

BEFORE THE SELWYN DISTRICT COUNCIL

IN THE MATTER OF

Clause 21 of the First Schedule of the
Resource Management Act 1991

Aa

AND

IN THE MATTER OF

Urban Estates Limited, Private Plan
Change 78

Applicant

RECOMMENDATION BY COMMISSIONER DAVID CALDWELL

Dated 22 March 2022

SUBJECT TO COUNCIL DECISION

Appearances:

Council:

Mr Craig Friedel – Consultant Planner for Selwyn District Council

Mr Andrew Mazey – Assets Manager Transportation, Selwyn District Council

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

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

Applicant:

Mr Gerard Cleary, Anthony Harper – Legal Counsel

Mr Gary Sellars, Director of Valuation and Consultancy at Colliers Valuation – Valuer

Mr John Ballingall, Partner at Sense Partners – Economics

Mr Andrew Hall, Chartered Professional Engineer and Director of Davie Lovell-Smith Limited – Infrastructure

Mr David Smith, Technical Director Transportation Planning at Abley Limited – Transport

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

Ms Patricia Harte, Consultant Planner with Davie Lovell-Smith Limited – Planning

Submitters

Mr Robin Schultz for Selwyn 564 Limited

ABBREVIATIONS TABLE

CARP	Canterbury Air Regional Plan
CCC	Christchurch City Council
CLWRP	Canterbury Land and Water Regional Plan
CRC	Canterbury Regional Council/Environment Canterbury
CRPS	Canterbury Regional Policy Statement
FDA	Future Development Area
GCP	Greater Christchurch Partnership
HCA	Housing Capacity Assessment
hh/ha	Households per hectare
LTP	Selwyn District Council Long Term Plan 2021-2031
LURP	Land Use Recovery Plan
MIMP	Mahaanui Iwi Management Plan
NPS-UD	National Policy Statement – Urban Development
ODP	Outline Development Plan
Our Space	Our Space 2018-2048: Greater Christchurch Settlement Pattern Update Whakahāngai O Te Hōrepa Nohoanga
PC78	Private Plan Change 78
PDP	Proposed Selwyn District Plan
PIB	Projected Infrastructure Boundary
pNPS-HPL	Proposed National Policy Statement for Highly Productive Land
RMA	Resource Management Act 1991
RSP	Rolleston Structure Plan 2009
SDC	Selwyn District Council
SDP	Operative Selwyn District Plan
Selwyn 2031	District Development Strategy
Technical Memo	Technical Memorandum of Ben Baird, Policy Analysis on Growth Planning in Selwyn District – Appendix 7 to s42A Report
UDS	Urban Development Strategy
WWTP	Waste Water Treatment Plant

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Introduction

1. I have been appointed to hear submissions and make a Recommendation on Private Plan Change 78 to the Operative SDP.
2. I attended and conducted the hearing at the Selwyn Sports Centre on 5 November 2021. Mr Cleary provided some comments in reply at the hearing and did not seek to file a written reply as he considered no further legal issues had arisen. 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/pc78. 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.

PC78

4. PC78 is a private plan change initiated by Urban Estates Limited to rezone 63.35 hectares of Rural (Inner Plains) land to Living Z. The details of the properties to be rezoned were set out in Table 1 of the Request.¹ This is to provide the opportunity to develop approximately 756 residential allotments in the south-eastern sector of Rolleston with frontage onto Selwyn Road and Lincoln Rolleston Road. The allotments are proposed to be developed to achieve a 12hh/ha density and in accordance with Living Z standards with a low density average allotment area of 650m² and medium (small lot) maximum average allotment area of 500m². The Request notes that some comprehensive development is also anticipated.
5. An ODP provides overall guidance for the development and addresses the mixture of low density and medium density. It includes links through to the south-eastern corner of the Acland Park development together with intermediate routes providing linkage through to Acland Park and land to the north-west and to the south-east. A major collector road is proposed to run from Selwyn Road through to "almost" Ed Hillary Drive – the CRETS collector road.
6. The changes requested were:
 - (a) Amending the SDP Planning Maps by rezoning the land from Rural (Inner Plains) to Living Z;
 - (b) Adding the PC78 ODP to Appendix 38 of the SDP Township Volume with accompanying text to guide the subdivision and development of the land; and
 - (c) Undertaking any consequential amendments (such as renumbering).

¹ Request for a Change to the Selwyn District Plan dated December 2020 – Amended April 2021 at page 2

7. PC78 was formally received by SDC on 19 January 2021. A Request for Further Information was issued on 15 February 2021 with the Applicant's response received on 12 April 2021. It was accepted for notification pursuant to clause 25(2)(b) of Schedule 1 to the RMA on 12 May 2021. It was publicly notified on 2 June 2021 with the submission period closing on 1 July 2021. A Summary of Submissions was publicly notified on 18 August 2021 with the further submission period closing on 1 September 2021.
8. 4 primary submissions were received, together with 1 further submission.

Procedural Matter

9. In addition to the matters discussed above, on 16 December 2021 I issued a Minute on this and other plan change requests seeking comments on issues arising from the Resource Management (Enabling Housing Supply and Other Matters) Act (**Amendment Act**).
10. By Memorandum of Counsel dated 21 December 2021, Mr Cleary addressed the issues and queries I had raised, particularly whether I could or should reopen the hearing. Mr Cleary submitted that there would be no particular value in receiving any further evidence on the issues of supply/demand and infrastructure for the reasons which he specified.²
11. I considered the various responses received and issued a Minute on 10 January 2022 recording my view that there was nothing in the Amendment Act which suggested decisions on the plan changes be delayed to await new evidence on the likely outcome of future and uncertain SDC variation processes. I concluded that the appropriate approach was for me to continue with my deliberations and recommendations.
12. Other than recording the above, I do not propose to address the Amendment Act, or its potential consequences, further. Any matters arising from the Amendment Act are properly addressed through the variation process specified.

Site Visit

13. I undertook a site visit on 10 November 2021, accompanied by Ms Lewes from SDC. I observed the site from the neighbouring PC75 site and traversed a number of the roads and lanes throughout the site. I travelled along both Lincoln Rolleston Road and Selwyn Road. I also went through a number of nearby subdivisions. I was able to observe the area to the south of the plan change site which is presently being used for market gardening.

The Site and Surrounding Environment

14. The site was described in the Request. This identified that the land is currently occupied by rural activities being predominantly farmland and rural residential holdings and described the site as being relatively flat with gentle undulations and depressions in some areas.

² Memorandum on Behalf of Urban Estates Limited 21 December 2021 at para [1.8]

15. The description noted that there were 11 houses within the site and these were largely associated with rectangular 4 hectare blocks, some of which are accessed from lengthy rights of way.³ The Request addressed the context of the zoning. This included the then proposed Plan Change 1 to the CRPS. The site and surrounding environment were also described in the s42A Report, which also provided a description of the context. In terms of that context, the s42A Report identified that the site is within the boundary of the RSP where it is identified for mixed density residential development supported by a local centre (SR13) with a development horizon of 2041-2075. It noted that the site is contained within the PIB illustrated on Map A of Chapter 6 to the CRPS. It noted that it had also been identified as an FDA in Our Space. It advised that at the time of lodgement it was subject to Plan Change 1 to the CRPS and that the decision had subsequently been notified and the FDA included in the CRPS Chapter 6 Map A.
16. For completeness, the s42A Report identified that SDC has notified and is hearing submissions on the PDP. It advised that the Applicant had submitted on the PDP on a range of specific provisions and requesting rezoning.
17. Ms Harte, in her evidence, described the plan change site and the surroundings in her paragraph [3.1] and also addressed the planning context in some detail. She provided a table summarising the purpose of the various documents and the significance of them in relation to the proposed rezoning.⁴

Statutory Framework

18. The Environment Court has provided a comprehensive summary of the mandatory requirements in its decision in *Long Bay*.⁵ This was updated to reflect changes to the RMA in 2009 in the Environment Court's decision in *Colonial Vineyards*.⁶
19. 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;⁷
 - (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;⁸
 - (c) When preparing its district plan (change) the territorial authority shall:

³ Request for a Change to the Selwyn District Plan dated December 2020 – Amended April 2021 at page 2

⁴ Statement of Evidence of Patricia Harte 20 October 2021 at para [4.1]

⁵ *Long Bay – Okura Great Park Society Inc v North Shore City Council* A078/08

⁶ *Colonial Vineyards Limited v Marlborough District Council* [2014] NZEnvC 55

⁷ s74(1)(a) and (b) of the RMA

⁸ s75(3)(a), (ba) and (c) of the RMA

- (i) Have regard to any proposed Regional Policy Statement;⁹
- (ii) Give effect to any operative Regional Policy Statement;¹⁰
- (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,¹¹ and must have regard to any proposed Regional Plan on any matter of regional significance;¹²
- (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;¹³
- (f) The policies are to implement the objectives, and the rules are to implement the policies;¹⁴
- (g) The plan change shall have regard to the actual or potential effects on the environment of activities including, in particular, any adverse effects.¹⁵

20. 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;¹⁶
- (d) The provisions in PC78 are the most appropriate way to achieve the objectives of the SDP and the purpose of the proposal.¹⁷

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

21. The Request included an assessment of effects in Section 5. That identified:

⁹ s74(2)(a)(i) of the RMA

¹⁰ s75(3)(c) of the RMA

¹¹ s75(4) of the RMA

¹² s74(2)(a)(ii) of the RMA

¹³ s74(2)(b)(i) and s74(2A) of the RMA

¹⁴ s75(1)(b) and (c) of the RMA

¹⁵ s76(3) of the RMA

¹⁶ s32(1)(a)

¹⁷ s32(1)(b)

- (a) Benefits of the plan change;
- (b) Servicing;
- (c) Transportation;
- (d) Soil contamination;
- (e) Natural hazards and geotechnical constraints;
- (f) Water quality;
- (g) Versatile soils;
- (h) Potential reverse sensitivity.

22. Mr Friedel identified the key issues that had either been raised by submitters or are necessary to be considered in ensuring SDC's statutory functions and responsibilities are fulfilled. These were:

- (a) Urban form, density, enabling social and affordable housing, and character;
- (b) Reverse sensitivity;
- (c) Infrastructure servicing;
- (d) Transportation network;
- (e) Land suitability and geotechnical risk;
- (f) Versatile soils.

23. I will use those headings. Before addressing those matters, I record that the Reporting Officers provided a Joint Officer Summary Statement which was circulated prior to the hearing. That clearly identified the remaining areas in dispute. This enabled the various participants to focus on the matters which remained unresolved.

Urban form and density

24. As noted by Mr Friedel, the Request includes an assessment of the influence that the rezoning may have on the urban form of Rolleston, discusses the rationale for why 12hh/ha has been identified as the optimal minimum density, and what the amenity implications and expectations in respect to the site are in terms of its current and potential future states. The assessment was supplemented and informed by an urban design, landscape and visual assessment which was provided in response to SDC's further information request.¹⁸

¹⁸ s42A Report on Submissions Relating to PC78 13 October 2021 at para [7.3]

25. Mr Friedel identified the relevant submissions. Selwyn 564 Limited (S78-001-001) supported PC78 and submitted that the Request was required to increase the number of affordable residential sections in Rolleston. CCC (S78-002-002) and CRC (S78-004-001) neither supported nor opposed PC78 but requested a minimum density of 15hh/ha to better achieve efficiencies in the coordination of land use and infrastructure, support mixed land use activities and multi-modal transport systems, and protect the productive rural land resource.
26. Mr Friedel identified that CCC and CRC also sought mechanisms be included to enable social and affordable housing based on the recommendations contained in the GCP Social and Affordable Housing Report.
27. In terms of the wider urban form, Mr Friedel identified that the site is within the RSP boundary, was identified as an FDA in Our Space, and is identified as an FDA and within the PIB on Map A of Chapter 6 CRPS.¹⁹ He considered that the rezoning sought would implement the preferred urban form of Rolleston as had been determined through the spatial plans to give effect to the CRPS and NPS-UD. He noted that this preferred urban form includes the site and 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 Ross Road to the north-east and Dunns Crossing Road to the south-west. He considered the ODP would further ensure that the site is integrated into that urban form through connections to the wider transport and infrastructure networks and community facilities such as open space reserves, commercial centres, and community facilities.²⁰
28. Ms Wolfer identified that the site was within the Rolleston Metropolitan Urban Limit in the RSP and was within the area identified for future development in the framework documentation of the CRPS and Our Space. She noted that both documents identified the site as an FDA. She referenced Policy B4.3.3 in terms of avoiding leaving a Rural zoned area surrounded on three or more boundaries by Living zones. She considered the proposal to be keeping with that policy. She considered that developing the proposed site to a residential density would be in keeping with Greater Christchurch’s settlement pattern and achieve a consolidated expansion of the existing urban areas within Rolleston Township.²¹
29. Mr Compton-Moen described the growth of Rolleston in paragraphs [5.1] – [5.7] of his evidence. He concluded that overall, given the context he had described, the urban development should and will inevitably grow to the south-east of Rolleston and PC78 was a natural, in-sequence extension of existing urban areas (Falcon’s Landing, PC75 and Acland Park).²²

¹⁹ s42A Report on Submissions Relating to PC78 13 October 2021 at para [7.5]

²⁰ s42A Report on Submissions Relating to PC78 13 October 2021 at para [7.6]

²¹ Evidence of Gabi Wolfer 7 October 2021 at para [10.5]

²² Statement of Evidence of David John Compton-Moen 20 October 2021 at para [5.8]

30. Ms Harte described the PC78 site and its relationship with other residential developments to the west. She identified that the land to the north-west was also proposed for residential zoning pursuant to PC75.²³ Ms Harte considered the plan change site to be a logical extension of the south-eastern residential area of Rolleston. She addressed the planning context in tabular form at page 4 of her evidence. This identified its relationship with the RSP; identified that it fell within the PIB; identified that it falls within the eastern FDA identified in PC1; that it falls within the Eastern Urban Growth Overlay for Rolleston in the PDP; and identified the master planning and the Future Growth Staging for Rolleston.
31. She considered that all of the documents she had addressed directed that the growth of Rolleston should be provided in a planned manner and that this should follow a logical boundary which is clearly defined and creates a relatively compact town. She noted that the town had a large area devoted to industrial commercial activity providing business and employment opportunities. It was her opinion that all the documents and their associated policy approaches support the growth of Rolleston in the south-eastern corner which includes the PC78 area. In her opinion there could be no doubt that the proposal was consistent with all of the relevant spatial planning documents.²⁴

Density

32. In terms of density Mr Friedel “generally” supported the position outlined in the CCC and CRC submissions that an increase to the minimum net densities from 12hh/ha to 15hh/ha would achieve efficiencies in the coordination of land use and infrastructure, support mixed land use activities and multi-modal transport systems, and protect the productive rural resource. He also considered that an increase in minimum net densities would implement the RSP which indicated densities as high as 20hh/ha should be considered for residential ‘greenfield’ areas through higher and medium density areas that utilise locational attributes.²⁵
33. He referenced the GCP Density Report but noted that report identified that there were several constraints and options for Partnership councils and organisations to activate the benefits. These included Recommendations 1-4 to undertake spatial planning; address constraints (building partnerships and investing in places; improving planning systems and processes and establishing funding arrangements); building the evidence base; and to implement associated changes to the CRPS. He also advised that Recommendation 5 identifies that a minimum density of 12hh/ha should be applied as an interim measure.²⁶
34. He advised of his understanding that the appropriateness of increasing the minimum densities from 10hh/ha to 15hh/ha or somewhere in-between was being considered through the PDP evidence and that SDC has advised that further initiatives to give effect to the NPS-UD and Recommendations 1-4 of the GCP Density Report are being progressed. Mr Friedel noted

²³ Statement of Evidence of Patricia Harte 20 October 2021 at para [3.1]

²⁴ Statement of Evidence of Patricia Harte 20 October 2021 at para [4.3]

²⁵ s42A Report on Submissions Relating to PC78 13 October 2021 at para [7.7]

²⁶ s42A Report on Submissions Relating to PC78 13 October 2021 at para [7.9]

that the CRPS continues to require a minimum net density of 10hh/ha in greenfield areas in the Selwyn District and that the Living Z Zone framework includes medium density that could achieve densities of 15hh/ha when applied across the PC78 site. He considered the minimum densities proposed of 12hh/ha was consistent with the policy direction in the CRPS, Our Space and the greenfield development occurring to the north and west of the site as well as other greenfield areas in Rolleston.²⁷

35. Overall he supported an increase to 15hh/ha in principle but considered the minimum of 12hh/ha enables PC78 to give effect to the CRPS pending any changes to it or the underlying land use zone in the future to increase minimum household density.
36. Ms Harte addressed this issue in her evidence. In direct response to the CRC and CCC submissions she advised that the Applicant intended to provide sections/housing that the public want and has no issues with higher density living environments and provisions for different housing typologies. She noted that PC78, although having the minimum of 12hh/ha, that did not prevent higher densities occurring. She considered the only real limitation was that within the current SDP, namely the minimum lot size for dwellings. She noted that the plan provides for more intensive developments through a consenting process which she advised was now quite common.²⁸
37. Ms Harte also addressed the CRPS minimum density of 10hh/ha and addressed the constraints or methods to facilitate the increased density identified in the GCP Density Report. In her summary and discussions at the hearing, Ms Harte identified the then draft Resource Management (Enabling Housing Supply and Other Matters) Amendment Bill having been released. In her view, this added another dimension to consideration of density in residential zones and in those circumstances she considered there was “probably little point” in refining the current Living rules for this greenfield site “as it will soon be subject to a plan change under this proposed legislation”.
38. Mr Compton-Moen considered the proposal to be consistent with the current urban development practice in Rolleston of creating densities of 12hh/ha and greater. He was supportive of that approach. He considered the proposed density was a positive change from the 10hh/ha previously proposed in the Living Z Zone and was consistent with other residential developments in Rolleston. He noted it was higher than the recommended density in Township objectives and policies for Living Zones but considered it appropriate for Rolleston to meet the outcomes desired by the NPS-UD.²⁹
39. Ms Wolfer in her report identified that the site is within the Rolleston Metropolitan Urban Limit of the RSP and within the areas identified for future development in the framework documentation of the CRPS and Our Space. Ms Wolfer was generally in agreement with the spatial distribution of the medium density housing and encouraged the Applicant to consider

²⁷ s42A Report on Submissions Relating to PC78 13 October 2021 at para [7.11]

²⁸ Statement of Evidence of Patricia Harte 20 October 2021 at para [8.4]

²⁹ Statement of Evidence of David John Compton-Moen 20 October 2021 at para [7.4]

providing for a variety of densities to support more intensive affordable developments and building different building typologies to achieve that.

Findings

40. Based on all of the evidence, I consider PC78 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 growth form that has been determined through the spatial plans to give effect to the CRPS and NPS-UD. That conclusion is clearly in accordance with the planning context discussed by Mr Friedel and by Ms Harte. It is clear, on the basis of the planning and urban design evidence, that this is an appropriate urban form.
41. In terms of density, I have carefully considered all of the evidence in relation to this issue. 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. It is my view that the proposed density is appropriate. It is comparable to that of other greenfield areas in Rolleston; is consistent with the policy direction in CRPS, Our Space and SDP. The zoning requested does enable increases in density in response to movements in market preferences. I agree with Ms Harte's view that applying minimum densities over a full plan change area is a coarse control and that more sophisticated tools and incentives are required to achieve good housing and community outcomes. I agree with her view that, at this stage, it is sufficient that the minimum density of 12hh/ha be retained.

Enabling social and affordable housing

42. The submissions of CCC and CRC identified that the GCP was developing a social and affordable housing action plan and sought its recommendations be incorporated.
43. Ms Wolfer addressed this in her report. She confirmed that the housing action plan had not been approved and that in her view it was not appropriate to be considered as part of the private plan change process.³⁰
44. Mr Friedel supported the need for developers to facilitate the development of affordable housing and for councils, service providers and the Government to support affordable and social housing. He was uncertain as to the status of the action plan and how its recommendations could be applied to an evaluation of the appropriateness of PC78 or inform any recommended changes to the ODP or related policies.³¹ He considered that the granting of PC78 would facilitate the subdivision and development of mixed-density subdivisions that would be coordinated through the Living Z Zone provisions. He acknowledged that the minimum density proposed provided for a reasonably small range of housing typologies and they would meet a relatively narrow affordability range. However, Mr Friedel supported the

³⁰ Evidence of Gabi Wolfer 7 October 2021 at paras [13.6] – [13.8]

³¹ s42A Report on Submissions Relating to PC78 13 October 2021 at para [7.15]

submission from Selwyn 564 Limited (S78-001-001) in relation to this plan change potentially improving housing affordability in Rolleston. He opposed in part the submissions of CCC and CRC.

Finding

45. I do not consider there is sufficient and clear policy direction in this regard that would enable the integration of social and affordable housing into this plan change. I received no evidence from CCC or CRC. In my view it is difficult to see how those issues could properly be considered and incorporated. I acknowledge the issues raised are important. I consider that the approval of the plan change request would enable the supply of approximately 750 residential unit. If that eventuates, in my view, it is likely to contribute to housing supply and potentially assist in the affordability of such housing.

Character and amenity

46. Ms Wolfer described the adjoining residential developments cumulatively having an impact on the character and outlook of the site. She identified that part of the existing natural characteristics included a flat topography, large open grass fields with clusters of vegetation framed by tall evergreen shelterbelt plantings which provide a backdrop for intermittent views to the Alps and the Port Hills. She described the site characteristics as being sub-urban with a lifestyle character. She considered the majority of the clusters of built development were located well within the site and accessed along long driveways and that the proposal would alter the site but would align with the residential sub-urban character to the west. She supported the retention and incorporation of existing dwellings and tree and garden planting and the distribution of density to ensure that lower density sites are on the perimeter.
47. Her principal concern related to the water race which she described as running north to south approximately halfway between Acland Park and Lincoln Rolleston Road. She considered it to be a strong feature of the site. She identified a number of other amendments which in her view needed to be incorporated into the ODP in terms of land use and connectivity.
48. Mr Compton-Moen considered the main issues to be addressed as:
- (a) Rolleston's urban form and growth;
 - (b) Connectivity and walkability;
 - (c) Density and character; and
 - (d) Landscape and visual effects.
49. I have addressed the consolidated urban form and growth issues previously in this Recommendation. In terms of connectivity and walkability, Mr Compton-Moen advised that walkability and connectivity were key principles of the ODP with a hierarchy of street types

and connections provided throughout the area. He advised that the aim of the movement network was to provide a range of modal options for residents. In terms of visual amenity effects, he noted that the proposal would result in an overall change in character from open and rural residential to one that is more dense and suburban in nature, noting that the receiving environment could be considered as peri-urban.

50. Mr Compton-Moen advised that it was proposed to maintain aspects of openness through the management of fencing and frontage upgrades along Lincoln Rolleston Road and Selwyn Road, the improving of connectivity, and the centralisation of denser development. In his view, the highest likely effects after mitigation would be those experienced by the existing residential properties closest to the proposal along the Lincoln Rolleston and Selwyn Roads. He acknowledged that there would be a change in the overall character of the receiving environment and that overall the scale and bulk and location of the proposal would allow it to appear as a natural extension of the existing development with a very low magnitude of change anticipated.³²
51. Mr Compton-Moen discussed the mitigation measures proposed. He commented on Ms Wolfer's evidence noting that he and Ms Wolfer were largely in agreement that the proposed plan change was consistent with the objectives, policies and provisions of the SDP. He agreed with a number of the recommended changes to the ODP plan and text. These included the ODP and Policy B4.3.77 being amended to indicate the need for a frontage upgrade along Lincoln Rolleston Road and Selwyn Road; the ODP plan being amended to illustrate the walking and cycling routes within the site including a key link to Te Rōhutu Whio School; and that the catchments for the two reserves were 500m radii.
52. Overall he concluded: that the amenity effects on existing and future residents could be successfully mitigated; the proposed ODP provides a high level of connectivity and is consistent with the context and character of the receiving environment. He noted it does not preclude future connectivity/growth. In terms of landscape character, he concluded that the proposal would result in an acceptable magnitude of change on the existing rural landscape character and values and again summarised the reasons for that view. In relation to visual amenity, he considered the rural properties would experience a change in openness of views across the space, noting however that many of the adjoining properties are surrounded by well-established shelterbelt and boundary plantings.

Findings

53. There was a significant level of agreement between the relevant experts in relation to these matters. The Applicant has accepted a number of the changes proposed by the Reporting Officers. On the basis of the evidence I am satisfied that the amenity character effects have been appropriately assessed and addressed. I accept that the granting of the Request will enable a change to the character and amenity of the site of those close to it, but that has

³² Statement of Evidence of David John Compton-Moen 20 October 2021 at para [8.3]

clearly been signalled through the various planning documents. In that context, in my view, any of the potential effects on character and amenity are minor and appropriate. Mitigation measures can be addressed more fully at subdivision stage.

Water race

54. Mr Compton-Moen considered that the inclusion of the existing water race in the ODP and its reference in supporting text was not appropriate. He considered the water race to be a minor element of the existing landscape character and not of a scale or importance worthy of protection. He considered this to be supported by the majority of the ODPs which have been developed in Appendix E38 of the SDP which do not reference the water race. He considered its inclusion could be evaluated at the subdivision stage as a matter of discretion. In his Summary of Evidence presented at the hearing, he confirmed that he was in agreement with Ms Wolfer for all aspects except for the inclusion of the water race in the ODP. He confirmed that he did not consider water races to be of sufficient scale or character to merit inclusion on the ODP. He advised they were not listed in the Schedule of Heritage Items in the SDP.³³

55. Ms Wolfer referred to the RSP and references within it to the water races.

56. On a review of the RSP, there are numerous mentions of the water races. Examples include at page 112 where it states: (my emphasis)

New development should also provide for interconnected walking and cycleway routes, integrated with open space and proposed green corridors and water races wherever possible, providing benefits for social and environmental well-being.

57. The water race network is addressed specifically in 9.5. At page 130 it states:

The water race network also provides a visual corridor along which views of the Port Hills and the Southern Alps can be appreciated.

Access to the water's edge and resting places provide additional recreational opportunities. ...

58. The RSP also recognises that they are the only open waterways within the RSP area and although not natural waterways they possess many of the same characteristics as streams. It notes that the RSP provides opportunities to increase their amenity and ecological value and that landscaping and suitable planting can create attractive green walkways and access corridors.

Findings

59. The water race issue is one which I discussed with a number of witnesses. On my site visit, I observed the treatment of the water race at the Stonebrook subdivision. It has been integrated

³³ Summary of Evidence of David Compton-Moen 5 November 2021 at para [9]

into that development, and particularly the lineal park. This is shown in the following photograph.



60. In my view, and in accordance with the commentary in the RSP, the water races do provide an opportunity for increased amenity, particularly given the absence of natural waterways within Rolleston. There are however matters of discretion which enable consideration of the water races at the subdivision stage. I do not consider a reference to such needs to be incorporated into the ODP text or plan.

Reverse sensitivity

61. The issue of reverse sensitivity was addressed in the Request and in the Applicant's response to a request for further information. The response identified the inevitability of rural land adjoining residential land areas on the edge of townships. The Applicant did not consider the activity on the land, which is the block located on the corner of Lincoln Rolleston Road and Selwyn Road, to be an intensive horticultural activity. The response also advised that at this stage it was not appropriate to determine methods for managing any potential reverse sensitivity effects given that the use of the neighbouring land may change.
62. Ms Harte addressed this issue in paragraphs [10.1] – [10.9] of her evidence. She noted that only one of the existing Rolleston ODPs had a notation relating to reverse sensitivity and it was only for a very small section of one boundary. She noted that most of the ODP areas will have had rural neighbours when they were created. In her view, this indicated clearly that the potential for a reverse sensitivity issue justifying some kind of restriction on development in an

ODP is quite limited.³⁴ She discussed the factors which would need to be present for there to be a problem. She then advised that she had received an email from Liz and Mike O'Connor who are the owners of 548 Selwyn Road which adjoins the market garden operation. She provided their comments. That notes that there "has been a few occasions" when they have noticed spray odour and occasional noise from the tractor and spray operations, but it was neither excessive nor prolonged. They described it as a minimal effect. The email also notes that a recently installed laser bird scarer is a light beam only with no noise. It advised that they had no concerns during the daytime operation but laser at night does cause a random flash across the property and they have installed light blocking material to the bedroom shutters to mitigate this. The email also advised that there was no effect at all from the poultry operation which is across the road from the market garden.

63. Ms Harte's concern was that reference to reverse sensitivity on the ODP may result in an over-zealous approach and restrictions which would significantly affect the layout, design and yield of the development for what may be a temporary situation. She referred to Mr Compton-Moen's urban design evidence that in the past the response to the potential issue of residential development adjoining current rural land had been to place larger lots on the current edge of settlements and that this had resulted in a lack of connectivity between developed areas that is difficult to overcome. It was her view that the ODP should be treated the same as the other ODPs adjoining currently farmed land and the appropriate time to determine whether there was an issue was at the subdivision stage.
64. In her summary evidence presented at the hearing, Ms Harte again discussed what she considered to be the difficulties with addressing this in an ODP. She proposed the inclusion of the following reference in the ODP text:

Neighbouring productive activities may also need to be taken into account when investigating subdivision layout and design.

65. Mr Friedel in his s42A Report considered that the ODP and Policy B4.3.77 should include a 'reverse sensitivity treatment' to identify the need for methods to be developed to manage any potential adverse reverse sensitivity effects associated with the horticultural operation on the land at the corner of Lincoln Rolleston Road and Selwyn Road.
66. The Officers Joint Summary recorded that the officers generally agreed with the Applicant that the risk of adverse reverse sensitivity effects is low (when compared to other intensive rural production activities or strategic infrastructure) and as a result any treatment should be limited to close board fencing, landscaping or similar responses as opposed to a buffer of lower density allotments along the boundary setback or realignment of the road. The report identified other possibilities for consideration during the subdivision stage including consent notices, a note on LIMs and/or covenants to highlight the potential effects from the adjoining land use to the future owners.

³⁴ Statement of Evidence of Patricia Harte 20 October 2021 at para [10.3]

67. The Officers Joint Summary reiterated that there were no general matters of discretion in the SDP for managing reverse sensitivity effects of this nature at the time of subdivision and that a general reference to the potential for reverse sensitivity effects on the ODP was considered to be appropriate.
68. I discussed this issue with Ms Wolfer. She noted the interface was approximately 930m and considered it was appropriate to have a note. She acknowledged the land use on the neighbouring property will be changed in the future but nobody knows when.

Findings

69. I have carefully considered this matter and the evidence and submissions addressing it. I have observed the market garden. At the time of my site visit there appeared to be some form of cultivation being undertaken. It is clear that the land is being used for productive agricultural purposes. There is a potential for that activity to have amenity effects on future occupiers of the PC78 site, particularly given the length of the interface. Such could potentially give rise to reverse sensitivity effects.
70. I agree that it is not appropriate to have any form of boundary treatment which would render ultimate integration difficult. The block where the market gardening is occurring is within the FDA but of course that identification is enabling. There is nothing which in any way compels the occupier of that property to embark on residential intensification.
71. The information from the residents provided through Ms Harte's evidence was helpful in enabling an understanding of the likely significance of this issue. Having considered all of the evidence, I consider Ms Harte's proposed wording for inclusion in the ODP is the most appropriate method to address this issue. During discussions at the hearing Mr Friedel confirmed that he supported Ms Harte's wording. It, at least, identifies that such may be an issue which needs to be addressed at subdivision stage.

Infrastructure servicing

72. By way of summary, Mr Hall concluded that in terms of stormwater, the site was underlain with very deep gravels suitable for direct soakage as is normal practice throughout Rolleston. He noted that groundwater is approximately 9m below ground level. In terms of wastewater, he advised that a new pump station is to be constructed at the lower end of the site on Selwyn Road. This would receive wastewater from the catchment which includes the PC78 area. The wastewater would be pumped to Pines WWTP which had sufficient allocated capacity for the flows from PC78. In terms of water supply, he noted SDC has a strategy for the supply of potable water to the FDAs in Rolleston of which the PC78 site was included.
73. He also made reference to Chapter 6 of the CRPS which describes the site as an FDA and noted that was subject to a number of policies listed in Section 6.3.12 of the CRPS and, in respect to servicing, he considered the proposal to be compliant.

74. Expanding on his summary, he advised that he had consulted Mr England as to existing capacity regarding wastewater. He advised that it had been confirmed that capacity currently exists and is allocated to the FDAs within the PIB including the PC78 site. He advised that the Applicant was willing to work with SDC to facilitate the construction of key wastewater infrastructure by way of private developer agreement or similar instrument, or it could be constructed by SDC with the cost recovered through development contributions.
75. In terms of water supply, he addressed the water supply system, noted the SDC water supply strategy for the provision of water to the FDA. He advised that all future homes and businesses within the PC78 area would be serviced by a water supply connection to the boundary in accordance with the SDC standards. He also addressed power and telecommunications, noting that future homes would be connected to the Orion and Enable networks in accordance with the standards of those utility companies.
76. Mr England again provided officer comments. Mr England has provided officer comments and appeared before me on a number of private plan changes in Rolleston and elsewhere in the District. In terms of water supply, he described the Rolleston water supply system, consents, demand and capacity. He addressed future growth demand noting that hydraulic models had been used to plan future water infrastructure for a number of water supplies including Rolleston. He advised that the master planning provides an assessment of the sizing and timing of new infrastructure for new reservoirs, water sources and pipelines to service growth. He noted that Rolleston was expected to see significant growth over the next 30 years and capacity upgrades were proposed to meet that. He advised that the LTP included budget for further development funded capacity upgrades on the Rolleston water supply. He advised, as he had in earlier hearings, of the need for prioritising water allocation to those within the RSP area and confirmed that consented water could be made available to service the site.
77. In terms of wastewater, Mr England described and discussed the wastewater system, discussed wastewater conveyance and the Pines WWTP. He noted the strategic planning which had been undertaken in relation to its upgrade. He advised that a master plan had been developed for the treatment plant to confirm what it would take to expand ultimate treatment capacity to 120,000 Person Equivalents (PE). He advised that if the plan change were to be approved, development contributions would be payable for any additional lots. Again in terms of stormwater he was comfortable there was a viable means to dispose of it.

Findings

78. On the clear evidence before me, I am satisfied that there are no infrastructure constraints which would render approval of this plan change inappropriate. I note that this is in an area identified as suitable for residential intensification (subject to an assessment). It is also within the PIB. The infrastructural requirements are therefore, to a large degree, anticipated.

79. This submitter sought that PC78 be conditioned to require landowners to enter into an agreement with SDC to coordinate the installation of infrastructure services, including by way of point strips. Mr Schulz, a director and beneficial shareholder of both Nimbus Group (NZ) Limited and the submitter, provided a written brief of evidence and attended the hearing.
80. Mr Schulz has had a long involvement in the development of Rolleston. He advised that was over a 27 year period having been the initiator and facilitator in the implementation of many of the main planning, infrastructure and social assets of the town.³⁵ He summarised a number of the projects that he had been involved in. He advised that his interest in the plan change was as a beneficiary of family interests as shareholder of Selwyn 564 Limited, the owner of the property at 564 Selwyn Road. Mr Schulz described the site and the ownership with 5 of the properties having frontage to an existing legal road and the balance 8 properties utilising various mutual right of ways for access. It was his view that in giving effect to the ODP, there would be cross-boundary issues regarding provision of roading, sewer, potable water and other matters. He identified that some of the properties are now subject to unsettled conditional sale and purchase agreements. Notwithstanding that, the ability to further develop the properties would be highly dependent on cooperation from all owners, albeit the number of owners may rationalise over time.
81. He considered it was “totally prudent” that a developers agreement be entered into to facilitate the installation and payment of costs of all services in a fair and equitable manner. He requested that I consider requiring SDC, as a condition of subdivision consent, to require the resource consent applicant to enter into a developers agreement with all affected parties for the provision of all services so as to facilitate the installation and cost-sharing and deal with any other cross-boundary issues. He confirmed his understanding that 9 of the properties were subject to some form of conditional sale and purchase agreement to one entity, 2 were subject to a sale and purchase agreement to a second entity, and a single property which was not subject to any sale and purchase agreement. He discussed point strips and advised that SDC prefers not to impose them within any ODP. He recorded his understanding that SDC considers that all landowners within the ODP are deemed to have agreed to provide coordinated and connected developments.
82. He advised that in respect of this plan change request all owners have agreed to coordinate to apply for the plan change only, and there is no reference within the agreement to coordinate cost sharing and cross-boundary issues. He considered it would be prudent and productive to require all owners to enter into such an agreement.
83. To assist, Mr Mazey, SDC’s Asset Manager Transportation, attended the hearing. He advised that he had been dealing with point strips for years, particularly in relation to helping people to have them removed. He discussed the SDC policy, noting that policy was informed by

³⁵ Statement of Robin Anthony Schulz in support of submission by Selwyn 564 Limited 18 October 2021 at [1.5]

difficulties that were being experienced. He was firmly of the opinion that ODPs are not the appropriate place for point strips and other such matters to be incorporated. In his view, owners should agree how to develop and fund the infrastructure. He considered that process was appropriately addressed at subdivision stage. He advised that it could be assessed at that stage.

84. Mr Mazey also discussed developer agreements as being between SDC and the applicants. He discussed the development contribution policy for targeting wider infrastructural improvements. Developer agreements related to very specific agreements in relation to particular proposals or particular items of infrastructure. He noted that in terms of the policy, that is to guide how SDC assesses point strips. He advised that the policy is for SDC to take ownership of, and responsibility for, the point strip.

Findings

85. I appreciate Mr Schulz's interest and time in appearing before me. I acknowledge that he has considerable experience in residential and other developments, particularly in Rolleston. I also accept his concerns that difficulties can arise in relation to infrastructure provision where there are numerous landowners. I note that here, the majority of the lots appear to be subject to conditional sale and purchase agreements. The outcome of those may be to consolidate ownership.
86. Overall, I am of the view that it is not appropriate to address such matters at this stage. The rezoning enables the development. It is up to the landowners as to how that aspiration is achieved. Infrastructural matters can be properly addressed at the subdivision stage. I do not consider it appropriate for that to be addressed at ODP stage.

Transportation network

87. The Request was accompanied by a detailed ITA which was prepared by Mr Smith. That was a detailed and comprehensive assessment. It included a detailed assessment of the transportation network, addressed the key intersections, and addressed walking, cycling and public transport facilities. It also addressed the future receiving environment in relation to the infrastructural upgrades planned and included in the draft SDC 2021-2031 LTP, before describing the proposal, providing a network effects assessment, together with an assessment against the strategic and local planning framework.
88. Mr Collins undertook a peer review of the ITA. Again that was comprehensive. Mr Collins made a number of recommendations including that the ODP indicates frontage upgrades for Lincoln Rolleston Road and Selwyn Road. He also recommended amendments to include walking and cycling routes within PC78 including north/south and east/west cycle routes. Overall, he considered the proposal to be generally consistent with the RSP from a transportation perspective.

89. Mr Smith also provided evidence and attended the hearing. In his summary he concluded that the transportation modelling assessment demonstrated there was sufficient capacity in the transport network to accommodate development traffic, with future intersection upgrades in the vicinity of the plan change anticipated by SDC and included within the LTP. His summary identified that the plan change site integrates well with the adjacent development areas and sought to maximise connectivity and accessibility. He advised that it was well located to be directly serviced by public transport and has the potential to integrate well with the future Rolleston-wide public transport network, to maximise opportunities for uptake of sustainable transportation modes.
90. In terms of the strategic planning framework, it was his view that the plan change was consistent or can be consistent with the relevant transport related provisions. He concluded that the plan change could be supported in relation to transportation matters and any effects were appropriately mitigated or anticipated by the SDC LTP. He noted that Mr Collins had made several recommendations and minor changes to the ODP. Mr Smith supported those recommendations. By way of summary, Mr Smith identified the changes as including:
- (a) That minor adjustments are undertaken so that the ODP aligns with the adjacent development areas;
 - (b) Frontage upgrades for Lincoln Rolleston Road and Selwyn Road be noted in the ODP with detail to follow at subdivision consent stage;
 - (c) Consideration of continuous north/south and east/west cycle routes through the sites to be included in the ODP.
91. Mr Smith addressed the transportation issues raised in the submissions including those relating to public transport raised by CCC and CRC. He also addressed a concern raised by CCC in relation to impacts on the Christchurch network. He advised that travel on road networks would be widely dispersed and diluted due to the range of employment opportunities and other destinations within the city. Mr Smith provided a more detailed breakdown of that.
92. He also addressed the concerns expressed by the Ministry of Education in its submission. These related to walking and cycling connectivity with the site for the future Te Rōhutu Whio Primary School, which is located approximately 20m west of the site. He noted that a cycle and pedestrian route had been proposed east of the school towards PC78 which he considered to be located in an ideal position to connect the site to the school, creating cycling and pedestrian permeability.

Finding

93. On the issues raised by the Ministry of Education, I note that the Ministry, by letter of 2 November 2021 (tabled), advised that it had met with the Applicant's consultant to address submission points and had reviewed the s42A Report and the Applicant's evidence. The letter advised that the Ministry was satisfied with the pedestrian/cycle routes indicated on the revised

ODP in Appendix B of Ms Harte's evidence and requested that be included. If so, the Ministry would consider its submission points to have been appropriately addressed.

94. Given the level of agreement between the transportation experts, and the depth and quality of their reports and evidence, I do not propose to traverse this issue in greater detail than necessary. In my view, the Applicant has considered and responded appropriately to the matters raised by Mr Collins in his peer review. Both Mr Smith and Mr Collins, in addition to their detailed written reports and evidence, responded helpfully and thoroughly to any queries I raised during the hearing.
95. I am satisfied that the concerns expressed by CCC in relation to the impacts on the Christchurch network have been appropriately addressed in the evidence. As noted, Mr Smith advised that travel on road networks would be widely dispersed and diluted due to the range of employment opportunities and other destinations within the city.
96. In relation to the matters raised by CCC and CRC regarding public transport, Mr Collins advised that the ODP provides for a transport network within PC78 that does not preclude the efficient provision of public transport services. He advised that the network within PC78 provided several route options, had reasonable connectivity and therefore reasonably walkable catchments to future bus stops if provided. It was his view that the funding and implementation of a public transport system was a matter for Rolleston as a whole, rather than a site-specific matter relating to this plan change.
97. Mr Smith confirmed that there were currently two public transport routes servicing Rolleston, being a direct service to Christchurch (Route #5) and a link service connecting Burnham, Rolleston and Lincoln (Route #820). It was his understanding that there were proposed public transport services updates planned as part of the Greater Christchurch PT Futures Combined Business Case. He noted that as the surrounding area is still being developed, the existing level of public transport being provided nearby is limited but that the site could be developed to enable good access to public transport if provided along the CRETS connector road in the future. In relation to CCC's request for the funded and implemented transport system prior to development of the site, he advised that he was unaware of precedent for that. He did note that as the southern Rolleston urban area develops it will be more attractive to provide improved public transport services due to the larger residential catchment.
98. I accept Mr Smith's and Mr Collins' evidence in relation to this issue. It would be, in my view, both inappropriate and unrealistic to expect a funded and implemented public transport system upgrade to be in place to service the site prior to any residential development.
99. I am entirely satisfied, on the basis of the evidence and the discussions at the hearing, that the transportation issues have been appropriately and properly considered and addressed.

Land suitability and geotechnical risk

100. This is an issue which requires comment but not further analysis. There was clear and sufficient information both in terms of reports prepared by the Applicant and the peer review undertaken by Mr McMahon to establish to my satisfaction that there are no land suitability or geotechnical issues which would render the rezoning inappropriate.

Versatile soils

101. This issue was raised by submitter Mr Carrick. Versatile soils are of course a relevant and important matter. I did not have the benefit of detailed technical evidence in relation to this issue but I am comfortable that such effects have been appropriately considered and assessed when this land was included in the Rolleston FDAs through the recent Plan Change 1. There is nothing in the planning documents or in the pNPS-HPL (to the degree I can have regard to that) to indicate the loss of versatile soils is such that the rezoning is not the most appropriate outcome. The issue has been considered in the relevant statutory and non-statutory documents and in the ultimate identification of this land as being within the Rolleston FDAs.

Conclusion On Effects and Other Matters Raised in Submissions

102. Overall, having considered all of the submissions, the evidence and reports, and having spoken with the relevant witnesses in relation to matters identified, I consider that the actual and potential effects on the environment are adequately addressed in so far as that is relevant at this stage. I note that a number of effects will of course be subject to further scrutiny at consent stage in accordance with the rule framework adopted. There is nothing, in my view, from an effects perspective which would render this plan change inappropriate.
103. I accept that other matters raised in submissions in relation to density, infrastructure, urban form and similar (which I have addressed in the preceding paragraphs) have been appropriately considered and addressed by the experts. None of those issues raised and addressed are such so as to render the rezoning inappropriate. Of particular importance in this overall setting is the planning context. This has provided the lens through which I have considered those issues.

Statutory Assessment

Statutory Tests

104. I have identified the statutory framework in paragraphs [18] to [20] above and I do not repeat those here. Both Mr Friedel and Ms Harte provided a thorough statutory assessment in the s42A Report and Ms Harte's evidence respectively. The formal plan change request also contained a comprehensive assessment.

Part 2 Matters

105. Mr Friedel identified the purpose and principles of the RMA. He noted that pursuant to s74(1)(b) any changes to the SDP must be in accordance with the provisions of Part 2 of the RMA, including s5. He noted matters of national importance must be recognised and provided for pursuant to s6 and the other matters to which particular regard is to be had pursuant to s7. It was his view that, notwithstanding the notification of the PDP, the purpose of the RMA is largely reflected in the settled objectives and policies of the SDP which PC78 did not seek to change to any fundamental extent. Mr Friedel considered there was no reason to oppose the granting of the Request on the grounds that it would not give effect to Part 2 of the RMA.
106. In her evidence, Ms Harte identified the “series of considerations and requirement” listed in s74(1) and (2) of the RMA. Ms Harte considered the requested plan change was providing for development at a rate which enables people and communities of Rolleston and Greater Christchurch to provide for their well-being. In particular it would assist in providing for the basic needs of people, namely provision of homes to live in.³⁶

Functions of Territorial Authorities

107. Mr Friedel identified the functions of territorial authorities pursuant to s31. He considered PC78 would enable SDC to carry out its functions under the RMA. He noted that this included ensuring that there was sufficient plan enabled development capacity in respect of housing land to meet the expected demands of the District. Overall it was his view the Request was necessary to provide sufficient housing capacity as it would facilitate the development of an FDA identified in the CRPS Chapter 6 and Our Space. He considered the ODP as amended, in combination with the underlying Living Z Zone rules, would achieve integrated management and all potential effects associated with the use, development and protection of the land can be effectively managed.³⁷
108. In her evidence Ms Harte addressed, in particular, s33(1)(aa) which lists “*methods to ensure that there is sufficient development capacity in respect of housing and business land to meet the expected demand of the district*”. She considered the requested rezoning of land for residential purposes to meet known short-medium term demand fell exactly within this function.³⁸
109. I agree with the planning evidence and assessment and I consider that PC78 will enable SDC to continue to carry out its functions under the RMA.

Statutory and Non-Statutory Documents

110. Mr Friedel advised that the SDP 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

³⁶ Statement of Evidence of Patricia Harte 20 October 2021 at para [6.5]

³⁷ s42A Report on Submissions Relating to PC78 13 October 2021 at para [8.5]

³⁸ Statement of Evidence of Patricia Harte 20 October 2021 at para [6.6]

plan or strategy prepared under any 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)).

111. Ms Harte also identified and discussed s75(1) and (2) setting out what district plans must and may contain. She also discussed s75(3) requiring district plans to give effect to any National Policy Statement, National Planning Standard and any Regional Policy Statement. She also noted that s74(2) requires that regard is had to management plans or strategies prepared under other Acts.
112. There was no difference of opinion between the planning witnesses as to the statutory requirements.

NPS-UD

113. Mr Friedel considered the planning context, which was outlined in Section 2 of the s42A Report and summarised in SDC's Technical Memo, to be an important touchstone when evaluating the extent to which PC78 'gives effect' to the objectives and policies of the NPS-UD. He considered that this confirmed an urban consolidation approach had been applied through the UDS, LURP Actions, Our Space, Selwyn 2031 and the RSP which had been implemented through the SDP and the CRPS.³⁹
114. Mr Friedel also identified the Technical Memo which signalled the current work programme that is underway through the GCP or being advanced by SDC to manage growth through application of the urban consolidation principles and to 'give effect' to the NPS-UD. He listed the relevant documents in his paragraph [8.9].
115. Ms Harte discussed the NPS-UD in some detail in paragraphs [6.10] – [6.30] of her evidence. She noted the NPS-UD had a number of very significant objectives. She considered the most relevant to be Objective 2 – *"Planning decisions improve housing affordability by supporting competitive land and development markets"*.
116. Ms Harte addressed the economic assessment undertaken by Mr Ballingall of Sense Partners and the valuation evidence of Mr Sellars of Colliers which analyses the current and predicted future market forces operating in the housing market and in particular the housing market in Rolleston. She considered these markets have been reacting in a 'classic way' with section prices rising in direct response to limited supply of sections.⁴⁰
117. Ms Harte also addressed Objectives 3 and 6. In terms of Objective 3, she considered the area to be in or near a centre zone with many employment opportunities; well serviced by existing or planned public transport; and where there is high demand for housing and business land in

³⁹ s42A Report on Submissions Relating to PC78 13 October 2021 at para [8.8]

⁴⁰ Statement of Evidence of Patricia Harte 20 October 2021 at para [6.11]

the area relative to other areas within the urban environment. Ms Harte considered that in relation to Rolleston, the high demand was at least partly due to factors such as land type and the quantity of land rezoned promptly after the earthquakes, which resulted in many sections becoming available at affordable prices, when compared to elsewhere in the Greater Christchurch area. In her view, this had largely remained the case and had resulted in a high level of demand for sections and houses in Rolleston.

118. In reliance on the evidence of Mr Ballingall and Mr Sellars, she considered Rolleston to be a special case as referred to in Objective 3(c) and decisions on this plan change should be based on enabling more people to live in Rolleston. She also noted that Rolleston has a Town Centre and a significant area of industrial zoning nearby providing opportunities. She considered this satisfied Objective 3(a).
119. Overall both Mr Friedel and Ms Harte considered PC78 to represent a well-functioning urban environment (or at least contributing to the same). Mr Friedel considered it would be able to satisfy the NPS-UD Policy 1 criteria and Policy 6 to some extent including by: (a) enabling a variety of homes that meet the needs of different households at densities that are in excess of the minimum 10hh/ha provided for in the CRPS and SDP; (b) supporting, and limiting as much as possible adverse effects on, the competitive operation of the land and development markets; (c) having good accessibility for all people between housing, jobs, community services, natural spaces and open spaces, including by way of public or active transport; and (d) supporting reductions in greenhouse gas emissions through current and future SDC and GCP transport initiatives and investments.⁴¹
120. Mr Friedel recognised that Rolleston, to some extent, relied on Christchurch City for employment and access to other services and facilities, and that the rezoning would inevitably increase demand on the strategic transport network associated with commuter traffic. He acknowledged that the site and township did not have the employment opportunities or access to large-scale public transport when compared to residential greenfield areas in the larger metropolitan centres, but Our Space seeks to direct additional capacity to Rolleston in order to support public transport enhancement opportunities. He advised that Our Space considers that having a compact urban form increases the ability to contribute to the uptake of public transport opportunities as well as reduced trip distances that enable active modes of transport. He advised that the employment offerings in Rolleston have progressively increased through expansions to the I-Zone and I-Port industrial parks and town centre development. It was his view that the development and growth of Rolleston contributes to the economic and social well-being of residents in Christchurch City.
121. Both Ms Harte and Mr Friedel considered the issue of significant development capacity. Both acknowledged that the Request is no longer unanticipated or out-of-sequence in the context of Policy 8. For completeness, I am satisfied that the capacity enabled by PC78 is significant.

⁴¹ s42A Report on Submissions Relating to PC78 13 October 2021 at para [8.15]

Mr Ballingall was of the view that the enabling of around 750 dwellings was clear evidence that it would make a significant contribution to dwelling supply in Selwyn in the medium term (2021-2031).

122. I found Mr Ballingall's evidence helpful. He used a range of projections to estimate demand and capacity. Mr Ballingall noted the difficulties in accurately forecasting future population growth. He advised that while birth and death rates are generally stable over long periods of time, international and internal migration can change rapidly, and frequently causing significant swings in population when compared to projections. It was due to the inherent uncertainty of population projections that he considered it helpful to use a range of projections rather than relying on a single point estimate.
123. It was his opinion that the most appropriate course when considering future dwelling capacity is taking a 'least regrets' approach. He considered it was better to have a surplus of appropriately zoned land for housing than a deficit. He noted that this was recognised in the NPS-UD and imbedded in the form of 20% medium term and 15% long term demand buffers.
124. Mr Ballingall relied on the evidence of Mr Gary Sellars which indicates that capacity within Rolleston is considerably lower than that anticipated by the SDC in the short and medium terms.
125. Mr Sellars' evidence was comprehensive. It carefully addressed the Rolleston demand noting that the average annual volume of vacant residential sales in Rolleston had fluctuated during the last ten years rising from a low of 100 sales in 2011 immediately following the earthquake sequence to 620 in 2013 and settling to an average of around 448 sales per annum for the period 2014 – 2018. He noted that since 2018 there had been a sharp increase cumulating in 902 sales in 2020. He advised that new building consents in Rolleston had generally followed a similar trend as the number of sales.
126. Mr Sellars addressed the growth in residential section sale prices. He advised that those in Rolleston had followed a relatively regular upward trend from 2011 until 2020 and that there had been an exponential growth well in excess of 100% during the last 12 months. He provided examples of residential sales for particular years, noting that in 2020 it was a sale price of \$184,352, whereas in 2021 it was \$435,000. Mr Sellars noted that there were virtually no vacant sections available for purchase in Rolleston and the recent small releases of sections had resulted in significant price escalation.
127. Mr Sellars' clear evidence was that Rolleston exhibits a dysfunctional market where there is virtually no current supply or choice with uncompetitive market practices being adopted by vendors and extreme price escalation. He considered the only solution to this situation to be an immediate increase in supply.
128. Mr Sellars was of the view that it was preferable to have an over-supply of appropriately zoned land at all times so the market can determine when and if it is developed into sections

dependent upon demand. In addition, he advised that in his experience it was important, and necessary for the proper functioning of a land market, that it is competitive. The greater number of suppliers in the market, the more likely that purchasers of sections will benefit.

Findings

129. I consider that the provision of potential additional plan enabled capacity of approximately 750 mixed density sections will assist in meeting the projected medium capacity shortfall for the District and will assist the SDC in meeting its obligations under Policy 2. This requires that SDC, at all times, provides at least sufficient development capacity to meet expected demand for housing and for business land over the short, medium and long terms. Of course in meeting that duty, SDC is also carrying out its functions pursuant to s31(1)(aa) by helping to ensure that there is sufficient development capacity in respect of housing land to meet the expected demand of the District. I consider the plan change will add significantly to development capacity. I have had particular regard to that capacity.
130. I am satisfied on the evidence that PC78 will contribute to a well-functioning urban environment. For completeness, in terms of infrastructure, I consider that the Request aligns with SDC's infrastructural planning. Mr England's evidence which I have previously traversed is that there is sufficient capacity. The fact that the site has been identified within the CRPS and Our Space as an FDA facilitates that integration with infrastructure. I consider the rezoning would assist in meeting the long term goals and strategic outcomes sought in a number of the strategic documents. This is primarily through consolidation in an area which has been clearly identified as appropriate for residential development (subject to assessment).
131. I consider that a decision rezoning the land is: (a) integrated with infrastructure planning and funding decisions; (b) strategic over the medium term and long term; and (c) responsive. Ultimately, in my view, it clearly meets the objectives in relation to a well-functioning urban environment (Objective 1). To the degree that planning decisions can do so, it meets Objective 2 by supporting competitive land and development markets.
132. I have discussed Objective 3 and amenity values earlier. I have taken into account the principles of Te Tiriti o Waitangi, as far as relevant to this Request, and I have used the most up-to-date information available to me. I am satisfied that Objective 8 is met, to the degree that it can be. The consolidation of growth in Rolleston may facilitate improvements in public transport and similar methods of addressing reductions in greenhouse gas emissions. There were no other issues relating to resilience in relation to the current and future effects of climate change which need to be expanded upon.

CRPS

133. The Request incorporated an assessment of PC78 against the CRPS. This is contained in 7.2 at pages 14–24. The assessment addressed Chapter 5 – Land use and infrastructure and Chapter 6.

134. The assessment addressed the update to the UDS contained in Our Space which provides and addressed residential development out to the PIB identified in Map A. It noted that in Rolleston the south-eastern extent of the PIB is Selwyn Road and the eastern extent is Lincoln Rolleston Road and the land here was within that area. It identified proposed Plan Change 1 which at that stage had been requested. It concluded that the lack of consistency of this plan change with the then current version of Map A was a function of timing.
135. Ms Harte's evidence referred to the assessment discussed above. Ms Harte identified that there was now a strong and ongoing demand for houses, particularly in Rolleston. Again by reference to Mr Sellars' and Mr Ballingall's evidence, she noted that much of the greenfield land in Rolleston has been developed or sold pending development. This creates a significant excess of demand over supply with consequential increases in section and house prices. She considered that some of that demand had been recognised in the recent update of the UDS which had in turn led to Change 1 to Chapter 6 providing for additional FDAs in Rolleston and Rangiora. She noted that the PC78 area fell within the new south-eastern FDA in Rolleston and so is fully in accord with the spatial growth policy contained in the CRPS.
136. Ms Harte assessed Policy 6.3.12 Future development areas, and addressed each 'circumstance' referred to in that policy. She agreed that monitoring of housing demand and supply in the short, medium and long term is a very useful initial resource for planning growth. However she considered the approach by the GCP, and to a lesser extent the SDC, has proven to have under-estimated demand over time. Ms Harte referenced the evidence of Mr Ballingall and Mr Sellars. She considered this had resulted in the current lack of land for residential development, causing section prices to increase drastically. It was her opinion that there was an immediate issue of supply which put the short, medium and long term demand and supply calculations out of sync. She considered that while the identification of FDAs provides a gateway for rezoning the much needed development, the supply, as she understood it, simply enabled a short term catch-up.
137. In terms of efficiency and supporting settlement patterns, Ms Harte considered PC78 definitely promoted the same. She considered it supported the pattern that was well established in the RSP. She considered it would provide a range of housing types and choices, was located in a planned location in terms of servicing, and in particular the reticulation and necessary pumping of wastewater through to the Pines WWTP. In relation to what she described as Circumstance 4, she stated that the development will occur in accordance with the ODP which is the basis of this plan change. She noted that the s42A Report and attached reports in general supports the proposed ODP with minor amendments.
138. Mr Friedel's assessment of the CRPS was thorough and comprehensive. He considered PC78 to be consistent with the key objectives and policies of the CRPS, subject to recommended changes which have, in essence, been incorporated into the ODP.

139. Mr Friedel considered Policy 6.3.12 to be the most critical in evaluating PC78 as that establishes the circumstances that need to be satisfied to enable the FDA identified in Map A to be zoned and developed.
140. He summarised the matters which need to be established. In respect to feasibility of development capacity, he referred to SDC's Technical Memo which confirmed that PC78, if zoned, would contribute to the medium term plan enabled capacity that has been identified as being required for Rolleston and the Greater Christchurch Tier 1 urban environment and the housing targets in Table 6.1, Objective 6.2.1a. The granting of PC78 would also go some way to addressing the 2,089 medium term capacity shortfalls for the District.
141. He considered PC78 to be consistent with the preferred urban growth form and would go some way to meeting the desired consolidated settlement patterns identified in Objectives 6.2.1 and 6.2.2. He considered the proposed minimum density would promote the opportunity for higher densities and would improve housing choice and mix when considered against the minimum 10hh/ha requirement in Policy 6.3.7.
142. Mr Friedel was satisfied that in terms of timing and sequencing of development, PC78 was in sequence with planned infrastructure upgrades that had been coordinated through the LTP. He considered the PC78 ODP incorporated the matters listed in Policy 6.3.3 to ensure the site is integrated with the adjoining urban environment, consistent with the Rolleston ODPs contained in Appendix E38 of the SDP Township Volume. He considered that the recommended changes to ensure consistency with the Living Z policy framework, and to achieve transport and urban design outcomes, would assist in ensuring the desired outcomes are achieved if the land is subdivided and developed.
143. He confirmed, based on Mr England's evidence, that the prerequisites set out under Policy 6.3.11(5) were met. He referred to Mr England's evidence confirming there was sufficient capacity available in the reticulated public water and wastewater networks and that the rezoning did not present an unreasonable risk to the drinking water supply, and that there were viable options to manage stormwater. In reliance on Mr Collins' evidence, he noted the proportional impact of PC78 on the wider transport network is negligible and the projected cumulative effects can be effectively managed by SDC through a future upgrade programmed to ensure there is capacity. He considered the ODP would support a safe and efficient transport network.
144. As amended, he considered the ODP including integrated walking and cycling connections along Lincoln Rolleston Road to the Town Centre and Foster Park would ensure appropriate connections are available to commercial centres and community facilities. He considered the identification of the site within the RSP, Our Space and CRPS FDA confirm that the urban consolidation principles of the UDS and the CRPS will be achieved. He identified that natural hazards were not of concern and that there were no land stability or geotechnical risks of the site. He considered that PC78 satisfied the identified prerequisites for enabling the FDA to be

rezoned, ensuring consistency with Policy 6.3.12 subject to the amendments proposed and ultimately accepted.

145. Mr Friedel identified the impact of PC78 on the Canterbury Region's versatile soil resource had been negligible noting that the site had been identified as an FDA within CRPS Chapter 6 and the balance of the resource has been effectively managed through the SDP Rural (Outer Plains) Zone consistent with CRPS Policy 5.3.12. Overall he concluded that it was consistent with the relevant objectives and policies of the CRPS subject to the modifications proposed.

Findings

146. I have spent some time discussing the evidence of Ms Harte and Mr Friedel in relation to the CRPS. I do not propose to repeat that here. On the basis of that evidence, I am entirely satisfied that the plan change meets the enabling requirements of Policy 6.3.12 and is entirely consistent with the CRPS overall.

CLWRP and CARP

147. Pursuant to s75(4)(b) of the RMA the SDP cannot be inconsistent with relevant regional plans. I accept that the establishment of activities within the site will either need to meet the permitted activity conditions of those plans or resource consents will be required. I also note, as identified by Mr Friedel, that CRC has not raised any concerns in relation to incompatibility of development of the site for residential purposes with the provisions of the CLWRP or CARP.

MIMP

148. 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. The Request included an assessment of the relevant provisions of the MIMP. Mr Friedel was satisfied with the content and conclusions of that assessment. I agree. In my view there are no specific resource management issues, or specific sites of significance to mana whenua, which would be compromised by the approval of the plan change.

Consistency with Other Relevant Documents

149. In terms of the relevant management plans, Mr Friedel addressed specifically Selwyn 2031, UDS, Our Space and the RSP. He considered that PC78 had given sufficient regard to all of those management plans or strategies. I agree. There has been considerable discussion of those documents throughout this Recommendation and I do not expand on that further.

Consistency with Plans of Adjacent Territorial Authorities

150. I do not consider this to be of any particular moment to this plan change. As noted by Mr Friedel, matters of cross-boundary interests are detailed in the SDP (Section A1.5 of the Township Volume). Again as Mr Friedel pointed out, SDC's Technical Memo identified that

the cross-boundary interests associated with the rezoning of the site have primarily been identified, and managed, through the GCP arrangements.

151. Mr Friedel summarised again the interests identified by CCC and CRC in relation to potential impact on sub-regional transport networks, potential for adverse environmental effects relating to the anticipated additional movements and lack of public transport to achieve modal shift.
152. As discussed earlier in this Recommendation, PC78 will integrate with the wider transport network. There are programmed upgrades which will avoid any adverse effects on the safety and efficiency of that network. There have been a number of changes proposed by Mr Collins and accepted. Any cross-boundary effects have been appropriately identified, considered and addressed.

Consideration of Alternatives, Costs and Benefits

153. Mr Friedel addressed this in paragraphs [8.56] to [8.63] of his Report. The Request addressed the statutory requirements of s32 in Section 8 of the Request. It noted that pursuant to s32 the evaluation by the person making the request must examine:
 - (a) The extent to which each objective is the most appropriate way to achieve the purpose of the RMA; and
 - (b) Whether, having regard to their efficiency and effectiveness, the policies, rules, or other methods are the most appropriate for achieving the objectives.
154. It noted that the evaluation is required to take into account:
 - (a) The benefits and costs of policies, rules and other methods; and
 - (b) The risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules or other methods.
155. It also references s32(2) which requires identification and assessment of benefits and costs of the environmental, economic, social and cultural effects that are anticipated from the implementation of the provisions including opportunities for: economic growth that are anticipated to be provided or reduced; and employment that is anticipated to be provided or reduced.
156. The Request included an economic cost/benefit analysis prepared by Urban Economics. By way of summary of the costs and benefits, it identified that it would provide additional development land in Rolleston that would enable ongoing provision of affordable family housing in Selwyn and the wider region. It considered that there is no other location demonstrably able to produce a large quantity of low cost affordable housing. It stated that Rolleston is of regional significance as it acts as a low house price anchor for Greater Christchurch. It considered this to be a large economic and social benefit as it ensures

Christchurch is competitive in attracting and maintaining families and people within the national context. It concluded that the proposal would enable ongoing higher rates of construction activity that would provide employment for 780 Full Time Equivalents (FTEs) and “several hundred million dollars” in economic activity. In terms of costs it identified that the proposal would displace a small number of lifestyle blocks which have a relatively low economic contribution. It records that Rolleston and Selwyn have significant ongoing investment in various public infrastructure and that the proposal will generate significant additional development contributions and rates that would contribute to the cost of that infrastructure.

157. Mr Ballingall's evidence identified the economic benefits from housing construction as substantial economic activity that will promote community well-being. He advised that the proposed development would support an estimated 225 FTEs jobs per year for a period of four years. He advised that at an average construction income of \$55,805 per annum, that represented \$12.5 million in wages per year for four years being injected into the local community.
158. In addition, he advised that a housing construction project of this scale would require the purchase of around \$105 million per year of intermediate inputs – largely construction materials, plumbing services, electrical installation work, etc. He considered it reasonable to expect most of those inputs will be sourced locally, providing a further boost to the local community. He estimated the direct impact of the development on the local economy to be around \$25 million per year of value-added (or GDP), or \$100 million over a four year construction period.
159. Mr Ballingall considered the only quantifiable economic costs was the potential loss of output from existing uses of the land in question. He advised his understanding was that the 63.3 hectares of land covered by PC78 is currently zoned Rural (Inner Plains) and comprises farmland and rural residential holdings. He advised that in the Canterbury Region, GDP per hectare for all agricultural land types is assessed at around \$940 per year. He considered this suggests, even if all of the existing rural zoned land is used for farming purposes, the GDP contribution would be around \$60,000 per year. He considered that to be – by an order of magnitude – tiny compared to the potential GDP boost associated with constructing the dwellings proposed under PC78.
160. The assessment accompanying the Request addressed the benefits and costs of four options being: leave the area zoned rural; rezone the land as Living Z by private plan change; wait for SDC to rezone land as Living Z or General Residential Zone; or, apply for resource consent for proposed subdivision and development. Each of those options were assessed.
161. Overall, the benefits of rezoning were summarised as: implementing Our Space and associated changes to the CRPS; implementing the NPS-UD; not dependent on development of other land to provide access for infrastructure such as stormwater disposal; providing an alternative for prospective purchasers in residential allotments; economic benefits from larger rating base and payment of development contributions for new infrastructure; providing long-

term certainty for both developer and potential purchasers as to the use of the land; supporting and extending existing SDC reticulated services; and, the costs of assessment and development of ODPs fall on the developer not SDC.

162. The costs were identified as: the loss of rural land for productive purposes; change in character of the area from rural to residential; increase in traffic generated within and around Rolleston; and the rezoning through this process does not take into account other land that may be suitable to provide for growth.
163. An appropriate assessment of the costs and benefits of the other three identified options was also provided. I have considered that. I accept that the benefits of rezoning of this land for residential use through this plan change, clearly outweighs the potential costs and disadvantages.
164. Mr Friedel identified that s32 requires a consideration and evaluation of the extent to which the objectives of the Request are the most appropriate way to achieve the purpose of the RMA (s32(1)(a)) as well as an assessment of whether the provisions in the Request are the most appropriate way to achieve the objectives of both the Request and the existing SDP objectives, having regard to the efficiency and effectiveness of the provisions and having considered other reasonably practicable options (s32(1)(b)).
165. He noted that the stated objective of PC78 is to:

“... rezone 63.35 hectares of Rural (Inner Plains) land to Living Z ... to develop approximately 756 residential allotments ... to achieve at least 12 households per hectare ...”

166. It was Mr Friedel's opinion that the objective of PC78 would achieve the purpose of the RMA when considered against the relevant statutory tests. He considered that in this case it includes consistency with the operative objectives, policies and methods of the NPS-UD, CRPS and the SDP. He also noted that the identification of the land as an FDA in Our Space and CRPS Chapter 6 Map A signalled that it is a preferred urban growth path in the Greater Christchurch context. He considered further that granting the Request would provide plan enabled medium term housing capacity for the township which forms a component part of the supply across the District and Greater Christchurch sub-region and it would enable SDC to meet its functions under s31(1)(aa).
167. Mr Friedel recognised that additional policy changes and ongoing investment is required to optimise the use of greenfield land in Rolleston, including potential increases to the minimum densities, improvements to land transport network to maintain safety and efficiency and to promote modal shift. He considered that 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 housing shortfalls at some point in time. He considered those alternative scenarios may not achieve the purpose of the RMA to the same extent as PC78.

168. Mr Friedel noted that PC78 did not propose any substantial changes to the operative objectives and policies for managing the settlement pattern and growth of townships in the District.⁴² He noted that the proposed amendments were limited to addressing site-specific issues and integrating zoning into the wider environment. Any changes to policies were in essence either minor or in accord with providing detail of the fundamental aspects of the ODP through incorporation of Policy B4.3.71. It was his view that PC78 was consistent with the relevant objectives and policies in the SDP and that it had taken appropriate account of the strategic guidance provided by Our Space, Selwyn 2031 and the RSP and would effectively integrate with the operative Living Z Zone framework. He accepted the conclusion in the Request that the proposed plan change was consistent with the existing objectives and policies of the Township Volume of the SDP.

Finding

169. I have carefully considered the matters addressed above. I accept and agree with the conclusions of both Mr Friedel and Ms Harte that the statutory tests have been satisfied and that the most appropriate method for achieving the objective of the proposal, the objectives of the SDP, and ultimately achieving the purpose of the RMA is to grant the rezoning request with the modifications addressed through the evidence and hearing, and incorporated into Appendix A to this Recommendation.

NPS-UD Clause 3.11 Using Evidence and Analysis

170. 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.*

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

Section 32AA

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

173. Section 32AA(1) provides:

⁴² SDP Township Volume, Objectives and Policies, B4 Growth of Townships

- (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).*

174. The assessment under s32AA has been undertaken throughout the decision-making recorded in this Recommendation. There have been a number of changes. I have considered each of them both discretely and on an overall basis.

175. Very much by way of summary, the changes include:

- The ODP and Policy B4.3.77 amended to indicate the need for a “frontage upgrade” along Lincoln Rolleston Road and Selwyn Road frontages;
- Changes to text in relation to the primary and secondary routes by deletion of “indicative”;
- Indicative connections through to adjoining land on the corner of Lincoln Rolleston Road and Selwyn Road have been included;
- Amendments to walking and cycling routes within the site;
- Addition of text in Policy B4.3.77.

176. All of the changes have been made for the purpose of addressing issues identified and particularly those potentially impacting negatively on urban form and the quality of the environment. Those changes are not of a scale and significance which requires any particular elucidation and expansion at this point of the Recommendation. The most significant changes, including those relating to road frontage upgrades and similar, may have additional costs for the Applicant but will have considerable benefits in terms of urban design and urban form issues. The changes in relation to connectivity are for the purpose of better integration and are appropriate. The inclusion of text is a necessary and appropriate addition.

Part 2 Matters

177. The relevant Part 2 matters are largely addressed by reference to an assessment against the objectives and policies of the SDP. I have discussed Part 2 earlier in this Recommendation and I am satisfied that the proposal will ultimately achieve the purpose of the RMA. This proposal has been comprehensively assessed through the evidence, reports, submissions and within the body of this Recommendation. I am entirely satisfied that the purpose of the RMA is achieved by the approval of this plan change.

Overall Conclusion

178. I consider that the proposal, including the amendments developed through the process, meet the sustainable management purpose of the RMA. I consider that the proposal is the most appropriate method in terms of the s32 tests and for meeting the purpose and principles set out in Part 2 of the RMA.
179. I have considered the proposal carefully. I have had regard to efficiency and effectiveness. I consider the rezoning of the land as sought by PC78, including the amendments made through the course of the hearing, is the most appropriate method for achieving the objectives of the SDP taking into account the benefits and costs of the proposal. In terms of the risk of acting or not acting, there is, in my view, no uncertainty or insufficiency of information.
180. I am satisfied that the objectives of the proposal are the most appropriate way to achieve the purpose of the RMA, the objectives of the SDP and the purpose of the proposal.
181. I note specifically that it will enable people and communities to provide for their economic and cultural well-being by enabling 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 are relevant at this stage, are acceptable and appropriate.

Recommendation

182. 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 78 to the Selwyn District Plan as set out in Appendix A.**
 - (2) **That for the reasons set out in the body of my Recommendation above, the Council either accept, accept in part or reject the submissions identified in Appendix B.**



David Caldwell
Hearing Commissioner

Dated: 22 March 2022