (c) having good accessibility for people between housing, jobs, community services, natural spaces and open spaces, including by way of public or active transport; and (d) supporting the reduction of greenhouse gas emissions through current and future SDC and Greater Christchurch Partnership transport initiatives.<sup>49</sup>
144. Mr Friedel expanded on his assessment. He noted that Rolleston remained to some extent reliant on Christchurch City for employment and access to services and facilities, and that the rezoning would inevitably increase demand on the strategic transport network associated with commuter traffic. He also acknowledged that the site and township do not have employment opportunities or access to large-scale public transport when compared to residential greenfield areas in the country's large metropolitan centres, but that Our Space had directed additional capacity to Rolleston to support public transport enhancement opportunities. He also noted the direction of additional capacity to Rolleston supports the compact urban form and that the employment offerings in Rolleston have been progressively increased.<sup>50</sup>

<sup>49</sup> s42A Report on Submissions Relating to Plan change 75, 11 October 2021 at para [8.14]

<sup>50</sup> s42A Report on Submissions Relating to Plan change 75, 11 October 2021 at para [8.15]

145. He considered that the PC75 site was more optimal than alternative locations outside the FDA in terms of achieving the urban consolidation principles in the CRPS, UDS and Our Space and that there had been significant investment in preparing spatial plans (including Selwyn 2031 and the RSP), investing in network capacity upgrades and public transport funding to manage effects from the projected growth. He acknowledged that PC75 was unlikely to reduce greenhouse gas emissions without SDC and sub-regional initiatives but considered that would be challenging for any Tier 1 urban environment that was not within a metropolitan centre and located in close proximity to significant public transport facilities. Based on the recommendations contained in Mr Collins and Ms Wolfer's evidence, he was satisfied that the changes would promote connectivity, encourage active travel modes and improve access to future transport facilities.
146. In terms of Objective 6 and Policy 1 and the integration of infrastructure planning and funding decisions, he noted the alignment of the Request with SDC's infrastructure planning. In reliance on Mr England's evidence that there was sufficient capacity in the reticulated public water and wastewater networks and feasible options to manage stormwater, he considered it to be consistent with those aspects of Objective 6 and Policy 1.<sup>51</sup>
147. Mr Friedel's conclusion in the s42A Report was that he did not consider PC75 to be contrary to the objectives and policies of the NPS-UD. I discussed that conclusion with him during the hearing. I queried whether that was the appropriate test. In those discussions, Mr Friedel confirmed that it was his view that granting the Request would give effect to the relevant provisions of the NPS-UD.
148. Ms Watson addressed the growth of Rolleston and identified in the last 6-12 months Rolleston land prices had risen sharply primarily due to the lack of titled or consented sections available for sale in the area. Her evidence provided an example of a 700m<sup>2</sup> section within the Falcons Landing subdivision which sold in early 2020 for an average price of \$184,000 compared to a 700m<sup>2</sup> section being sold in a neighbouring development mid 2021 for \$350,000, equating to a more than 90% price increase within a 12 month period. She provided a Statement of Evidence of Mr Gary Sellars of Colliers International which was provided as part of PC67. In discussions, Ms Watson advised that Rolleston had greater increases than Halswell and Christchurch, noting there was still pressure there. She advised a 550m<sup>2</sup> section on Dunns Crossing Road sold the week before the hearing for \$460,000 which a few years ago would have sold for between \$160,000 and \$175,000. She advised they are going up and up. She advised that there was no apparent slowdown but it was hard to gauge that when there was no stock available for the market.
149. Mr Colegrave addressed, in some detail, several factors which he considered indicated that the HCA not only understated likely future demand, but its estimates of feasible capacity are grossly overstated for a number of reasons. He considered that those issues collectively

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<sup>51</sup> s42A Report on Submissions Relating to Plan change 75, 11 October 2021 at para [8.18]

meant that the forecast shortfall in capacity identified in the HCA is likely to occur far sooner than expected.<sup>52</sup> Mr Colegrave provided a revised dwelling supply/demand estimate for the District in Table 3 of his evidence. He considered that table confirmed that when SDC's supply and demand estimates are revised to "better reflect reality" there are significant shortfalls across all timeframes and accordingly, additional supply needs to be identified and rezoned as soon as possible. If not, the likely prolonged supply shortfalls will place undue pressure on house prices, which undermines affordability and limits the District's strong growth potential.<sup>53</sup>

150. Ms Seaton provided, in tabular form, her comments on the NPS-UD and the particular objectives, policies and other provisions.<sup>54</sup> In her view, the key considerations were:

- (a) Will the proposal provide 'significant' development capacity (Objective 6, Clause 3.8);
- (b) Will the proposal contribute to a well-functioning urban environment (Objective 1, Policy 1, Policy 6, Clause 3.8, Clause 3.11);
- (c) Is the site able to be adequately serviced with infrastructure (Objective 6, Policy 10, Clause 3.5); and
- (d) Is it well-connected along transport corridors (Clause 3.8).

151. Ms Seaton considered the proposal would provide for significant development capacity because it would provide around 280 new residential units in a location with an identified shortfall of housing, and secondly, that it would provide for the completion of the eastern extent of the CRETS collector road, an important piece of transport infrastructure near Rolleston.<sup>55</sup> She restated her opinion that she had provided at recent plan change hearings, that the significance cannot be assessed purely on the basis of "numbers" and that there are other criteria that may also be relevant to the assessment of significance, including whether there are any distinguishing characteristics about the site, the product, and existing capacity and demand.

152. Ms Seaton addressed Policy 1 in some detail in paragraphs [58] – [68] of her evidence. She considered the proposal gives effect to the NPS-UD and that it was appropriate for SDC to be responsive to this plan change application, per Objective 6 and Policy 8 of the NPS-UD.

#### Findings

153. There was no evidence provided to me that raised any particular concerns with consistency with the NPS-UD. Issues of public transport, greenhouse gases and significance of the capacity provided were raised in submissions by CRC and CCC but neither organisation provided evidence. There was significant agreement between Ms Seaton and Mr Friedel.

<sup>52</sup> Statement of Evidence of Fraser James Colegrave on Behalf of Yoursection Limited 18 October 2021 at para [4.40]

<sup>53</sup> Statement of Evidence of Fraser James Colegrave on Behalf of Yoursection Limited 18 October 2021 at para [4.47]

<sup>54</sup> Statement of Evidence of Kim Marie Seaton on Behalf of Yoursection Limited 18 October 2021 at para [52]

<sup>55</sup> Statement of Evidence of Kim Marie Seaton on Behalf of Yoursection Limited 18 October 2021 at para [55]



Overall, for the reasons traversed in Mr Friedel's analysis, and in Ms Seaton's helpful evidence, approving the plan change request would implement the NPS-UD. The site is one which has been identified as suitable for future urban development in various statutory and non-statutory documents. It will enable the supply of a range of housing types to assist in addressing supply capacity issues. In my view, it clearly contributes to a well-functioning urban environment. While I have, for completeness, had particular regard to the development capacity provided, I agree that the rezoning of the land is not unanticipated or out-of-sequence given its identification as an FDA.

## **CRPS**

154. The s32 Evaluation accompanying the Request included a comprehensive assessment against the relevant objectives and policies of the CRPS, primarily those encompassed by Chapters 5 and 6 of the CRPS. It also addressed Chapter 15 and Chapter 17 where relevant. That assessment was contained in paragraphs [131] through to [143]. The overall conclusion was, at that time, that the development was considered to be inconsistent with those provisions of the CRPS that require new residential zones to be located within identified greenfield priority areas, and to some extent inconsistent with provisions requiring soil productive capacity to be maintained, it was otherwise generally consistent with the CRPS.
155. Mr Friedel provided a comprehensive assessment against the CRPS and again noted that Chapter 6 of the CRPS applies urban consolidation principles to manage urban growth and development across the Greater Christchurch sub-region. He considered that the CRPS and SDP Living Z Zone are the primary mechanisms for implementing the UDS, Our Space and RSP.
156. In terms of Chapter 6.2.2 (urban form and settlement patterns), he noted this establishes that any expansion to the Township is to be within the residential greenfield priority areas or FDA in Map A. Again he noted that the PC75 site is identified within the RSP, Our Space and an FDA on CRPS Map A, and that the rezoning therefore aligned with the preferred urban form and was consistent with a desired consolidated settlement pattern.
157. On the evidence, Mr Friedel was satisfied that the plan change was consistent with Objective 6.2.1 and 6.2.2 and Policy 6.3.1 and 6.3.7. He also considered that it was consistent with Objective 6.2.3 and Policy 6.3.2 and 6.3.3 in relation to coordination. Again in terms of Objective 6.2.4 (integration of transport and infrastructure and land use) and relevant policies, on the basis of Mr Collins' evidence, he considered that PC75 is in sequence with the planned transport network upgrades being coordinated through the LTP and overall was consistent with Objective 6.2.4 and Policy 6.3.4.
158. Mr Friedel also considered Policy 6.3.12 (FDAs) to be the most critical in evaluating PC75. He considered that the provisions were met noting the feasibility of development capacity was addressed by the SDC's Technical Memo on Growth confirming that PC75 would contribute to medium-term plan enabled capacity that had been identified as being required. In terms of

efficient use of urban land, he again noted it was consistent with the preferred urban form and would go some way to meeting the desired consolidated settlement pattern identified and that minimum density would promote opportunity for higher densities and would improve housing choice and mix when considered against the minimum 10hh/ha requirements in Policy 6.3.7.

159. He also identified that it was in sequence and was well integrated. He considered the prerequisites set out in Policy 6.3.11(5), based on Mr England's evidence, were met. He identified natural hazards were not an issue.
160. Overall, he considered the identified pre-requisites for enabling the FDA were satisfied, subject to some amendments which were proposed (and I note largely adopted) and that it was consistent with the relevant objectives and policies of the CRPS.
161. Ms Seaton referred to Mr Friedel's assessment of the proposal against the relative objectives and policies and referenced the previously provided assessment contained in the PC75 s32 Evaluation. Subject to some minor exceptions in relation to ODP amendments recommended, Ms Seaton agreed with Mr Friedel's analysis, in particular, the key point that the site is identified as an FDA on Map A of the CRPS. Ms Seaton generally agreed with Mr Friedel's analysis of Policy 6.3.12 (relating to FDAs) albeit, for the reasons set out in Mr Colegrave's evidence, she considered the need for additional planned housing capacity is greater than that stated by Mr Friedel.
162. Overall she agreed with Mr Friedel's conclusion that PC75 is consistent with the relevant objectives and policies of the CRPS. Ms Seaton reached that conclusion with due consideration of the modifications made to the proposed ODP, but excluding the small number of officer recommendations that had not been adopted and which the Applicant's witnesses had explained are not necessary.

#### Findings

163. I have had the benefit of considerable evidence and discussions with witnesses in relation to this issue. Policy 6.3.12 is a key issue. I am satisfied on the evidence which has been provided, and the discussions held at the hearing, that PC75 satisfies the prerequisites for enabling the FDA to be rezoned.
164. The relevant objectives and policies of the CRPS have been fully addressed in the Request and in the evidence. I am satisfied that PC75 gives effect to the CRPS.

#### **CLWRP and CARP**

165. Pursuant to s75(4)(b) of the RMA, the district plan cannot be inconsistent with the regional plan in relation to various matters. I note that the establishment of activities within the site, which will include the discharge of stormwater, will need to meet permitted activity conditions of those plans or obtain resource consent. I acknowledge that neither CRC nor CCC have raised any direct incompatibility issues.

## **MIMP**

166. The MIMP is a planning document which is recognised and has been lodged with SDC. Pursuant to s74(2A) of the RMA, in considering this plan change, I must take account of the MIMP.
167. The relevant issues were addressed earlier in this Recommendation. I have taken the MIMP into account in this Recommendation. I agree that there is nothing about this plan change which would indicate that it may have adverse effects on the cultural values of iwi.

### **Consistency With Other Relevant Documents – Selwyn District 2031: District Development Strategy, UDS, Our Space 2018-2048 and RSP**

168. Mr Friedel confirmed in his evidence that PC75 had given sufficient regard to the management plans and strategies under s72(2), including the UDS, Our Space, Selwyn 2031 and the RSP. Ms Seaton concurred with those comments. I agree with and accept that evidence. In my view this consistency is an important factor in assessing the appropriateness of the rezoning.

### **Consistency With Plans of Adjacent Territorial Authorities**

169. Mr Friedel noted that the matters of cross-boundary interests were detailed in the SDP (in Section A1.5 of the Township Volume). By reference to Section 6 of his Report, and the Technical Memo on Growth Planning, Mr Friedel considered that the cross-boundary interests associated with the rezoning of the site had primarily been identified and managed through the Greater Christchurch Partnership arrangements. I agree.
170. In relation the specific matters raised by CCC and CRC relating to impact on sub-regional transport networks, potential for adverse effects relating to anticipated additional movements and lack of public transport to achieve a modal shift, I agree with Mr Friedel that the funding and implementation of an improved public transport system and network upgrades identified by Mr Collins were required for Rolleston as a whole, rather than as a specific consequence of this Request and that the investment required to manage the impacts of growth have been addressed in other forums. I agree with Mr Friedel's conclusion that cross-boundary effects of PC75 have been appropriately identified, considered and addressed.

### **Consideration of Alternatives, Costs and Benefits**

171. Mr Friedel addressed this in paragraphs [8.50] through to [8.57] of the Officers Report.
172. The s32 Evaluation provided with the Request provided a comprehensive assessment in paragraphs [84] – [106]. That contained an examination of the extent to which the objectives of the proposal are the most appropriate way to achieve the purpose of the RMA. It noted that the proposal did not involve any new, or alteration of any existing, objectives of the SDP which were assumed to be the most appropriate for achieving the purpose of the RMA, having previously been assessed as such.

173. In relation to the general objective of the proposal, being the purpose of the proposal, the assessment noted that the objective is to provide for an extension of the adjoining existing urban residential area of Rolleston in a manner that provides for part of a significant CRETS collector road and provides for increased competition and choice in the residential land market.
174. In relation to the SDP objectives, again these were assessed in Table 1 of that document. That assessment concluded that the proposed plan change was generally consistent with the objectives and policies of the SDP, particularly those seeking to provide pleasant living environments with high amenity. While it identified it was not consistent with Objective B4.3.3 and Policy B4.3.1 which seek to ensure that new development is contained within the CRPS priority areas, that was undertaken prior to Change 1 to the CRPS and the identification of the land as an FDA.
175. I accept that overall the resulting character, amenity and environmental effects of the proposal are consistent with those sought in the SDP for Rolleston and that the proposal is an appropriate means of achieving the outcome sought by the objectives and policies of the SDP.
176. In relation to efficiency and effectiveness, three options were identified and the benefits/advantages and costs/disadvantages of each assessed. Overall it considered that the benefits of the proposal outweigh the costs. It noted that the other options resulted in lost opportunity to provide for additional residential housing capacity and lost opportunity to provide for the CRETS collector road within the site. This was considered to carry considerable weight.
177. The proposal was considered to be the most effective means of achieving the objective of the proposal, being to provide for an extension of the adjoining existing urban residential area of Rolleston in a manner that provides for part of a significant CRETS collector road and provides for increased competition and choice in residential land markets.
178. In terms of efficiency, taking into account the costs and benefits, Option 2, that is this proposal, was considered to be the most efficient means of achieving the objectives of the proposal.
179. In terms of risks of acting or not acting, the assessment identified that the relatively recent rezoning and subdivision consenting of land in Rolleston, including the adjoining Falcons Landing development (ODP Area 11), meant that the relevant issues associated with rezoning and development of land in this general and specific location were well understood. It concluded that there were no notable risks of acting or not acting.
180. Overall, the assessment concluded that the proposed plan change was the more appropriate method for achieving the objective of the proposal than the alternatives and that the economic, social and environmental benefit of the proposed plan change outweighed the potential costs. On that basis it was considered that the rezoning was an appropriate, efficient and effective means of achieving the purpose of the RMA.
181. Economic benefits and costs are of course relevant. These were fully addressed in the evidence of Mr Colegrave. In Section 5 of his evidence he identified that the proposed plan

change would provide a substantial, direct boost to the District's dwelling capacity, thereby helping to narrow the gap between likely future supply and demand. All things being equal, that supply would help the market to be more responsive to growth and demand and thereby reducing the rate at which the District house prices grow over time (relative the status quo).

182. He considered, from an economic perspective, enabling the development of approximately 280 new houses over time (plus supporting commercial activity) represented a significant boost in the supply. Further it would enable land market competition and would assist in a critical mass to support greater local retail/service provision which would support greater District economic growth and employment and also reduce vehicle travel and emissions associated with it. It would enable, or future development of the land would provide, significant commercial support for Rolleston businesses together with a one-off economic stimulus from the construction activity which he estimated could boost the region's GDP by \$60 million, including flow on effects, generate employment for 650 people years, and generate \$30 million in household income.
183. There will be some cost in relation to versatile soil but in my view that has been appropriately addressed in the evidence and indeed through the identification of this area as being within the FDA in Rolleston.
184. Mr Friedel considered that PC75 satisfied the statutory tests and that it was appropriate to grant the rezoning request with the modifications that were evaluated in his report, outlined in Section 9 and detailed in Appendices 1 and 2.

#### Findings

185. As noted, the s32 evaluation provided with the Request was comprehensive. The issues have been addressed fully by Ms Seaton and Mr Friedel, and other witnesses where relevant. I have considered the alternatives, the costs and the benefits, and overall I am satisfied that the rezoning is the most appropriate option in terms of achieving the objective of the proposal, the objectives of the SDP, and ultimately the purpose of the RMA.

#### **NPS-UD Clause 3.11 Using Evidence and Analysis**

186. Section 3.11 requires local authorities, when making plans or when changing plans in ways that affect the development of urban environments, clearly identify the resource management issues being managed, and use evidence, particularly any relevant HCAs about the land and development market and results of monitoring to assess the impact of different regulatory and non-regulatory options and their contribution to:

*(i) achieving well-functioning urban environments; and*

*(ii) meeting the requirements to provide at least sufficient development capacity.*

187. The key resource management issues being managed are addressed throughout this Recommendation. Housing capacity and supply, and the provision of well-functioning urban environments, are the key issues being addressed. I consider the proposal assists in housing capacity and supply, and the provision of well-functioning urban environments.

### **Section 32AA**

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

189. Section 32AA(1) provides:

*(1) A further evaluation required under this Act—*

- (a) is required only for any changes that have been made to, or are proposed for, the proposal since the evaluation report for the proposal was completed (the changes); and*
- (b) must be undertaken in accordance with section 32(1) to (4); and*
- (c) must, despite paragraph (b) and section 32(1)(c), be undertaken at a level of detail that corresponds to the scale and significance of the changes; and*
- (d) must—*
  - (i) be published in an evaluation report that is made available for public inspection at the same time as the approved proposal ... or the decision on the proposal, is notified; or*
  - (ii) be referred to in the decision-making record in sufficient detail to demonstrate that the further evaluation was undertaken in accordance with this section.*

*(2) To avoid doubt, an evaluation report does not have to be prepared if a further evaluation is undertaken in accordance with subsection (1)(d)(ii).*

190. My assessment under s32AA has been undertaken through the decision-making recorded in this Recommendation. The changes made are all for the purpose of addressing issues potentially impacting on urban form and the quality of the environment. They are not of a scale and significance which requires any particular elucidation and expansion on at this point. Again, the matters have all been addressed throughout this Recommendation. I consider the changes are appropriate, efficient and effective in achieving the objective of the proposal and implementing the SDC objectives.

### **Part 2 Matters**

191. The relevant Part 2 matters are largely addressed by reference to an assessment against the objectives and policies of the SDP. In terms of s6 matters, none were identified. In terms of s7, I consider the plan change to be an efficient use and development of natural and physical resources. I consider the maintenance and enhancement of amenity values and the

maintenance and enhancement of the quality of the environment have all been satisfactorily addressed.

192. In terms of s8, which requires me to take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi), I accept that there are no explicit s8 matters in play in this particular application.

## Section 5

193. I consider that the proposal will achieve the purpose of the RMA. A comprehensive assessment has been undertaken through the evidence, reports, submissions and within the body of this Recommendation. I am entirely satisfied that the purpose of the RMA is achieved by the approval of this plan change.

## Overall Conclusion

194. I consider that the proposal, including amendments, meets the sustainable purpose of the RMA. Overall, for the reasons I have set out above, I consider that it is the most appropriate method in terms of the s32 tests and for meeting the purpose and principles set out in Part 2 of the RMA. Specifically, it will enable people and communities to provide for their economic and cultural wellbeing by provision of additional residential development in Rolleston, in a location which has been specifically identified for potential urban growth, and in a manner where the effects of the development, as far as relevant at this stage, are acceptable and appropriate.

## Recommendation

195. For the reasons above, I **recommend** to the Selwyn District Council:

- (1) Pursuant to Clause 10 of Schedule 1 of the Resource Management Act 1991 the Council approves Plan Change 75 to the Selwyn District Plan as set out in Appendix A.
- (2) That for the reasons set out in the body of my Recommendation above, the Council either accept, accept in part or reject the submissions identified in Appendix B.



**David Caldwell**  
Hearing Commissioner

Dated: 14 March 2022