

REPORT

TO: Chief Executive Officer

FOR: Council Meeting – 24 March 2021

FROM: Strategy and Policy Planner, Jocelyn Lewes

DATE: 4 March 2021

SUBJECT: **PLAN CHANGE 75 ROLLESTON – DECISION ON HOW TO CONSIDER THE PRIVATE PLAN CHANGE REQUEST RECEIVED FROM YOURSECTION LIMITED**

RECOMMENDATION

‘That in respect to Plan Change 75 to the Selwyn District Plan lodged by Yoursection Limited, Council resolves to accept the request for notification pursuant to Clause 25 (2)(b) of the Resource Management Act 1991.’

1. PURPOSE

This report assesses the Yoursection Limited (the proponent) plan change request (PC 75) against the relevant Resource Management Act 1991 (RMA) provisions.

This assessment has been provided to assist Council to make a decision on how to process the request. This is a mandatory decision that must occur within 30 working days of receiving the request and any subsequent additional information necessary to enable a reasonable understanding of what is being proposed.

2. SIGNIFICANCE ASSESSMENT/COMPLIANCE STATEMENT

This report does not trigger the Council’s Significance Policy. This is a procedural requirement of the RMA.

3. HISTORY/BACKGROUND

PC 75 was formally received by Council on 14 December 2020.

The request relates to land at 151 and 153 Lincoln Rolleston Road, on the south eastern side of Rolleston, as shown in Figure 1 below. The site has an area of approximately 24.7 hectares and is comprised of two allotments. The site has frontage and access to/from Lincoln Rolleston Road, an arterial road, to the east. To the north of the site is the existing Rolleston township, including recently constructed and progressively developing Falcons Landing subdivision (ODP Area 11), and to the west are also residential areas under development. To the south and east of the site there is Rural Zone land used predominantly for rural and rural-residential activity.

The site itself features land used for cropping and pastoral grazing, with one cluster of existing buildings including a dwelling, on each of the two allotments. 153 Lincoln Rolleston Road includes buildings utilised for an automotive engineering business.



Figure 1: Aerial photograph indicating location of site (outlined in white) and current zoning (Source: Selwyn District Council Maps)

The PC 75 request seeks to rezone the site from Rural (Inner Plains) to Living Z. The Living Z zone provides for a variety of lot sizes, including Low Density (average lot size of 650m² and a minimum individual lot size of 550m²), Medium Density (Small-lot) with a maximum average lot size of 500m² and a minimum lot size of 400m², and Medium Density (Comprehensive) with a maximum average lot size of 350m², with no minimum lot size.

As proposed, PC75 would provide for the significant completion of CRETS¹ Road, linking Springston Rolleston Road and Lincoln Rolleston Road. The plan change area would also provide connection between the existing ODP Area 11 and proposed Plan Change 78, to the south of the site. It is noted that PC 78 is yet to come to Council for a decision on how to proceed.

PC 75 would largely adopt the provisions in the operative District Plan applicable to the Living Z Zone, while also incorporating an Outline Development Plan (ODP) for the site, including text that further elaborates on the desired residential densities, access and transport connections and open space and recreation facilities.

¹ Christchurch, Rolleston and Environs Transportation Study

The zoning proposed by the request is designed to achieve an overall minimum net density of 12 households per hectare, noting that the Living Z zoning provides for the provision of higher density (15hh/Ha) residential areas adjacent to key open spaces and green corridors. Based on these densities and the developable area within the site, the proposed plan change is envisaged to provide for the establishment of up to 280 new households.

The site is located within the Rolleston Projected Infrastructure Boundary.

It is not currently identified within the Canterbury Regional Policy Statement (CRPS) as a priority greenfield area, however Proposed Change 1 to the CRPS does identify the site as being within a future development area.

While the rezoning would be contrary to the CRPS as it currently stands, the National Policy Statement on Urban Development (NPS-UD) has provided a policy framework to allow developments providing 'significant capacity' to be accepted even when that development conflicts with the existing RPS direction. It is on the basis of the direction of the NPS-UD that the proponent has applied for the rezoning. The direction of the NPS-UD is discussed further below in Section 5.

Since lodgement, PC 75 has been reviewed in terms of the adequacy of the information provided. A Request for Further Information (RFI) was issued on 27 January 2021, with the applicant's response received on 10 February 2021. The PC 75 request, along with the response to the RFI, has been peer reviewed by the relevant internal SDC staff or external consultants to check the adequacy of information provided. Some minor amendments have been made to the application in response to the RFI.

Attachment 1 contains the proposed ODP for PC 75. Access to the full request has been forwarded to Councillors and made available to members of the public on Council's website.

4. PROPOSAL

Any person may request a change to a District Plan and Council must consider that request. Under Clause 25 of the First Schedule to the RMA, Council must either reject, accept or adopt the request, or process it as a resource consent.

An assessment of each of these options is considered in the following section of this report.

5. OPTIONS

Option 1: Reject the request

Under Clause 25(4), the grounds for rejecting PC 75 outright are that:

- a. That the request is frivolous or vexatious
- b. The substance of the request has been considered by the Council or the Environment Court in the last two years
- c. The request does not accord with sound resource management practice

- d. The request would make the District Plan inconsistent with Part 5 of the RMA
- e. The District Plan has been operative for less than two years

Section 18 of the Greater Christchurch Regeneration Act 2016 (the GCRA) also provides that a Council may reject the request in whole or in part on the ground that, within the last two years, the substance of the request or part of the request has been considered and given effect to, or rejected, under the Canterbury Earthquake Recovery Act 2011.

In terms of (b), (e), and s18 of the CGRA, the substance of the request has not been considered by the Council or the Environment Court in the last two years and the District Plan was made fully operative in May 2016, meaning that it has been operative for more than two years.

In terms of (c) and (d), the proposal is considered to be generally consistent with Part 5 of the RMA, which relates to standards, policy statements and plans. However, s75(3)(c) requires the district plan to give effect to any regional policy statement. On initial assessment, PC 75 would generally give effect to the intent of the CRPS yet, as acknowledged in the request, it would be inconsistent with the direction in the CRPS to provide for new urban development only in identified greenfield priority areas, as the site is not included in Map A of Chapter 6 of the CRPS.

Generally, a change that would be contrary to the CRPS would not be considered to accord with sound resource management practice as it would result in the District Plan being inconsistent with one of the provisions in Part 5 of the RMA. However, with the introduction of the NPS-UD, this consideration is not so straightforward, as Policy 8 of the NPS-UD provides for consideration of 'unanticipated' or 'out-of-sequence' development, where a plan change would add significantly to development capacity, if that development capacity would also contribute to a well-functioning urban environment. This is considered to provide an avenue for plan change requests to be considered for processing even where there is a conflict with the CRPS.

It is acknowledged that there are a significant number of plan change requests currently lodged with Council around Rolleston, most of which propose to provide significantly more capacity than this plan change request. However, in the absence of criteria at this time in the Canterbury Regional Policy Statement around the calculation of 'significant development capacity', guidance² from the Ministry for the Environment (MfE) suggest that factors that can help to determine significant development capacity include significance of scale and location; fulfilling identified demand; timing of development and infrastructure provision (development infrastructure and additional infrastructure).

While not specific to this plan change request, the Council has received legal advice on the conflict between the NPS-UD, the existing CRPS and the provisions for rejection of a plan change request under clause 25(4). The advice outlined that Council need not rely on the CRPS to reject a plan change under Clause 25 simply because the site of the plan change is outside of the 'greenfield' development areas identified on Map A of the CRPS.

For the reasons set out in Option 3 below, it is considered at this time that the plan change request is not inconsistent with the NPS-UD in terms of providing for significant

² <https://www.mfe.govt.nz/sites/default/files/media/Towns%20and%20cities/Understanding-and-implementing-responsive-planningpolicies.pdf>

development capacity (as per the guidance from MfE), and the RMA process would test the extent to which it would contribute to a well-functioning urban environment.

The plan change request is not considered to be frivolous or vexatious, and so it is considered that there are no sound reasons to reject PC 75 under the current set of circumstances.

Option 2: Adopt the Plan Change request

Under Clause 25(2)(a), Council may adopt the request, in whole or in part, as its own. Adopting the request means that the Council effectively takes over the plan change request so that it becomes a council-initiated plan change rather than a private plan change. Adopting PC 75 would imply that Council generally supports the proposal.

Council should only consider adoption if the change has a strategic benefit, a substantial community benefit, a cost element which might require negotiations to occur between the council and the applicant or involves a complex issue or a number of landowners that would benefit from Council coordinating the plan change process.

PC 75 will have some economic benefit to the wider community, through providing construction and employment opportunities and flow-on benefits of additional development occurring within the district. The plan change may involve a cost to Council where services (roading, water, sewer and stormwater) are vested in Council. This is likely to occur, in line with similar plan changes, and Council would be responsible for the operation and ongoing maintenance of the systems. Overall, the cost to Council from any infrastructure vested would be minimal and in line with similar private plan change proposals.

There are only two landowners associated with this request.

There remains a number of merit-based matters to consider at the substantive hearing stage, with the potential that other matters may be raised by other interested parties through the submissions process. Adopting the request would result in Council having to fund the remainder of the process, thereby relinquishing the ability to recover costs from the plan change proponent.

It is not recommended that the Council adopt the request for the above reasons.

Option 3: Accept the Plan Change request

Accepting PC 75, under Clause 25(2)(b), would enable the request to be publicly notified and for the request to be subject to the substantive assessment and public participatory processes provided under the RMA. This, in turn, would provide Council with a more informed understanding of the community's view on this specific request.

Accepting the plan change would mean that the costs associated with the continued processing of the request would be the responsibility of the proponent and no direct costs would be incurred by the Council or rate payers, although the preparation of any Council submission could not be on-charged.

Council retains the right to lodge submissions or further submissions to ensure there is sufficient scope to support amendments that may address any concerns with the potential plan change. No direct costs would be incurred by the Council or rate payers

in accepting the request, although the preparation of any Council submission could not be on-charged.

As addressed above, PC 75 is located outside of the 'greenfield' development areas identified on Map A of the CRPS, but the NPS-UD provides for consideration of 'unanticipated' or 'un-sequenced' development, where a plan change would add significantly to development capacity. PC 75 as proposed is envisaged to provide for the establishment of up to 280 new households. In comparison to other plan change requests currently before Council, this number of households might not be considered to add significantly to development capacity. However, as also addressed above, there are other factors that may help to determine the significance that the plan change may make to development capacity. The applicant has provided the following reasons as to why they consider the request is considered to contribute significantly to development capacity.

PC 75 would provide:

- for the significant completion of CRETS Road, linking the neighbourhoods between Springston Rolleston Road and Lincoln Rolleston Road;
- a key connection between the proposed PC 78 and ODP Area 11, which would add neighbourhood connectivity to existing and new community infrastructure, such as Rolleston High School, Selwyn Aquatic Centre, Foster Park and the growing commercial facilities in the new Rolleston Town Centre;
- for the extension south of the Rolleston Township to the southern boundary of Selwyn Road, unlocking significant growth capacity within PC 75 and PC78, enabling an additional 1,100 dwellings in total; and
- for the sequence of planned growth within the planned infrastructure growth areas and Future Development Areas recently notified in Proposed Change 1 to Chapter 6 of the CRPS.

Taking the above into account, the request could be considered to provide significantly to development capacity, however the NPS-UD direction does not mean that every development providing capacity is appropriate. A plan change proponent must also demonstrate that the plan change would contribute to a well-functioning urban environment; and while the Council must have "particular regard" to the development capacity provided, the Council may still determine that the proposal is not the most appropriate course of action, and any plan change still needs to be considered on its merits overall. This includes that PC 75 must still meet RMA section 32 and Part 2 tests and be subject to a substantive assessment of these through the Schedule 1 process.

It is considered that the merits of the plan change proposal overall, including the weight and consideration that should be given to the development capacity provided by the proposal, are best tested through the submission and hearing process.

Accepting the plan change request is the recommended option under the current set of circumstances.

Option 4: Convert to a Resource Consent Application

The final option open to the Council is to process PC 75 as a resource consent. The request seeks to rezone rural land for residential purposes, and to amend a number of site specific rules to guide future development in accordance with an ODP. These are matters best addressed through a comprehensive plan change process rather than

reliance on resource consent applications which may not provide the outcomes anticipated by the District Plan.

Processing the request as a resource consent is not therefore considered appropriate.

Recommended Option

Option 3, to accept PC 75 for further consideration is recommended.

There are not considered to be sufficient grounds to reject the plan change request when assessed against the statutory powers available to Council under the RMA. The most appropriate course of action is to accept PC 75 for notification.

The consideration of the request at this stage is limited to a coarse scale assessment of the contents of the plan change to ensure that firstly, the content and implications of the proposal can be generally understood; and secondly that the request is not in direct conflict with other planning processes and statutory instruments.

The RMA affords the opportunity for the plan change proponent to request changes to the District Plan and prescribes the timeframes that Council must adhere to in processing the request. The recommended option to accept PC 75 for notification will enable the request to be publicly notified, submissions and further submissions received and for the substantive merits of the proposal to be considered at a public hearing.

Accepting the request for notification does not signal that Council necessarily supports the proposal. The opportunity remains for Council to recommend that the request be supported, amended or opposed at a subsequent hearing. The benefit in accepting the request is that public input can be received to inform the overall assessment of the merits of the proposal.

6. VIEWS OF THOSE AFFECTED / CONSULTATION

(a) Views of those affected

The content of PC 75 will be subject to the statutory consultative provisions of the RMA where the opportunity for public involvement is mandatory. The recommendation to accept the request for notification will require Council to publicly notify PC 75 and serve notice on all directly affected parties and organisations, who then have the opportunity to participate in the ongoing process.

(b) Consultation

The request identifies that the plan change proponent has consulted with Selwyn District Council staff in the preparation of the proposal for PC 75. As outlined above, the recommendation to accept PC 75 will advance the request to the point where members of the public and interested parties can participate in the process through submissions, further submissions and the hearing.

(c) Māori implications

The plan change area does not contain any areas identified as being of specific value to Māori, and the plan change proponent has not undertaken specific consultation with rūnanga to date. However, notification will include direct notification to rūnanga via Mahaanui Kurataiao Ltd.

(d) Climate Change considerations

The request includes an assessment of the resilience of the proposal to the effects of climate change and considers that it is accounting for its distance from coastal and low lying areas susceptible to sea-level rise and storm surges; the flooding assessment provided which accounts for the land's resilience to heavy rainfall events/frequency, and the potential for building and landscape design to address increased mean temperatures or amplification of heat extremes. The adequacy of this assessment will be tested through the submission and hearings processes.

7. FUNDING IMPLICATIONS

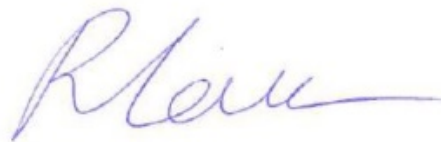
The plan change proponent is responsible for the costs associated with processing a private plan change request, with Council costs being fully recoverable. Council would be responsible for the cost of defending its decision should it be appealed to the Environment Court.

8. INPUT FROM OTHER DEPARTMENTS

The contents of the request, including relevant technical reports were circulated to Council's Asset Managers for review and comment. Queries received from them were incorporated into the request for further information.



Jocelyn Lewes
STRATEGY AND POLICY PLANNER



Robert Love
TEAM LEADER STRATEGY AND POLICY

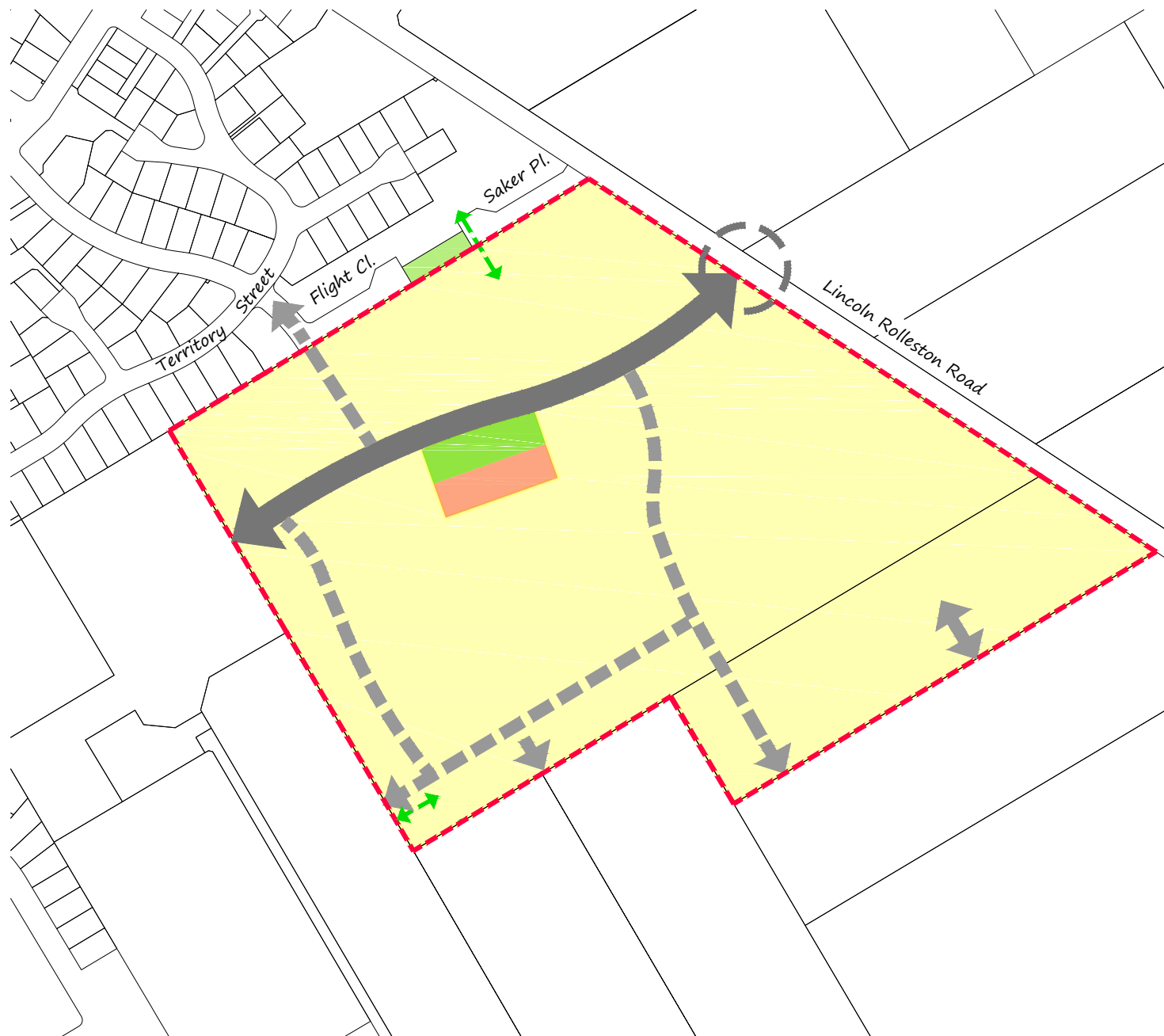
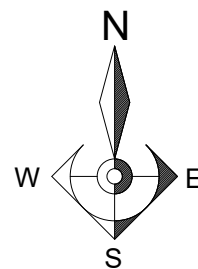
Endorsed For Agenda



Tim Harris
GROUP MANAGER ENVIRONMENTAL AND REGULATORY SERVICES

Attachment 1: Outline Development Plan proposed by PC 75

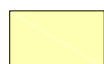
ODP - Falcons Landing



KEY



Medium Density



Low Density



Reserve



Site Boundary



Primary Road



Secondary Roads



Possible Future Roundabout
(pending development east of Lincoln Rolleston Road)



Possible Future Road
Connection



Pedestrian / Cycle
Connections

OUTLINE DEVELOPMENT PLAN AREA 14

INTRODUCTION

This Outline Development Plan (ODP) is for Development Area 14. Area 14 comprises 24ha and is bound by Lincoln Rolleston Road to the east, and ODP Area 11 to the north.

The ODP embodies a development framework and utilises design concepts that are in accordance with:

- The Land Use Recovery Plan (LURP)
- Policy B4.3.7 and B4.3.77 of the District Plan
- The Rolleston Structure Plan
- The Greater Christchurch Urban Development Strategy (UDS)
- The Ministry for the Environment's Urban Design Protocol
- 2007 Christchurch, Rolleston and Environs Transportation Study (CRETS)
- 2009 Subdivision Design Guide

DENSITY

The ODP area shall achieve a minimum of 12 household lots per hectare. ODP Area 14 supports a variety of allotment sizes within the Living Z framework to achieve this minimum density requirement. Should this area be developed in stages, confirmation at the time of subdivision of each stage, and an assessment as to how the minimum density of 12hh/ha for the overall ODP can be achieved, will be required.

ODP Area 14 predominantly provides for low density sections, although some medium density housing options have been supported along the Primary Road adjoining a reserve. Minor changes to the boundaries of the medium density area will remain in general accordance with the ODP provided such changes meet the criteria below and the Medium Density lots created have a consent notice registered on the title stating that they are subject to the medium density provisions:

- Ability to access future public transport provisions, such as bus routes;
- Access to community and neighbourhood facilities;
- Proximity to Neighbourhood Parks and/or green spaces;
- North-west orientation, where possible, for outdoor areas and access off southern and south-eastern boundaries is preferred;
- Distribution within blocks to achieve a mix of section sizes and housing typologies; and
- To meet the minimum 12hh/ha density requirement and development yield.

Existing dwellings and buildings will have to be taken into account when investigating subdivision layout and design.

MOVEMENT NETWORK

For the purposes of this ODP, it is anticipated that the built standard for a Primary Road will be the equivalent to the District Plan standards for a Collector Road or Local-Major Road standards, and a "Secondary Road" will be the equivalent to the District Plan standards for a Local-Major or Local-Intermediate Road.

The ODP provides for an integrated transport network incorporating:

- A primary road following an east-west alignment to form part of the Collector Road route specified in the 2007 Christchurch, Rolleston and Environs Transportation Study (CRETS);
- An internal secondary network with provision for connections to adjoining land;
- Pedestrian and cycle connections to adjoining land to encourage viable alternative modes of transport to private motor vehicles.

Roading connections have been designed to achieve permeability, whilst minimising the number of new intersections and maintaining appropriate intersection spacing. The proposed roading hierarchy will deliver an accessible and coherent neighbourhood that provides safe and efficient access to the new development.

The completion of the Primary Road/Collector Road, identified as part of the CRETS (2007 Christchurch, Rolleston and Environs Transportation Study) is proposed in the northern portion of the ODP area and further supports the integration of the site with the wider transport network. The Collector Road spans across several neighbourhoods and ODP areas on the southern boundary of the township. It is significant in supporting an east-west network function and it is part of an expanded ring road system for Rolleston.

Although the CRETS Collector Road is envisaged to cater for a large proportion of vehicle movements going through ODP Area 14, it is not a high-speed corridor and is intended foremost to provide direct access to adjoining sites. To this end, it is envisaged that the CRETS Collector Road will interact with the adjacent neighbourhoods, rather than creating severance between them. Its streetscape and speed environment is expected to be similar to that of Lowes Road, which serves an important transport function for the northern portion of Rolleston.

The transport network for ODP Area 14 shall integrate into the pedestrian and cycle network established in adjoining neighbourhoods and the wider township. Secondary Roads will provide footpaths and cycle routes, including designated cycle lanes where appropriate. Adequate space must be provided within the tertiary road network for cyclists and to facilitate safe and convenient pedestrian movements.

The remaining roading layout must be able to respond to the possibility that this area may be developed progressively over time. Road alignments must be arranged in such a way that long term interconnectivity is achieved once the block is fully developed. An integrated network of tertiary roads must facilitate the internal distribution of traffic, and if necessary, provide additional property access. Any tertiary roads are to adopt a narrow carriageway width to encourage slow speeds and to achieve a residential streetscape.

GREEN NETWORK

The ODP reflects and adds to the green network anticipated in the Rolleston Structure Plan. A single central reserve/neighbourhood park is proposed centrally within the ODP area, adjacent the Primary Road. Medium Density Housing is to be located adjacent the reserve to promote a high level of amenity for that housing, and compensate for any reduced private open space available to individual allotments. Where practicable, the use of locally sourced indigenous vegetation for landscaping is encouraged.

BLUE NETWORK

Stormwater - underlying soils are relatively free-draining and infiltration to ground is generally the most appropriate means of stormwater disposal. There are a range of options available for the collection, treatment and disposal of stormwater. Detailed stormwater solutions are to be determined by the developer in collaboration with Council at subdivision stage and in accordance with Environment Canterbury requirements. Systems will be designed to integrate into both the transport and reserve networks where practicable. The use of low impact design techniques is encouraged.

Sewer – A gravity sewer connection will be required which will feed a new pump station situated in the vicinity of the south eastern section of the site. The exact location will be determined as part of the detailed development design. The effluent from this new pump station will then be pumped through to the Southern Rolleston Pump Station so it can be treated.

Water - The water reticulation will be an extension of the existing Rolleston water supply on Lincoln Rolleston Road and Raptor Street.