

BEFORE THE SELWYN DISTRICT COUNCIL

IN THE MATTER OF Clause 21 of the First Schedule of the  
Resource Management Act 1991 (Plan  
Change 76)

AND

IN THE MATTER OF Dunweavin 2020 Limited

Applicant

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RECOMMENDATION OF COMMISSIONER DAVID CALDWELL

Dated 7 March 2022

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**Appearances:**

Council:

Mr Craig Friedel – Consultant Planner for Selwyn District Council

Mr Murray England – Asset Manager- Water Services with 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:

Mr Alex Dunlop – Applicant and Land Owner

Mr Ivan Thomson, Senior Planner with Aston Consultants – Planning

Ms Lisa Williams, Transport Engineer and Planner, Novo Group Limited – Transportation

Ms Nicole Lauenstein, Urban Designer and Architect, Director a + urban, – Urban design

Submitters

Ms Hayley Moynihan and Mr Michael Moynihan – landowners

## ABBREVIATIONS TABLE

<b>CCC</b>	Christchurch City Council
<b>CRC</b>	Canterbury Regional Council/Environment Canterbury
<b>CRPS</b>	Canterbury Regional Policy Statement
<b>FDA</b>	Future Urban Development Areas
<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>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 Hōrapa Nohoanga
<b>PC76</b>	Private Plan Change 76
<b>Pines WWTP</b>	Pines Wastewater Treatment Plant
<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 by the SDC to conduct a hearing and make a Recommendation on PC76 to the Operative SDP.
2. The hearing was held at the Selwyn Sports Centre on 1 November 2021. The Applicant's Reply was received on 10 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/pc76](http://www.selwyn.govt.nz/pc76). 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.

## PC76

4. PC76 is a private plan change initiated by Dunweavin 2020 Limited to rezone approximately 13 hectares of Inner Plains land to Living Z. This is to enable residential development on the south-western edge of Rolleston with frontage to East Maddisons Road. Development is proposed to be in accordance with an ODP to ensure an integrated approach to residential development including provision of appropriate road linkages to the existing urban and possible future urban areas to the west and south of the site.<sup>1</sup>
5. PC76 sought a number of specific changes including:
  - (a) Rezoning the land from Rural (Inner Plains) to Living Z on the Planning Maps;
  - (b) Adding the ODP in Appendix E38 of the SDP Planning Volume to coordinate 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 relevant to the implementation of PC76 in Policy B4.3.77;
  - (e) Undertaking any consequential amendments (such as renumbering).
6. PC76 was formally received by SDC on 21 December 2020. A Request for Further Information was issued on 11 February 2021. It was accepted by SDC for notification pursuant to clause 25(2)(b) of Schedule 1 to the RMA on 12 May 2021. Public notification occurred on 2 June 2021. A summary of submissions was publicly notified on 21 July 2021 with the further submission period closing on 4 August 2021. 6 submissions were received. There were no

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<sup>1</sup> Application for Private Plan Change dated 14 May 2021

further submissions. 2 of the submissions were in support, 2 in support in part and 2 were essentially neutral.

### Site Visit

7. I undertook a site visit on 10 November 2021. I spent some time traversing the surrounding area. I went on to the Moynihans' property which enabled me to obtain a good view of that part of the plan change area and surrounding properties. I also went down the driveway of the other sites. I was able to observe the terrain of the area, the water race, and the existing foliage. The site visit provided me with an understanding of how PC76 fitted in with and was linked to the surrounding areas.

### The Site and Surrounding Environment

8. The Request provided a detailed description of the plan change site and surrounding area.<sup>2</sup> It was further described in the s42A Report, together with a description of the context.<sup>3</sup> I accept those descriptions are accurate and adopt them for the purpose of this Recommendation.
9. In terms of context, the site is located within the boundary of the RSP 2009. It is within the Projected Infrastructure Boundary in the CRPS. Following the Request being lodged, the application site was subject to a decision on Plan Change 1 of the CRPS. The site now sits within the Rolleston FDAs as shown on the CRPS Chapter 6 Map A.

### Statutory Framework

10. The Request<sup>4</sup> and the s42A Report<sup>5</sup> contained helpful summaries of the statutory framework.
11. The Environment Court has provided a comprehensive summary of the mandatory requirements in its decision in *Long Bay*.<sup>6</sup> This was updated to reflect changes to the RMA in 2009 in the Environment Court's decision in *Colonial Vineyards*.<sup>7</sup>
12. 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>8</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>9</sup>

<sup>2</sup> Application for Private Plan Change dated 14 May 2021 at paras [4] – [8]

<sup>3</sup> s42A Report on Submissions Relating to Plan Change 76, 7 October 2021 at paras [2.1] – [3.4]

<sup>4</sup> Application for Private Plan Change dated 14 May 2021 at paras [92] – [114]

<sup>5</sup> s42A Report on Submissions Relating to Plan Change 76, 7 October 2021 at paras [6.1] – [6.9]

<sup>6</sup> *Long Bay – Okura Great Park Society Inc v North Shore City Council* A078/08

<sup>7</sup> *Colonial Vineyards Limited v Marlborough District Council* [2014] NZEnvC 55

<sup>8</sup> s74(1)(a) and (b) of the RMA

<sup>9</sup> s75(3)(a), (ba) and (c) of the RMA

- (c) When preparing its district plan (change) the territorial authority shall:
  - (i) Have regard to any proposed Regional Policy Statement;<sup>10</sup>
  - (ii) Give effect to any operative Regional Policy Statement;<sup>11</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>12</sup> and must have regard to any proposed Regional Plan on any matter of regional significance;<sup>13</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>14</sup>
- (f) The policies are to implement the objectives, and the rules are to implement the policies;<sup>15</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>16</sup>

13. 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>17</sup>
- (d) The provisions in PC76 are the most appropriate way to achieve the objectives of the SDP and the purpose of the proposal.<sup>18</sup>

<sup>10</sup> s74(2)(a)(i) of the RMA

<sup>11</sup> s75(3)(c) of the RMA

<sup>12</sup> s75(4) of the RMA

<sup>13</sup> s74(2)(a)(ii) of the RMA

<sup>14</sup> s74(2)(b)(i) and s74(2A) of the RMA

<sup>15</sup> s75(1)(b) and (c) of the RMA

<sup>16</sup> s76(3) of the RMA

<sup>17</sup> s32(1)(a)

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

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

14. The Request identified and addressed the environmental effects of the proposed change at paragraphs [16] – [73]. These were:

- (a) Township growth and urban form;
- (b) Neighbourhood and wider community effects;
- (c) Well-functioning urban environments;
- (d) Landscape and visual effects;
- (e) Effects on ecosystems and habitats
- (f) Effects on natural and physical resources;
- (g) Effects on tangata whenua values;
- (h) Discharges of contaminants into the environment;
- (i) Risks from natural hazards and hazardous installations;
- (j) Geotechnical assessment;
- (k) Contaminated land;
- (l) Economic effects;
- (m) Climate change effects;
- (n) Positive effects.

15. 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, enabling social and affordable housing, and character;
- (b) Infrastructure servicing;
- (c) Transportation network;
- (d) Land suitability and geotechnical risk.

16. Mr Thomson considered there were three issues raised in the submissions with those being:

- (a) Urban form, density, enabling social and affordable housing, and character;



- (b) Public transport network;
  - (c) Amenity effects.
17. Before undertaking this assessment, I record that the Reporting Officers provided a Joint Officer Summary Statement. I consider that document to have been very helpful and efficient. It enabled participants to focus on matters which were in dispute.

Urban form and density.

18. 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>19</sup> He identified the relevant submissions, including H & M Moynihan (S76-003-001) who supported PC76 as a logical extension to the residential zone supported by infrastructure, consistent with relevant RMA framework and includes the submitter's land. They requested their dwelling and curtilage be recognised and accounted for within the ODP.
19. Submitter D & D Corry (S76-002-001) supported PC76 in principle but identified concerns that the roading layout in the ODP may impact on their amenity and requested no additional roading connections be provided from the site to East Maddisons Road beyond what are illustrated on the ODP notified.
20. CCC (PC76-0005) neither supported nor opposed PC76. Its submission requested that the minimum density be increased to 15hh/ha. CRC (PC76-0006) also requested that the Council consider increasing the minimum density to 15hh/ha.
21. Mr Friedel supported the relief sought by H & M Moynihan that the Request be granted as it is a logical extension to the Living Z Zone. He identified that the PC76 site is within the RSP boundary, is an FDA in Our Space, and is identified as an FDA within the Projected Infrastructure Boundary on Map A of Chapter 6 of the CRPS.<sup>20</sup> He considered that the rezoning would implement the preferred urban form of Rolleston that has been determined through the spatial plans to give effect to the CRPS and NPS-UD. He noted 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>21</sup>
22. Mr Friedel addressed density in some detail. He 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

<sup>19</sup> s42A Report on Submissions Relating to Plan Change 76, 7 October 2021 at para [7.3]

<sup>20</sup> s42A Report on Submissions Relating to Plan Change 76, 7 October 2021 at para [7.5]

<sup>21</sup> s42A Report on Submissions Relating to Plan Change 76, 7 October 2021 at para [7.6]

transport systems, and protect the productive rural land resource. He also noted an increase in minimum densities will implement the RSP which indicates that densities as high as 20hh/ha should be considered for greenfield areas through higher and medium density areas that utilise locational attributes. He agreed that there were a broader range of benefits that can be achieved as household densities incrementally increase, and where intensification is coordinated and intensified.

23. He analysed the GCP Density Report referred to in the CRC and CCC submissions and ultimately concluded that while an increase to 15hh/ha in principle was supported, the minimum density of 12hh/ha enables PC76 to give effect to the CRPS pending any changes to it or the underlying land use zone in the future to increase minimum household densities.<sup>22</sup>
24. Mr Thomson identified density as the key matter of concern raised by submitters. Mr Thomson referenced Mr Friedel's report. He supported 15hh/ha in principle but considered that relatively small development sites such as this one did not provide the flexibility to enable the significant areas of comprehensively planned residential medium density needed to achieve 15hh/ha in an attractive way. He agreed with the recommendations of the Density Report that densities around 12hh/ha should be used in new developments until several constraints have been overcome (e.g. more leadership from public agencies, public/private partnership models, overcoming negative public perceptions).
25. Ms Lauenstein considered that increases in density were a key tool to consolidate urban environments and noted that to achieve densities of 12hh/ha this would require the inclusion of different building typologies such as detached 2-3 storey terrace housing. She considered that the design concept showed that the higher density areas could be located in areas that are in close proximity to recreational open space to compensate for the reduced private outdoor spaces on individual properties. Overall, she considered that the proposed ODP could *"easily support the increased densities and integrate medium density building typologies as part of a residential neighbourhood without compromising the amenity for residents"*.<sup>23</sup>
26. Ms Wolfer also supported the amount and distribution of density proposed.<sup>24</sup> Ms Wolfer did have some concerns about the medium density "cluster" that was placed immediately to the northern boundary and considered low density to be a more appropriate response to continue the principle of low density perimeter buffer at the interface with neighbouring developments.
27. In reply, Mr Thomson accepted Ms Wolfer's position in relation to the removal of the medium density notation placed to the northern boundary. Mr Thomson saw merit in that because of the potential impact (real or perceived) on an established lower density residential area. He advised that the ODP had been amended accordingly.

<sup>22</sup> s42A Report on Submissions Relating to Plan Change 76, 7 October 2021 at paras [7.7] – [7.13]

<sup>23</sup> Brief of Evidence of Nicole Lauenstein 14 October 2021 at paras [42] – [44]

<sup>24</sup> Evidence of Gabi Wolfer at para [10.6]

## Findings

28. In my view, and based on the evidence, PC76 clearly assists in the implementation of the preferred urban form for Rolleston as has been identified through the RSP and various other documents. I agree entirely with Mr Friedel's conclusion that the rezoning to Living Z will implement the preferred urban form of Rolleston that has been determined through the spatial plans to 'give effect' to the CRPS and NPS-UD. I accept his view that the ODP will further ensure that the site is 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>25</sup>
29. In terms of density, I have carefully considered all of the evidence in relation to this issue and I accept that while an increase to 15hh/ha may in principle represent a more optimum use of the site, it is not required by either the CRPS or the SDP. I consider the proposed densities are appropriate. That density is comparable to that of other greenfield areas in Rolleston; and is consistent with the policy direction in the CRPS, Our Space, and SDP. I accept that the zoning requested does allow for increases in density in response to movements in market preferences and the influence of other externalities.<sup>26</sup>
30. In relation to the removal of the medium density housing adjacent to the indicative east to west aligned primary road directly adjacent to the Olive Fields subdivision, I am largely neutral on which is the most appropriate. I accept on the evidence, that the removal of the medium density cluster adjoining the Olive Fields subdivision would achieve a more concentric distribution of density across the site. While it will result in a minor reduction in medium density areas, it is not to such a degree as to render the change inappropriate. I am not however convinced that it is necessary.

## Enabling Social and Affordable Housing

31. The submissions from CCC and CRC both identified that the GCP was developing a Social and Affordable Housing Action Plan and sought that its recommendations be incorporated into PC76. No copy of that Action Plan was provided although it is addressed in the HCA in 5.4 in particular. Social and affordable housing is an important issue for Selwyn. There is little social housing in the District. Table 26 of the HCA identifies under the heading Public Housing, 13 in Selwyn and 14 assisted rental giving a total 27.
32. Our Space 2019 identifies a number of future actions which include a social and affordable housing action plan, density review, investigation of a single growth model and various other matters. I understand from Mr Baird's Memo and Ms Wolfer's evidence that the action plan is

<sup>25</sup> s42A Report on Submissions Relating to Plan Change 76, 7 October 2021 at paras [7.6]

<sup>26</sup> s42A Report on Submissions Relating to Plan Change 76, 7 October 2021 at para [7.12]

in development, has not yet been approved by the GCP and cannot therefore be considered as part of the private plan change process.<sup>27</sup>

33. In terms of affordability and social housing, noting the absence of a comprehensive policy framework and any evidence from the submitting councils, it is difficult to see how such could properly be considered and incorporated into this plan change.
34. I note the NPS-UD primarily focuses on capacity and supporting competitive land development markets to address supply. Enabling the plan change would enable supply of around 155 lots. That may contribute to competition and potentially affordability of housing.
35. I recommend the submissions seeking the recommendations be incorporated into PC76 be rejected.

#### Amenity and Character

36. Ms Lauenstein and Ms Wolfer provided comprehensive and helpful evidence in relation to this issue.
37. Ms Wolfer described the existing residential development in the north, and proposed future residential development on surrounding areas, as cumulatively having an impact on the character and outlook of the site. She noted that part of the existing natural characteristics of the site included flat topography, large open fields with clusters of vegetation framed by tall shelterbelt plantings which allows for intermittent views to the Alps and the Port Hills. She described the physical site characteristics to the north as suburban and the site itself as having a rural-residential character. She considered the proposal would alter the site to be aligned with the residential suburban character to the north.
38. Ms Wolfer largely agreed with the mitigation measures identified in the Request as MM1-4, MM7 and MM8. She agreed with the intent of MM5 but that fencing could be adequately addressed at the subdivision stage, and she did not consider that rural fencing and screen planting as proposed by MM6 was an appropriate long-term solution at the interface of urbanised residential development. In terms of MM9 she considered that while the views would change with the removal of tall shelterbelts, the benefits from alternative views will be to residential, rather than rural properties, as stated by the Applicant. Overall Ms Wolfer was supportive of the rezoning and her concerns related more to matters of detail.
39. Ms Lauenstein prepared the technical report for PC76 as lodged and an updated report as part of the response to further information dated 22 March 2021. Ms Lauenstein addressed the character and amenity. She noted the site is surrounded by areas that are either established urban residential developments, residential developments of an urban capacity currently under construction, or areas identified for residential development in the FDAs. She

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<sup>27</sup> Memorandum Ben Baird 1 October 2021 – Growth Planning in Selwyn District at para [23](c) and Evidence of Gabi Wolfer at para [12.4] – [12.6]

considered it could be expected that the entire south-west corner of Rolleston will intensify for residential development. She noted that PC76 had adopted the same residential zoning as already exists in the surrounding area. This, in her opinion, would ensure coherence. She considered the change from rural to urban to be appropriate for the setting on the edge of the township and therefore would not change the overall landscape values and character experienced within the wider receiving environment.<sup>28</sup>

40. She acknowledged there would be modification to the character and that some of the aspects of the open character of the rural site would be maintained through various matters which she identified.<sup>29</sup> She noted that most of the rural vegetation character would be removed and street trees and private garden plantings would provide a foil for the denser urban built form and ensure a high amenity is created for public spaces and streetscapes. She discussed the proposed neighbourhood park and its values.
41. She considered, given the proximity to the urban edge of Rolleston, the change in character to residential would be perceived as a natural extension of the township. Such a change did not, in her opinion, preclude the proposal from creating a high amenity environment. She considered the amenity effects were acceptable and anticipated.
42. Mr Friedel considered that any expansion to an urban area will typically alter peoples' appreciation of that area through a change in the environment that they have become accustomed to over time.
43. He referenced Selwyn 2031, the RSP, Our Space and Map A to the CRPS which he considered had all signalled to the community that the PC76 site would transition to residential over time. He noted that those statutory and non-statutory initiatives had involved extensive public consultation and public decision-making processes.
44. He also identified Policy 6(b) of the NPS-UD which expressly anticipates that urban environments and the amenity values that are attributed to them will develop and change over time.<sup>30</sup> He considered that the large number of requests being considered by SDC had the potential to impact on the wider character and amenity of Rolleston, but they must each be considered on their merits and cumulative effects assessed on a case by case basis. It was his opinion, given the timing and limited scope of PC76, and the fact that the site is located within the RSP, and identified as an FDA on Chapter 6 Map A, removed any concerns that the granting of the Request could undermine the character and amenity of the township.
45. In relation to the submission by D & D Corrie, he referred to, and supported, Ms Wolfer's evidence that the area is transitioning from rural to suburban where changes in amenity associated with the extension to the road network are anticipated. He considered that the provision of an additional tertiary or secondary roading connection onto East Maddisons Road

<sup>28</sup> Brief of Evidence of Nicole Lauenstein 14 October 2021 at para [28]

<sup>29</sup> Brief of Evidence of Nicole Lauenstein 14 October 2021 at para [29]

<sup>30</sup> s42A Report on Submissions Relating to Plan Change 76, 7 October 2021 at para [7.17]

to achieve a safe, convenient and efficient transport network should be prioritised over any reduction in the landowner's amenity. He noted that the submitter's property was subject to the Living Z Zone that anticipates the changes to occur, and the submitter's relief is best addressed through the subdivision process.

46. In terms of this submission, Ms Williams noted that any future local road connections for property access would be determined at the subdivision stage and the main road connection to East Maddisons Road is well separated from the submitter's property. She understood they supported that location.<sup>31</sup>
47. In relation to the submission of H & M Moynihan, and the recognition of their dwelling and associated curtilage area in the ODP, Mr Friedel noted that as they are the current landowner they are able to determine if and when the property is developed and the size of the curtilage around the existing dwelling. He identified opportunities that Ms Wolfer had raised in relation to retaining mature trees and curtilage areas. He considered that there were subdivision matters of discretion to enable this to be determined once a detailed scheme plan and layout was developed and assessed by SDC, and that was the better process for the submitter's relief to be addressed.

#### Findings

48. I accept Mr Friedel's evidence in relation to the associated curtilage area. This is not to, in any way, minimise the concerns of H & M Moynihan. Ms Moynihan attended the hearing and presented helpful submissions and comment. From my site visit, the curtilage around the existing dwelling certainly presents as a pleasant area. Any concerns can be addressed through subdivision and ultimately, through the Moynihan's ownership. A plan change such as this is enabling, not directive.
49. I accept the evidence of Ms Williams and Mr Friedel in relation to the matters raised by submitters D & D Corrie.
50. On the basis of the evidence summarised above, I consider that amenity and character effects have been appropriately addressed. Granting the Request would clearly enable a change to the character and amenity of the site, but that has been clearly signalled through the various planning documents. In that context, any effects on character and amenity are in my view minor and appropriate. Details of mitigation measures can of course be addressed at subdivision stage.

#### Water Race

51. By the end of the hearing, the primary disagreement between Ms Lauenstein and Ms Wolfer related to the water race. Ms Wolfer considered the water race, which runs parallel to East Maddisons Road before turning west and then further south along the western boundary to an

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<sup>31</sup> Brief of Evidence of Lisa Marie Williams 13 October 2021 at para [17]

adjacent site, was a strong feature. She noted the water races had been identified as one of the oldest heritage features in the District, and that they can also add visual amenity to a neighbourhood if upgraded and visually incorporated into a reserve. She advised that Mr Ryker, Council's Open Space and Strategy Manager, supported an integrated approach where the water race could be aligned along the road or public reserve corridor. Ms Wolfer advised that she had consulted with a surface water engineer who had confirmed that the water race was not on SDC's closure list. In her view, piping of the water race would be a lost opportunity of adding value to the site and public space, noting that it had been successfully demonstrated elsewhere in the District at Farrington, Westfield and Stonebrook subdivisions.<sup>32</sup>

52. Ms Lauenstein understood the desire to keep the water race for amenity. She also noted that it created a tangible connection to the character and history of both the site and to the District. In her view it was not compatible with a higher density residential environment for several reasons. These included:

- Technical and practical concerns – that is difficulty in designing services, conflicts with perpendicular underground pipes and similar;
- Issues around water flow given it is an artificial water race and part of the rural infrastructure, there is no guarantee long-term that the water would remain. If it were eventually shut down, what would happen to the channel?
- Health and safety concerns – risk to children drowning depending on depth of water;
- A disconnecting element as bridges or culverts would be needed for pedestrian and cyclists which creates limited opportunities for movement across the water race; and finally
- Ongoing maintenance and related costs.<sup>33</sup>

53. It was her view that the only place where parts of the water race could be expressed without conflict was in the neighbourhood park, and if and how that was integrated is a matter for detailed design. For the purposes of the ODP, she did not consider it should be included.

54. Mr England also discussed the water race issue, advising that there are a number of ways to treat it. These include incorporating it within the development. He advised that the water race closure process requires 80% of downstream users' approval before going out to consultation and ultimate SDC decision to approve or otherwise. It was his evidence that the ultimate treatment could be determined at subdivision consent stage and that there were viable means to manage the water race.

55. In the Applicant's Reply, Mr Thomson recorded the key agreed positions are (relevantly):

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<sup>32</sup> Evidence of Gabi Wolfer at paras [10.14] – [10.17]

<sup>33</sup> Brief of Evidence of Nicole Lauenstein 14 October 2021 at para [51]

*There are practical difficulties (including safety) with incorporating the water race as a feature of the proposed development, and it will be closed. Consideration should be given at the subdivision design stage on how to recognise the historical significance and/or amenity value where it is practical and safe to do so.<sup>34</sup>*

#### Findings

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 in parts, widened in parts, and appears to be a key feature. In the context of that subdivision, it appears to me that the treatment of the water race included provides a significant positive contribution to the amenity of the area. It clearly illustrates that the water race system can be properly and safely incorporated into residential developments.
57. In my view this is a matter which can be appropriately addressed at subdivision stage. Mr Friedel considered that the subdivision matters within the Living Z Zone framework would provide the opportunity for Ms Wolfer's recommended amendments to be considered at that stage.<sup>35</sup> The final proposed ODP addresses this as follows:

*Retaining the existing water race through the site is not considered practical and the intention is to close it. Consideration should be given to appropriately recognising the amenity and heritage value of the former water race where practical, including interpretive information.*

58. I am happy with that wording other than the reference to "former". That wording, in my view, presupposes the water race will be closed. That is the subject of a completely separate process and the outcome of that process cannot be determined at this stage. I therefore recommend the following change:

*Consideration should be given to appropriately recognising the amenity and heritage value of the ~~former~~ water race where practical, including interpretive information.*

#### Conclusion on Above Effects

59. I have carefully considered all of the evidence and submissions made in relation to the matters addressed above. I agree with the opinions of Mr Friedel and Mr Thomson that there are no issues arising from the matters discussed above which would lead to PC76 not being appropriate.

#### Infrastructure Servicing

60. The Request included an infrastructure servicing assessment based on a report by Service Limited. This was provided as Appendix 6 of the Request. The submitters T Gourley and K Goldsworthy (S76-0001-001) supported the plan change Request but sought that the termination point of the water race be relocated to a road reserve off Chris Drive or a Council

<sup>34</sup> Reply by Ivan Thomson, Aston Consultants Limited, 10 November 2021 at para [3.i.]

<sup>35</sup> s42A Report on Submissions Relating to Plan Change 76, 7 October 2021 at para [7.24]



reserve which they considered would provide benefits to the current landowners and plan change proponents as well as SDC in terms of future maintenance and use of land.

61. As identified by Mr Friedel, the ability to coordinate the cost-effective and efficient provision of infrastructure services and aligning future development with SDC's strategic planning is a relevant consideration to the overall appropriateness of changes to land use zonings.<sup>36</sup>
62. Mr England provided officer comments in the s42A Report. He also attended the hearing. 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 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>37</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 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>38</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>39</sup>
65. He noted 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>40</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.

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<sup>36</sup> s42A Report on Submissions Relating to Plan Change 76, 7 October 2021 at para [7.32]

<sup>37</sup> Officer Comments of Murray England at para [6]

<sup>38</sup> Officer Comments of Murray England at para [8]

<sup>39</sup> Officer Comments of Murray England at para [12]

<sup>40</sup> Officer Comments of Murray England at para [13]

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>41</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 year for development within the District including this proposed plan change request.
69. In terms of water conveyance, he confirmed that connection of the proposal's wastewater network to the SDC's reticulated network was feasible, and there would be a requirement for the internal wastewater network to be in places oversized to accept flows from the wastewater catchment above the proposed development. 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 clear evidence of Mr England, and the discussions I had with him at the hearing, 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.

#### Transportation Network

72. The Request included an integrated transport assessment prepared by Novo Group Limited.
73. Mr Friedel summarised the submissions which identified effects on the transportation network.<sup>42</sup> These were: D & D Corrie – impacts on amenity; CCC identified a large proportion

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<sup>41</sup> Officer Comments of Murray England at para [24]

<sup>42</sup> s42A Report on Submissions Relating to Plan Change 76, 7 October 2021 at para [7.40]

of vehicle movements to and from Christchurch, with limited options to access public transport and raised a query in relation to greenhouse gas emissions; CRC raised similar concerns and queried whether it was consistent with Policies 1 and 8 of the NPS-UD in relation to a well functioning urban environment and Policy 6.3.4 and 6.3.5 of the CRPS in respect to ensuring an efficient and effective transport network is in place to service the site.

74. The Ministry of Education raised concerns in relation to congestion and safety effects and requested traffic effects be assessed and mitigated before the plan change was approved. Specific concerns included need for safe crossing for children and families of East Maddisons Road, and options to ensure safety of pedestrians and cyclists during peak pick-up and drop-off times.
75. Mr Collins provided a detailed transportation report by way of peer review.<sup>43</sup> That report addressed Rolleston transport projects relevant to PC76, a review of traffic modelling for the Rolleston area including the PC76 proportion of the cumulative network effects of all of the Rolleston proposed plan changes. He also reviewed the assessment of the intersections from the proposed road/East Maddisons Road and East Maddisons Road/Goulds Road. He considered both intersections would continue to operate acceptably.<sup>44</sup>
76. He recommended that the ODP indicated a requirement for the requester to deliver the frontage upgrade for East Maddisons Road. He considered that the proposed transport network shown on the ODP aligned with adjacent developments. He recommended an amendment to show a direct east-west primary road through the site. He further recommended that the ODP should provide an east-west route through the site. Mr Collins also provided a detailed summary of the submissions and his comments on them in tabular form.<sup>45</sup>
77. Ms Williams provided transportation evidence on behalf of the Applicant. She noted the proposed zoning was estimated to generate around 140 trips in the evening peak hour and that the ODP included a north-south and east-west secondary road connection and walking and cycle connections to key destinations. In her summary presented at the hearing, she advised that there had been a further change to the ODP since her evidence had been prepared. This related to the consolidation of future pedestrian and cycle connections in the southern corner of the ODP area to one location. She considered this location provides for connections to key destinations towards the south.
78. She advised there was broad agreement between herself and the Council officers on the transport effects and that the ODP had been updated in response to the officer's report, including a more direct alignment of the secondary road connection between East Maddisons Road and the land to the west, and addition of a shared path along this corridor. She noted that pedestrian and cycle connections were also provided to East Maddisons Road near the

<sup>43</sup> Private Plan Change 76: Dunweavin Transportation Hearing Report October 2021

<sup>44</sup> Private Plan Change 76: Dunweavin Transportation Hearing Report October 2021 at para [5.1] and [5.2]

<sup>45</sup> Private Plan Change 76: Dunweavin Transportation Hearing Report October 2021 Appendix A

northern and southern end of the ODP. The only point she remained unclear about was a recommendation in relation to aligning the primary road network within PC76 with the roading network established in the subdivisions on the opposite side of East Maddisons Road.

79. Ms Williams had carried out a review of the subdivision consents opposite the site which did not show any road connections and noted that it was within Rolleston ODP Area 10 of the SDP and did not indicate any direct connections from East Maddisons Road towards the east. She considered the central location of the main road connection was appropriate.

#### Findings

80. By the time of the commencement of the hearing, there was little disagreement between the transportation experts. The only matter of which there remained some uncertainty was the issue of the alignment of the primary road network with that established in the subdivisions on the opposite side of the road.
81. I discussed this issue and others with both Ms Williams and Mr Collins. In reply, Mr Thomson provided a slightly amended ODP in light of those discussions. Relevantly, he advised that the ODP had been amended to indicate a local road in the north-east part of the site that will provide connectivity with existing and potential roading layouts on the opposite side of East Maddisons Road in ODP Area 10. He noted the removal of one of the pedestrian/green links in the south-west corner, additional ODP narrative text to confirm property accesses anticipated at East Maddisons Road, and additional ODP narrative text relating to the frontage treatment to include reference to the Code of Practice.
82. Overall I am satisfied that the transportation effects have been well traversed and satisfactorily addressed.
83. In terms of D & D Corrie, there is potential for the roading network to impact on the submitter's amenity from traffic generated from the site and on to East Maddisons Road. In the context of this plan change, any effects are likely to be minor and are anticipated.
84. In relation to the Ministry of Education, I accept that with the development of PC76 being integrated within the wider network improvements, potential effects of concern can be appropriately managed and addressed.
85. In relation to CCC and CRC, and the wider transport effects and public transportation, the network within PC76 will be designed to ensure that it does not preclude the efficient provision of public transport services. I agree with Mr Collins that the funding and implementation of a public transport system is a matter for Rolleston as a whole rather than a site-specific matter relating to this plan change.
86. For completeness, in relation to the higher density sought by CCC and CRC, from a transportation effect, in my view that would have little benefit or disbenefit either in terms of effects or on enabling public transportation.

### Land Suitability and Geotechnical Risk

87. The Request identified and assessed the likely risk of contaminated soils, land suitability, versatile soils resource and natural hazard risks. A geotechnical assessment was provided along with a preliminary site investigation and an infrastructure assessment.
88. Mr Ian McCahon of Geotech Consulting Limited provided a geotechnical report peer review which concluded that the site would be “benign” and agreed with the conclusions that the land was suitable for rezoning. He identified that additional information may be required to evaluate the appropriateness of any future subdivision application.
89. I am satisfied that there are no geotechnical or other issues in relation to land suitability which would preclude the granting of this Request.

### Overall Conclusion On Effects/Matters Raised in Submissions

90. Overall, having considered all of the submissions, the evidence and reports, I consider PC76, with the additional matters proposed by the Applicant to address specific concerns, that the actual and potential effects on the environment, and matters raised by the submitters, have been adequately and appropriately addressed. A number of effects and matters identified will of course be subject to further scrutiny at consent stage in accordance with the Living Z framework.
91. I find that there is nothing in relation to the effects or the other matters addressed above which would render this plan change inappropriate.

### **Statutory Assessment**

#### Statutory Tests

92. I have identified the statutory framework in paragraphs [11] to [13] above and I do not repeat those here.

#### Functions of Territorial Authorities

93. Mr Friedel identified the relevant functions of territorial authorities pursuant to s31.
94. Relevantly, SDC has the function of the establishment, implementation and review of objectives, policies and methods to achieve integrated management of the effects of the use, development or protection of land and associated natural and physical resources of the District; the establishment, implementation, and review of objectives, policies and methods to ensure that there is sufficient development capacity in respect of housing and business land to meet the expected demands of the District; and the control of any actual or potential effects of their use, development or protection of land, including for the specified purposes.

95. Mr Friedel supported the plan change proponent's conclusions that PC76 will enable SDC to continue 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>46</sup>

96. I agree that PC76 will enable SDC to continue to carry out its functions under the RMA.

### **Statutory Documents**

97. 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>47</sup>

### **NPS-UD**

98. Mr Friedel considered that the planning context which was outlined in Section 2 of the s42A Report, and summarised in SDC's Technical Memo on Growth Planning,<sup>48</sup> to be an important touchstone when evaluating the extent to which PC76 'gives effect' to the objectives and policies of the NPS-UD. He considered that this 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>49</sup>

99. Mr Friedel discussed the Technical Memo on Growth Planning. He noted this outlined how housing capacity within the District had been assessed, how further capacity intended to be provided to meet projected demand, and why the proposed distribution of capacity – focused primarily on Rolleston – had been preferred.<sup>50</sup>

100. Mr Friedel considered PC76 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

<sup>46</sup> s42A Report on Submissions Relating to Plan Change 76, 7 October 2021 at para [8.4]

<sup>47</sup> s42A Report on Submissions Relating to Plan Change 76, 7 October 2021 at para [8.6]

<sup>48</sup> Appendix 7 to the s42A Report

<sup>49</sup> s42A Report on Submissions Relating to Plan Change 76, 7 October 2021 at para [8.8]

<sup>50</sup> s42A Report on Submissions Relating to Plan Change 76, 7 October 2021 at para [8.10]

considered this was demonstrated by the fact that PC76 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>51</sup> I agree and adopt that assessment.

101. CRC's submission which, 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.
102. Mr Friedel noted that PC76 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 PC76 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 that PC76 to be consistent with Policy 8 of the NPS-UD.
103. Again I agree entirely with that analysis. PC76 will provide additional plan enabled capacity for approximately 155 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.
104. Mr Friedel considered that PC76 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 reductions of greenhouse gas emissions through current and future SDC and Greater Christchurch Partnership transport initiatives.<sup>52</sup>
105. Mr Friedel expanded on his assessment in the following paragraphs of his report while noting 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

<sup>51</sup> s42A Report on Submissions Relating to Plan Change 76, 7 October 2021 at para [8.11]

<sup>52</sup> s42A Report on Submissions Relating to Plan Change 76, 7 October 2021 at para [8.15]

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 that it supports the compact urban form and that the employment offerings in Rolleston have been progressively increased.<sup>53</sup> Again I accept and adopt that reasoning.

106. He considered that the PC76 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 PC76 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.
107. In terms of Objective 6 and Policy 1 in relation to the integration with 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>54</sup> Again, I agree with and accept that analysis.
108. Mr Friedel concluded, in the s42A Report, by stating that he did not consider PC76 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.
109. Mr Dunlop's evidence in terms of the "severely restricted" supply of zoned residential land in Rolleston within the last 18 months was also relevant in terms of the implementation of the NPS-UD. He was of the view that it had been obvious for at least two years that there would be a shortage of zoned land and the failure to address that issue had caused a steep increase in the price of sections that were coming onto the market. He considered that constrained supply had meant that supply and demand equations were out of sync, noting that in some instances section prices had doubled in the last 12 months. He noted that he had pre-sold all sections in the proposed Stage 1 of the land containing this Request, being 48 sections, with an estimated settlement date of February 2023, and a further 25 sections had been sold in

<sup>53</sup> s42A Report on Submissions Relating to Plan Change 76, 7 October 2021 at para [8.16]

<sup>54</sup> s42A Report on Submissions Relating to Plan Change 76, 7 October 2021 at para [8.19]



Stage 2 with an estimated settlement date of December 2023. At that stage, another 29 were going on to the market. He concluded that the price rise of sections was primarily caused by the lack of available residential zoned land.

110. During discussions, we discussed other matters which may have contributed to that including the low interest rates and COVID stimulus. He acknowledged that, but considered the shortage of supply was a critical matter.
111. Mr Thomson identified in his evidence that the Request had assessed the change against the NPS-UD and he did not propose to repeat that. He relied on Mr Friedel's analysis and concluded that the change gives effect to the NPS-UD by being an integral part of, and contributing to, an existing well-functioning urban environment.

#### Finding

112. I accept the conclusion of Mr Thomson and the conclusions of Mr Friedel in relation to this issue. I consider, for the reasons traversed in Mr Friedel's analysis in particular, that granting this plan change would implement the NPS-UD. The site is land which has been identified as suitable for future urban development, will enable the supply of a range of housing types to assist in addressing supply capacity issues and, in my view, it clearly contributes to a well-functioning urban environment.

#### **CRPS**

113. The Request identified and traversed the relevant objectives and policies of the CRPS focusing on Chapter 5 – Land Use Infrastructure, and Chapter 6 – Recovery and Rebuilding of Greater Christchurch. It also addressed Chapter 9 – Ecosystems and Indigenous Biodiversity; Chapter 11 – Natural Hazards; Chapter 12 – Landscape; Chapter 15 – Soils; and Chapter 17 – Contaminated Land.
114. Mr Thomson noted that there was acceptance by both himself and Mr Friedel that the plan change was in accordance with the provisions of the CRPS. In his opinion, Change 1 to the CRPS, which came into effect and inserted into the CRPS as Policy 6.3.12 in July of 2021, was the key statutory document. He confirmed that this provides for the rezoning of land within the FDAs depicted on Map A in Chapter 6 through district plan change processes. Mr Thomson recorded that the policy establishes several criteria to be considered when deciding whether to put a residential zone in place. He considered that those matters had been well covered by Mr Friedel. He agreed with Mr Friedel's statement at 8.31 of the s42A Report that Change 1 is the most critical consideration when evaluating PC76.<sup>55</sup>
115. Mr Thomson noted that one of the matters to be determined was a demonstrated need to provide further feasible development capacity through the zoning. He elaborated on that further. He noted that the evidence of Mr Dunlop also highlights what Mr Thomson considered

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<sup>55</sup> Statement of Evidence of Ivan Thomson on behalf of Dunweavin 202 Limited 12 October 2021 at para [12]

to be an urgent need to bring more land to the Rolleston market as expeditiously as possible. Mr Thomson addressed the HCA released in July 2021 and attached the relevant tables to his evidence.

116. Mr Thomson considered the situation in Rolleston was urgent. He noted that the rate of take-up in Rolleston over recent years has averaged around 400hh/annum or the equivalent of around 30-35ha/annum through the past two years, noting that in the past two years the take-up had exceeded this. Mr Thomson, after traversing the various figures, was of the view that they suggest that all the FDA land needs to be made available now to enable housing development to start in the Rolleston area as soon as possible.
117. Mr Thomson identified what he considered to be other important requirements of Policy 6.3.12. These included that the development would promote the efficient use of urban land and support the pattern of settlement and principles for future urban growth. He noted that development of the site needs careful integration to the Town Centre, current and potential employment areas and community facilities, and he considered that was achieved through development in accordance with the ODP and the RSP. He recorded that the site is part of SR5 in the Structure Plan and that was programmed as Phase 2 (2017-2026) in the Townships development sequence. He advised that the sequencing under the RSP evolved from PC1 to the CRPS (2007) and the sequencing was removed in the amended CRPS which was inserted into the LURP in 2013. Nevertheless, he considered the staging contained in the RSP to be a useful framework.<sup>56</sup>
118. Mr Thomson addressed the question of aligning with provisioned and protection of infrastructure in accordance with Objective 6.2.4 and Policies 6.3.4 and 6.3.5. He addressed Policy 6.3.4 and integrating transport infrastructure and land use, including reducing auto-dependency and promoting public and active transport. He considered that not all developments will be able to provide immediate access to the public transport system but ODPs (individually or collectively) need to ensure they provide spine routes that enable a public transport service if needed and, just as importantly, provide connectivity for local trips through pedestrian and cycle links. He considered that the ODP, particularly incorporating amendments suggested by Mr Friedel, provided adequate opportunities to integrate into the surrounding transport network. I agree.
119. Again in terms of Policy 6.3.5 and integration of land use and infrastructure, he advised that was directed at ensuring that the nature, timing and sequencing of new development are coordinated with the development, funding, implementation and operation of transport and other infrastructure. He considered the matters were all dealt with in either Mr Collins' or Mr England's report, and that there were no issues which would affect the feasibility of the proposed development.

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<sup>56</sup> Statement of Evidence of Ivan Thomson on behalf of Dunweavin 202 Limited 12 October 2021 at para [21]

120. Again, I agree. In doing so I have carefully considered the reports and evidence of both Mr Collins and Mr England.
121. In terms of Policy 6.3.12(4), which requires the development to occur in accordance with an ODP and the requirements of Policy 6.3.3. He noted the requirement that ODPs and associated rules must be prepared as either a single plan for the whole of the FDA or, where an integrated plan adopted by the territorial authority exists for the whole of the FDA, the ODP is consistent with that integrated plan. In those circumstances, the ODP can be part of that integrated plan. Mr Thomson considered that because the RSP existed, the requirement is for the ODP to be consistent with the integrated plan.
122. Mr Thomson considered that due to the relative size of the PC76 ODP, many of the requirements of Policy 6.3.3 did not apply. He considered it was especially important to ensure that, as a minimum, three waters (where appropriate) and movement networks for this ODP integrated with other private plan changes. It was his opinion that it does so. He considered that because stormwater is to be discharged to ground, there is limited scope, if any, for a blue network to be shown on the ODP.
123. Again 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.
124. 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 PC76 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.
125. 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 PC76 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.
126. Mr Friedel also considered Policy 6.3.12 (FDAs) to be the most critical in evaluating PC76. 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 PC76 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.

127. He again 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.
128. 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.

#### Findings

129. Again I have had the benefit of considerable evidence in relation to this issue. I consider that Mr Thomson and Mr Friedel both identify the key issue being Policy 6.3.12.
130. I agree that PC76 satisfies the pre-requisites for enabling the FDA to be rezoned. That issue was carefully addressed both in the evidence and in discussions at hearing.
131. Again, the relevant objectives and policies of the CRPS have been fully addressed in the evidence and I am satisfied that PC76 gives effect to the CRPS.

#### **Canterbury Land and Water Regional Plan and Canterbury Air Regional Plan**

132. Pursuant to s75(4)(b) of the RMA, the district plan cannot be inconsistent with the regional plan. I note that the establishment of activities within this site, including in terms of discharge of stormwater, will need to meet the permitted activity conditions of those plans or obtain resource consent. I agree with Mr Friedel that there is nothing about the site or its proximity to other land uses that would preclude future consenting processes should PC76 be granted. I also acknowledge that neither CRC nor CCC have raised any direct incompatibility issues.

#### **MIMP**

133. 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.
134. It was addressed in paragraphs [174] to [181] of the Request. The assessment recorded that in respect to general objectives and policies the plan change and the application site would not affect landscapes, or sites of cultural significance (Chapter 5.8). The site does not contain areas of significant biodiversity and it seeks to include landscaping within reserves and road corridors adding to overall biodiversity of the Canterbury Plains consistent with Chapter 5.5 of the MIMP.
135. The assessment identified that the full urban reticulation with the three waters was proposed and that the plan change had been designed taking into consideration the potential effect of

resultant subdivision and development on the rivers and streams that flow into Te Waihora/Lakes Ellesmere. It is also noted there were no identified sites of significance and that the site had had a long history of use for lifestyle and grazing purposes.

136. The assessment concluded that the plan change would not have adverse impact on the cultural values of iwi as set out within the MIMP. Mr Friedel agreed with that assessment and conclusions as to why.
137. I have taken the MIMP into account in this Recommendation and I agree that there is nothing about the plan change which would indicate that it may have adverse impact on the cultural values of iwi.

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

138. Matters relating to cross-boundary interests are addressed in the SDP in Section A1.5 of the Township Volume. As identified in the Technical Memo on Growth Planning, the cross-boundary issues associated with rezoning are primarily identified and managed through the Greater Christchurch Partnership arrangements.
139. In terms of the impact on the sub-regional transport network as identified particularly in the CCC submission, I agree with Mr Friedel, and as discussed in Mr Collins' evidence, the funding and implementation of an improved public transport system and network upgrades are required for Rolleston as a whole, rather than a specific consequence of this Request.
140. Ms Williams considered that the rezoning of the land would provide certainty for the planning of future public transport routes. She considered it was not reasonable to expect that rezoning of land be constrained by existing services when these are provided on the basis of population base/patronage. She considered the amended more direct alignment of the east-west roading connection would further support provision for future public transport to the extent that it was possible to do so through a plan change process.<sup>57</sup> She also noted that there was access to the Park 'n' Rides on Tennyson Street and Foster Park and that there was funding allocated in the Council's LTP for expansion of those services.
141. Overall, on the basis of the transportation evidence and Mr Friedel's assessment, I accept that cross-boundary effects of PC76 have been properly identified, considered and addressed.

### **Management Plans and Strategies Prepared Under Other Acts**

142. The Request contained an assessment of Our Space, the RSP, and Selwyn 2031 – the District Development Strategy. The documents were addressed in evidence and in the s42A Report. Those documents have all been addressed earlier in this Recommendation. They are documents that I have had regard to. It is my view that the rezoning sought is consistent with those management plans and strategies.

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<sup>57</sup> Brief of Evidence of Lisa Marie Williams 13 October 2021 at para [15]

## Section 32

143. The proposal needs to be evaluated in accordance with s32 of the RMA. In summary, this requires consideration and evaluation of the extent to which the objectives of the proposal are the most appropriate way to achieve the purpose of the Act (s32(1)(a)) and whether the provisions in the proposal are the most appropriate way to achieve the objectives (of both the proposal and the existing District Plan), having regard to the efficiency and effectiveness of the provisions and having considered reasonably practicable options.
144. The Request provided a thorough s32 assessment.<sup>58</sup> That identified four options, being: the status quo – do nothing; application to rezone the whole site for urban residential use zoned Living Z; application to rezone the whole site as Living 3; and resource consent applications for land use and subdivision consents (non-complying). I agree that they are the relevant options.
145. The overall assessment concluded that the rezoning of the site from Rural Inner Plains Zone to Living Z Zone was the appropriate method for achieving the objectives of the proposal compared with the other alternatives also considered. The overall assessment was that Option 2 was consistent with a range of District Plan policies notwithstanding that it does not sit squarely with the timing of release of land in the RSP 2009 which was considered to be out-of-date. It noted that it adopted the operative District Plan zone and development activity standards which would ensure continuity of the anticipated environmental outcomes and urban amenity, and was consistent with and gave effect to the relevant District Plan objectives and policies.
146. The assessment concluded the proposal was a logical extension to the developed and developing residential land adjoining the site while achieving a compact, efficient urban form; that there was no additional cost to SDC in rezoning as there was capacity in the public utility and existing road network, including planned upgrades, and that it provided certainty of final form of the rezoned area including proposals for reserves, road, future linkages and similar. The adoption of the Living Z Zone was said to be appropriate and the economic, social and environmental benefits of the proposal were assessed as outweighing the potential costs. In terms of overall efficiency and effectiveness, it was considered the proposal was high in comparison to alternative options which were low to moderate. Overall it concluded that the proposal was the most appropriate, efficient and effective means of achieving the purpose of the RMA.
147. Mr Friedel identified the stated objective of PC76 as being to *“rezone about 13ha of Inner Plains land to Living Z to enable the residential development of the south western edge of Rolleston for a site with frontage to East Maddisons Road. Development will be in accordance with an Outline Development Plan...”*.

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<sup>58</sup> Appendix 13, Section 32 RMA Assessment for Operative District Plan Application

148. He considered that the objective of PC76 would achieve the purpose of the RMA when considered against the relevant statutory tests including its consistency with operative objectives, policies and methods of the NPS-UD, CRPS and SDP. He considered that granting the Request would provide plan enabled medium-term housing capacity for the Township; and would enable SDC to meet its functions under s31(1)(aa). He recognised that additional policy changes and ongoing investment were required to optimise the use of greenfield land in Rolleston but the alternative of declining the Request would likely either require SDC to actively zone the land or potentially result in less optimal locations taking up the housing shortfalls at some point in time. He considered that those alternative scenarios may not achieve the purpose of the RMA to the same extent as PC76 (subject to modifications proposed).
149. Again in terms of whether the provisions in the proposal are the most appropriate way to achieve the objectives of the SDP, he noted that the only changes at policy level were references in Policy B4.3.9 and Policy B4.3.77 and that there were no substantial changes to the operative objectives or policies for managing the settlement pattern and growth of the Townships in the District.
150. He considered that the proposed amendments were limited to addressing site specific issues and integrating zoning into the wider environment through the ODP. Overall he considered it was consistent with the relevant objectives and policies in the SDP taking appropriate account of the strategic guidance offered by Our Space, Selwyn 2031 and the RSP. It was his view that the plan change would effectively integrate with the operative Living Z Zone. He concluded the proposal was consistent with the existing objectives and policies in the Township Volume of the SDP.
151. As to the benefits and costs, while I did not receive any detailed assessment of economic benefits and costs, employment opportunities to be created and similar, I am satisfied that I had sufficient information to make a recommendation in this regard. I consider that those matters were properly addressed in the Request and in Mr Friedel's assessment. The primary benefit is the enabling of up to 155 residential allotments in the location where demand is high, and capacity limited. Employment opportunities are likely to be generated through construction.
152. In terms of the risks of acting or not acting, these have been assessed. There are, in my view, limited, if any, risks of acting. The risks of not acting primarily relate to a potential shortfall in capacity to meet that demand. I am satisfied that there was no uncertainty on the basis of the information that I have been provided with.

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

153. 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.*

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

#### Section 32AA

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

156. 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).*

157. 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.

#### Part 2 Matters

158. The relevant Part 2 matters are largely addressed by reference to 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.

159. 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

160. I consider that the proposal will achieve the purpose of the RMA. I accept that in general terms that purpose can largely be assessed through the detail and breadth of the operative objectives and policies which the Applicant does not propose to change. That has been done through the body of this Recommendation and I am entirely satisfied that the purpose of the RMA is achieved by the approval of this plan change.

#### **Overall Conclusion**

161. 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 in terms of the s32 tests and 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**

162. 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 76 to the Selwyn District Plan as set out in Appendix A.
- (2) That for the reasons set out in the body of my Recommendation, and summarised in Appendix B, the Council either accept, accept in part or reject the submissions identified in Appendix B.



**David Caldwell**  
Hearing Commissioner

Dated: 7 March 2022