

Before the Selwyn District Council

under: the Resource Management Act 1991

in the matter of: Proposed Private Plan Changes 81 and 82 to the
Operative District Plan: Dunns Crossing Road, Rolleston

and: **Rolleston Industrial Developments Limited** and
Brookside Road Residential Limited
Applicant

Statement of Evidence of Jeremy Goodson Phillips (Planning)

Dated: 26 August 2022

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STATEMENT OF EVIDENCE OF JEREMY GOODSON PHILLIPS

INTRODUCTION

- 1 My full name is Jeremy Goodson Phillips. I am a Senior Planner and Director practising with Novo Group Limited in Christchurch. Novo Group is a resource management planning and traffic engineering consulting company that provides resource management related advice to local authorities and private clients.
- 2 I hold the qualifications of a Bachelor of Science from the University of Canterbury and a Master of Science with Honours in Resource Management from Lincoln University, the latter attained in 2001. I am an intermediate member of the New Zealand Planning Institute, a member of the Resource Management Law Association and a member of the Institute of Directors. I have held accreditation as a Hearings Commissioner under the MfE Making Good Decisions programme since January 2010 and have held endorsement as a Chair since January 2013.
- 3 I have 19 years of experience as a resource management planner, working within and for territorial authorities, as a consultant, and as an independent Hearings Commissioner. I have particular experience in urban land use development planning in Greater Christchurch, predominantly as a consultant to property owners, investors and developers.
- 4 Of relevance to this evidence, my experience in Rolleston and Selwyn District includes extensive consenting work under the operative District Plan, and policy analysis and evidence on changes to the Plan directed under the Land Use Recovery Plan. More recently, my experience has included the review of, and evidence on, the Proposed Selwyn District Plan ('PSDP') and its Strategic Directions and Urban Growth chapters.
- 5 Notably, I have recently provided planning expertise and evidence in respect of Proposed Private Plan Changes 69 (Lincoln South 'PC69') and 73 (Rolleston West 'PC73') for residential rezoning of rural land on the edge of the Lincoln and Rolleston townships. I have also provided evidence in respect of submissions on the PSDP which seek comprehensive residential rezoning of land extending along the western side of Dunns Crossing Road, inclusive of the land which is the subject of this evidence ('WDCR rezoning'). The evidence for those proceedings canvassed a number of matters that are also relevant to Proposed Plan Changes 81 and 82.
- 6 I am familiar with:
 - 6.1 The plan change application by Rolleston Industrial Developments Limited to rezone approximately 28 hectares of

rural land in Rolleston to Living Medium Density (Living MD) (PC81); and

- 6.2 The plan change application by Brookside Road Residential Limited to rezone approximately 110 hectares of rural land in Rolleston to Living MD and Business 1 (PC82).
- 7 Whilst I did not prepare the plan change requests or s32 evaluation reports for PC81 and PC82, I have reviewed these, am familiar with their content, agree with the key findings and rely upon those assessments now, except where otherwise specified below.
- 8 I have visited the site and surrounding area on a number of occasions over the past two years.

CODE OF CONDUCT

- 9 Although this is not an Environment Court hearing, I note that in preparing my evidence I have reviewed the Code of Conduct for Expert Witnesses contained in Part 7 of the Environment Court Practice Note 2014. I have complied with it in preparing my evidence. I confirm that the issues addressed in this statement of evidence are within my area of expertise, except where relying on the opinion or evidence of other witnesses. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

SCOPE OF EVIDENCE

- 10 My evidence is presented on behalf of Rolleston Industrial Developments Limited and Brookside Road Residential Limited (*the Applicants*) in these proceedings.
- 11 In preparing my evidence I have reviewed the evidence of:
 - 11.1 Mr David Compton-Moen – urban design, landscape and visual effects;
 - 11.2 Ms Nicole Lauenstein – urban design;
 - 11.3 Donovan Van Kekem – air quality;
 - 11.4 Mr John Iseli – air quality;
 - 11.5 Mr Fraser Colegrave– economics;
 - 11.6 Mr Gregory Akehurst – economics;
 - 11.7 Mr Gary Sellars – valuer;
 - 11.8 Mr Chris Jones – market demand;

- 11.9 Mr Christopher Blackmore – transport modelling;
 - 11.10 Mr Nicholas Fuller – transport;
 - 11.11 Mr Mark Taylor – ecology
 - 11.12 Mr Timothy McLeod – infrastructure;
 - 11.13 Mr Victor Mthamo– water supply and versatile soils;
 - 11.14 Mr Paul Farrelly – greenhouse gas emissions; and,
 - 11.15 Mr Timothy Carter – company evidence.
- 12 I have also considered:
- 12.1 The s42A Report prepared by the Council ('the Officer's Report'); and
 - 12.2 Other statutory documents as listed in my evidence, including the National Policy Statement on Urban Development 2020 ('NPS UD'), and non-statutory documents including "Our Space 2018-2048: Greater Christchurch Settlement Pattern" ('Our Space').
- 13 Consistent with the approach adopted in the Officer's Report, my evidence is structured as follows:
- 13.1 The proposal and site description;
 - 13.2 Assessment of issues, including those raised by submitters and in the Officer's Report;
 - 13.3 Statutory analysis, including relevant statutory documents; and
 - 13.4 Consideration of alternatives, costs and benefits.
- 14 As noted in paragraph 5 above, I have recently provided evidence on PC69, PC73 and the proposed District Plan submissions seeking rezoning of the land west of Dunns Crossing Road which addressed a number of matters that are also relevant to PC81 and PC82 ('the Requests'). On that basis, my evidence here adopts a similar structure and/or repeats that evidence (particularly for PC73), to the extent that it is relevant and appropriate to do so.
- 15 Also, this evidence attempts to minimise repetition of the Officer's Report and instead focus on points of difference. Accordingly, if a matter is not specifically dealt with in this evidence, it can be assumed that there is no dispute with the position set out in the Officer's Report.

SUMMARY OF EVIDENCE

- 16 I share the Officer's view that *'the proposal's inconsistency with Objective B4.3.3 of the Plan and various provisions within the CRPS that direct the location of growth... is overcome by the significance of the development capacity provided by the proposals, noting this is less for PC81 than for PC82. This takes into account that both plan changes would provide more capacity in Rolleston Township, aligning with strategic planning outcomes that seek to focus growth in Rolleston¹'*.
- 17 The PC81 and PC82 proposal has been amended to incorporate all of the amendments recommended by the Officer in section 8 of the Officer's Report, with the exception of the recommendation to increase the extent of the buffer from the Pines Resource Recovery Plant ('RRP') and Pines Wastewater Treatment Plant ('WWTP'). And, Mr Mthamo's evidence confirms that additional consented water is available to supply the PC81 and PC82 sites and a rule requiring potable water supply availability at the time of subdivision is acceptable. The amended proposals incorporating these amendments are included as **Attachment 1 (PC81)** and **Attachment 2 (PC82)**.
- 18 Accounting for these amendments I share the Officer's view that the crux of whether or not the rezoning is the most appropriate way to achieve the purpose of the Resource Management Act 1991 ('the Act') relates to:
 - 18.1 The form of urban growth; and,
 - 18.2 Reverse sensitivity effects.

The form of urban growth
- 19 The Officer, reliant on Mr Nicholson, raises concerns regarding connectivity and whether the Requests contribute to a compact urban form.
- 20 Reliant on the evidence of Mr Compton-Moen and Ms Lauenstein, I consider that PC81 and PC82, when considered on their own merits, achieve an appropriate and acceptable level of connectivity with Rolleston and a compact urban form. Accounting for the other attributes of the Requests and the avoidance or mitigation of effects, I also consider that PC81 and PC82 will achieve a well-functioning urban environment.
- 21 I further note that the merits of PC81 and PC82 in terms of connectivity and urban form are significantly enhanced if considered

¹ Officer's report, paragraph 227.

holistically with PC73. More specifically, the PC73, PC81 and PC82 proposals collectively provide for comprehensive, integrated, and compact urban form along the western edge of the existing Rolleston township with good accessibility and connectivity (with each other and with the existing and planned Rolleston urban area to the east).

Reverse sensitivity effects

22 I share the Officer's view that:

'the development enabled by the Request needs to be managed to ensure that such development does not result in reverse sensitivity effects with respect to the RRP and WWTP, which in turn could adversely affect their continued operation, as well as the ability for the upgrades and future planning associated with the WWTP to be implemented'; and,

'that the development also needs to be managed so that it does not result in conflict between the proposed higher density residential use and the WWTP or the RRP, nor impede their optimal use'; and,

'unless there is sufficient confidence that the provisions in the Plan Change will achieve this, aspects of the PC82 Request could be contrary to Objectives 5.2.1 and 6.2.1 of the CRPS, as well as Policy 6.3.5, as well as Objective B3.4.3 and Policy B2.2.5 of the Selwyn District Plan².

23 I understand that Council's air quality expert (Mr Bender) endorses a 600m buffer for typical operations at the RRP and WWTP (as existing and consented).

24 To the extent that the Council has residual concerns (particularly for 'upset conditions' at the RRP composting facility), I rely on the evidence of Mr Van Kekem and Mr Iseli to conclude, with confidence, that the proposed amendments and provisions in **Attachment 2** will effectively avoid reverse sensitivity effects on the RRP (and WWTP). I also consider that the WWTP staging setback and no complaints covenant rules will adequately frustrate the Pines 120 upgrade. Accordingly, I consider the proposal will achieve consistency with those provisions in the Canterbury Regional Policy Statement ('CRPS') and Operative Selwyn District Plan ('SDP') concerned with reverse sensitivity and the protection of infrastructure.

25 On the basis that the relevant outstanding issues raised in submissions and in the Officer's Report have been addressed through amendments to the proposal and/or in the evidence

² Officer's report, paragraph 227.

provided, I conclude that the adverse effects of the proposal can or will be avoided, remedied or mitigated to an acceptable standard and the proposal will contribute to well-functioning urban environments.

- 26 For the same reason, I also consider that the proposal will give effect to the NPS-UD and give effect to the CRPS and achieve consistency with the operative District Plan (except for those directive provisions regarding urban growth which are resolved by Policy 8 of the NPS-UD). I do not consider the proposal will result in any significant conflict with other relevant statutory or non-statutory documents or plans as referred to in the Requests or the Officer's Report.
- 27 I also consider that with the requirement to give effect to the NPS-UD (being a higher order statutory document which prescribes objectives and policies for a matter of national significance and which has primacy over the CRPS and SDP), the evaluation of the Requests needs to have particular regard to:
 - 27.1 The significant development capacity offered by the Requests and their contribution to well-functioning urban environments, improved housing affordability and enablement of housing in an area with high demand relative to other areas; and, their ability to integrate with infrastructure planning and funding.
 - 27.2 The NPS-UD imperatives for 'responsive' decision making and providing 'sufficient development capacity' 'at all times' (particularly given the evidence that there is insufficient capacity).
- 28 Overall, I consider that the Requests are the most appropriate way of achieving the purpose of the Act, and that the purpose of the Act is achieved.
- 29 On the basis of the views expressed above, I consider that PC81 and PC82 should be approved.

THE PROPOSAL AND SITE DESCRIPTION

Site and Surrounding Environment

- 30 A description of the site and surrounding environment is provided in the Officer's Report³. I generally concur with that description and otherwise note that a more detailed description of the site and surrounding environment is contained within the s32 reports accompanying the Requests.

PC70 Land

- 31 At the outset, I consider it helpful to draw attention to the status of the land which is the subject of proposed Plan Change 70 (PC70), on the opposite side of Dunns Crossing Road from the PC81 site.
- 32 On 9 November 2020 Hughes Developments Limited lodged a private plan change request with the Council. The request seeks a change to the Operative Selwyn District Plan by rezoning approximately 63 hectares of current rural land to residential land. This would enable approximately 800 residential sites and a small commercial zone. The ODP for PC70 and its relationship to PC81 (and PC73) is shown in **Figure 1** below.
- 33 PC70 was subject to a request for further information from the Council dated 24 December 2021. A response has not been provided, noting the applicant for PC70 has since pursued this proposal under the COVID-19 Recovery (Fast-track Consenting) Act 2020 ('FTCA').
- 34 A report prepared by the Ministry for the Environment, in accordance with s17 of the FTCA was submitted to the Minister for the Environment on 13 April 2022. That report remains before the Minister and the proposal is awaiting their decision on referral to an expert consenting panel for a decision.
- 35 The PC70 land is otherwise subject to a Future Urban Development Area ('FUDA') overlay in the CRPS and an Urban Growth Overlay ('UGO') in the PSDP.
- 36 In terms of the recently notified Variation 1 to the PSDP, the PC70 land has not been notified as a Medium Density Residential Zone ('MRZ'). It is understood from Council⁴ that this is because the Council envisaged that the PC70 land would have been approved through the FTCA process ahead of notification of Variation 1, providing a basis for its inclusion within the MRZ. However, as a

³ See Officer's Report paragraphs 15-23.

⁴ Per email correspondence with Robert Love, SDC Team Leader Strategy & Policy, 21/7/2022.

FTCA decision had not issued and PC70 had not otherwise been notified with a complete s32 evaluation, there was not an adequate evidence base to notify MRZ zoning of the land through Variation 1.

- 37 Despite the above, given its statutory recognition by the FUDA and UGO overlays, and the evidence (within the PC70 and FTCA applications) prepared to date by the PC70 proponent, the Council consider it is inevitable that the PC70 land will be rezoned and developed for residential purposes and anticipate this to eventuate through the Variation 1 process, on the assumption that the PC70 proponent will file submissions seeking rezoning. Council otherwise notes the possibility of others (or Council itself) also submitting on Variation 1 to facilitate the rezoning of the PC70 land.
- 38 In summary, whilst the PC70 site is presently subject to a rural zoning, given the context described above I consider it will inevitably (and most likely imminently) be zoned for residential purposes. I understand that Selwyn District Council planning staff share this view⁵.

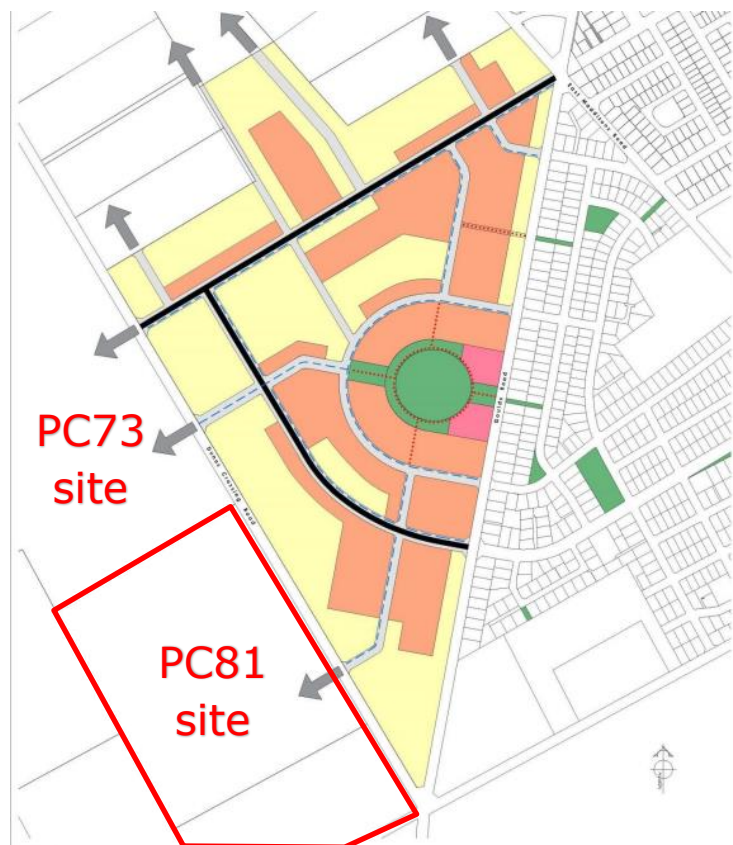


Figure 1: PC70 ODP

⁵ *ibid*

PC73 Land

- 39 I consider it also appropriate to describe the status of the land which is the subject of proposed Plan Change 73 (PC73), on the western side of Dunns Crossing Road, north of the PC82 site (the Holmes Block) and between the PC82 and PC81 sites (the Skellerup block).
- 40 On 17 November 2020 Rolleston West Residential Limited (a related entity to the proponents of PC81 and PC82) lodged a private plan change request with the Council. The request seeks a change to the Operative Selwyn District Plan by rezoning approximately 160 hectares of land in two separate locations on Dunns Crossing Road, Rolleston. This would enable approximately 2100 residential sites and two commercial areas.
- 41 On 1 March 2022, the Commissioner appointed to hear PC73 issued their decision declining PC73, principally on the grounds of urban form and reverse sensitivity effects.
- 42 That decision was subsequently accepted by the Council and publicly notified on 6 April 2022.
- 43 On 29th April 2022, the plan change applicant lodged an appeal against the decision of Council to decline the request.
- 44 Memorandums filed on behalf of appellant (applicant) and respondent (Council) have confirmed that the principal issues to be determined on appeal concern urban form and reverse sensitivity effects. There are no other parties to the appeal.
- 45 A hearing is yet to be set down for this appeal, and presently the parties to the appeal are engaged in mediation.
- 46 Notably, the PC73 land is presently zoned Living 3 in the SDP.
- 47 This allows for the development of the Holmes and Skellerup blocks up to a capped number of rural residential lots. The zone is subject to an Outline Development Plan (ODP), for each block, to guide future development of each site, including reserve provisions and transport connections, provisions in relation to landscape mitigation and setbacks intended to address reverse sensitivity matters.
- 48 The graphic attachment appended to the evidence of Mr Compton-Moen includes the ODPs for the Holmes and Skellerup Blocks currently within the SDP, and the ODP's proposed by PC73.

Wider Rolleston Context for Urban Form/Growth

- 49 Whilst the evidence of Mr Compton-Moen and Ms Lauenstein addresses the wider Rolleston context as it relates to urban form and growth matters, I consider it important to the planning evidence that follows to draw attention to this wider context.
- 50 **Figure 2** below relevantly shows that further growth of Rolleston's residential township is ultimately constrained by:
- (a) State Highway 1 (and industrial zones) to the north.
 - (b) Airport noise contours to the east and northeast.
 - (c) Versatile (Class 1-3) soils to the east and south.
 - (d) The Council's designated WWTP and RRP to the west.
 - (e) Potentially, the Gammack Estate land to the south, as described further in Mr Carter's evidence.
- 51 Accounting for **Figure 2**, the opportunities for (relatively) unconstrained greenfield residential growth include the land west of Dunns Crossing Road (including the PC73, PC81 and PC82 land) and potentially south of Selwyn Road in the vicinity of Springston-Rolleston Road. The latter may result in a less compact, 'peninsula' form, albeit close to the town centre. The former provides a compact and linear form, albeit more distant from the town centre. In all other locations, such growth appears unlikely or uncertain. In my view, this context is important when weighing the relative merits of awaiting a comprehensive or strategic planning process, because such processes would likely identify the subject land as the most appropriate location for expansion of the township.
- 52 To the extent that strategic planning processes may otherwise provide for more comprehensive and integrated planning (over incremental rezoning), I consider this is resolved by the size and extent of the PC73, PC81 and PC82 land, its common ownership/control, and the coordinated and integrated design and assessment of these plan changes. This is evident from **Figure 3**, which shows the integration of the PC73, PC81 and PC82 Outline Development Plans and the existing and planned (PC70) residential zones on the eastern side of Dunns Crossing Road. In addition, the evidence provided (particularly in regards to urban design, transport, and infrastructure matters) considers the collective/cumulative effects of these rezonings as a whole. As discussed later in my evidence, I acknowledge that matters of scope will require the guidance of counsel, but from a planning perspective, I consider it is artificial to disregard the interrelationship and synergies of these separate rezoning proposals that are presently before the Council.

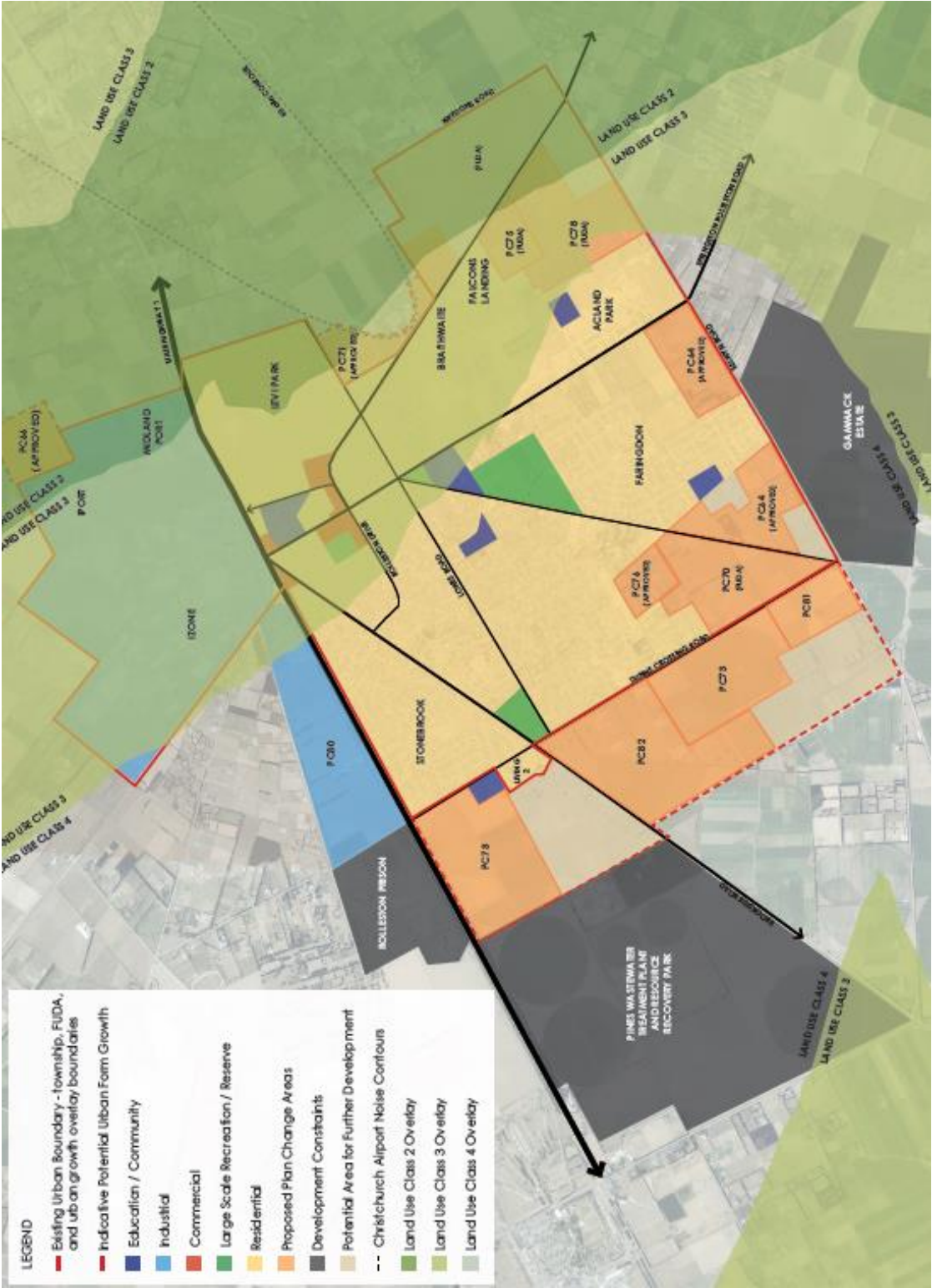


Figure 2 Wider Rolleston Context

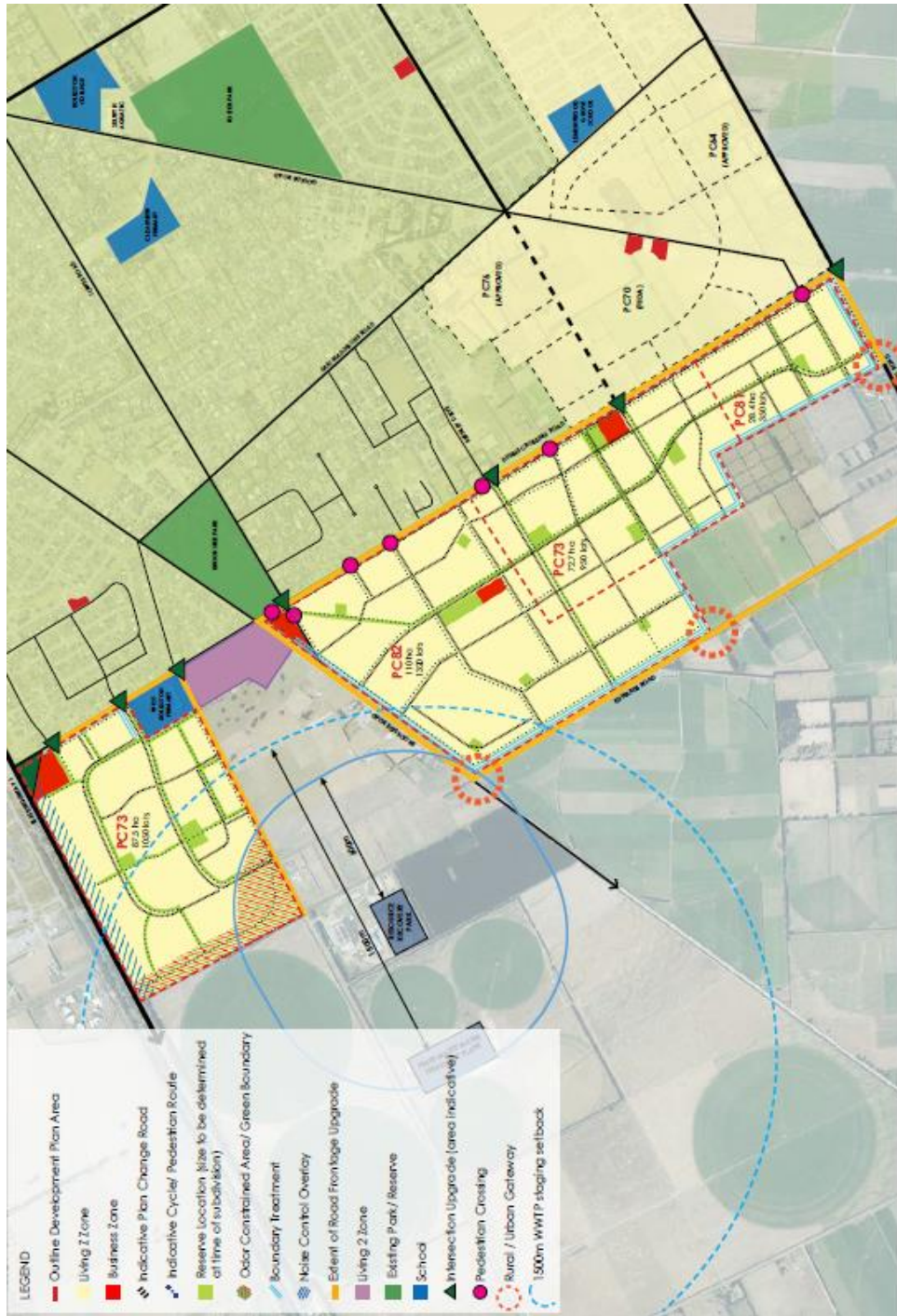


Figure 3 PC73, PC81 & PC82 ODPS COMBINED

Description of the Proposal

- 53 A full description of the proposal is provided in the PC81 and PC82 request documents and is summarised in the Officer's Report. In summary, the proposals seek:
- 53.1 The rezoning of a total of approximately 138.2 hectares of land⁶ adjoining the western boundary of the Rolleston Township from Rural (Outer Plains) to Living MD and Business 1 (Local Centre).
 - 53.2 Enabling a total of approximately 1,670 residential sites and two local commercial areas⁷.
 - 53.3 Provision for an Outline Development Plan ('ODP') for each of the PC81 and PC82 sites, with these identifying primary roads, road network improvements, pedestrian and cycle routes, reserves and boundary treatments.
 - 53.4 Adopting existing Business 1 Zone rules without amendment.
 - 53.5 Adopting the Living MD Zone rules as proposed by Council in order to give effect to the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 ('Amendment Act') and the Medium Density Residential Standards ('MDRS').
 - 53.6 Inserting provisions specific to PC81 and PC82, in regards to education facilities, reverse sensitivity effects, road network improvements, and the assessment of subdivision.
- 54 In response to matters raised in submissions and in the Officer's Report and based on the evidence referred to in paragraph 11, further amendments are now made to the PC81 and PC82 proposals. Such amendments are set out in **Attachments 1 and 2** to this evidence.
- 55 Notably, with the exception of the recommendation to increase the extent of the buffer from the RRP and WWTP, the amended proposal incorporates **all of the amendments recommended** in section 8 of the Officer's Report⁸. In summary, these amendments entail:
- 55.1 Amending subdivision rule 12.1.3.50 in the PC82 Request to preclude residential allotments within 1500m of the WWTP prior

⁶ PC81 site being 28.4 hectares plus the PC82 site being 109.8 hectares.

⁷ PC81 site entailing 350 households plus the PC82 site entailing 1320 households and the two commercial centres.

⁸ Officer's Report paragraph 224.

to the consenting of the Pines 120 upgrade, or 31 December 2026 (rather than 2025).

- 55.2 Amending subdivision rule 12.1.3.50 in the PC81 and PC82 requests to preclude certification of subdivision (under s224c of the Act) until a potable water supply is available which is capable of serving any lots within the subdivision.
 - 55.3 Amending subdivision rule 12.1.3.50 in the PC81 and PC82 Requests to stipulate road network upgrade pre-requisites to development.
 - 55.4 An additional assessment matter (under rule 12.1.4.77A) requiring that any subdivision application which would affect the existing water race or ponds on the PC81 and PC82 sites include a field-based ecological assessment and consider whether such features should be retained.
 - 55.5 Amendments to the PC81 and PC82 ODPs to achieve consistency with the changes above.
- 56 Whilst not specifically recommended by the Officer, for the PC82 proposal, it is also proposed to insert amend subdivision rule 12.1.3.50 to specify that no residential allotments may be created within 1500m of the WWTP buildings unless a covenant is registered against the title/s of the land, in favour of the Selwyn District Council, to the effect that no owner or occupier or successor in title of the covenanted land shall object to, complain about, bring or contribute to any proceedings under any statute or otherwise oppose any relevant adverse environmental effects (for example noise, dust, traffic, vibration, glare or odour) resulting from any lawfully established activities at the RRP and WWTP.

ASSESSMENT OF ISSUES, INCLUDING THOSE RAISED BY SUBMITTERS AND IN THE OFFICER'S REPORT

SUBMISSIONS

- 57 The Officer's Report confirms that 9 submissions were received on PC81 and 17 submissions were received on PC82, with no further submissions on either. I agree with the Officer's identification of key matters raised in these submissions warranting consideration and their rationale for an issue-based approach to evaluating these submissions⁹. I address these same matters in my evidence below.

RESPONSE TO THE OFFICER'S REPORT

- 58 For ease of reference my evidence adopts the same sub-headings set out in the Officer's Report.
- 59 For brevity and to avoid repetition, I record my agreement with the Officer's assessment of the matters listed below, for the reasons stated in their report and otherwise noting the equivalent conclusions in the PC81 and PC82 requests/assessments and/or in the evidence referred to in paragraph 11 of my evidence. I have however provided brief comments as relevant to matters where I consider it appropriate to draw the Commissioner's attention to particular matters.
- 60 Fundamentally, I consider that the differences in opinion between the Officer and I relate to reverse sensitivity and urban form effects and the statutory analysis that follows from this.

Matters in Full Agreement

- 61 I agree with the Officer's assessment of the following matters, for the reasons stated in their report and otherwise noting the equivalent conclusions in the Requests and evaluation reports, and in the evidence referred to in paragraph 11 of this evidence:

61.1 Traffic effects¹⁰;

61.2 Soils¹¹;

61.3 Reverse sensitivity effects on Burnham Military Camp¹²;

⁹ Officer's Report paragraph 40-41.

¹⁰ Officer's Report paragraphs 42-66.

¹¹ Officer's Report paragraphs 84-89.

¹² Officer's Report paragraph 104.

61.4 Geotechnical and Ecological Considerations¹³; and,

61.5 Other matters¹⁴.

Matters in Agreement Requiring Further Comment

- 62 I agree with the Officer's assessment of the following matters for the reasons stated in their report, albeit I provide further assessment that I consider to be relevant, as follows:

Servicing¹⁵

- 63 To the extent that the Officer's report queries the availability of a water supply to the PC81 and PC82 sites noting their location beyond the Rolleston Structure Plan, the evidence of Mr McLeod and Mr Mthamo demonstrates that the zoned land can be feasibly serviced and that existing water consents on the site will provide sufficient supply. Furthermore, the Officer's recommendation for a rule requiring confirmation of a potable water supply at the time of subdivision has been incorporated in the Requests, as set out in **Attachments 1 and 2**. Accordingly, I consider PC81 and PC82 are appropriate in terms of servicing infrastructure availability.

Effects on community facilities¹⁶

- 64 A number of submitters raise concerns about the potential demands of the Requests on or for community facilities¹⁷. To the extent that an increase in resident population as a result of PC81 and PC82 will result in a corresponding increase in demands for community facilities, this is acknowledged. However, such demands will be catered for locally by:

64.1 The Rolleston Town Centre Zone ('TCZ'), as the primary centre servicing the township and District, as is recognised by its status as a Key Activity Centre ('KAC').

64.2 Other business zones in Rolleston and in other parts of the District that complement the TCZ, including: existing local and neighbourhood centres dispersed through Rolleston's existing or proposed residential areas (e.g. Stonebrook, or the centres indicated in the PC73 and PC70 land in **Figure 3**); the large format retail zone within the Business 2A Zone adjacent to Jones/Hoskyns Roads; or Business 2 or 2A Zones

¹³ Officer's Report paragraphs 132-141.

¹⁴ Officer's Report paragraphs 142-145.

¹⁵ Officer's Report paragraphs 67-75.

¹⁶ Officer's Report paragraphs 76-83.

¹⁷ For example, M & J Douglas

on the northern side of State Highway 1 that provide a variety of business services.

- 64.3 The local centres proposed within the PC82 site.
- 64.4 Standalone community facilities (educational facilities, health care facilities, spiritual facilities, home occupations, etc) that establish over time on an *ad hoc* and dispersed basis throughout existing or proposed residential zones¹⁸.

For these activities I note that the District Plan provides an enabling framework that contemplates and provides for such activities in residential environments, subject to the management of their effects through the resource consent process.

And, in respect of school facilities, the PC81 and PC82 proposals have been amended in response to consultation with the Ministry of Education in order to specifically provide for assessment of schooling needs at the time of subdivision.

- 65 Accounting for the above, I share the Officer's view that *'the impact of the rezoning on the capacity of local schools can be appropriately managed through the amendments proposed, and effects on community facilities are not sufficient to preclude the rezoning of the Site'*.

*Environmental Quality*¹⁹;

- 66 A number of submitters raise concerns about the impact that the plan change will have on the amenity or environmental quality of the surrounding areas. Those concerns and submissions are summarised in paragraph 90 of the Officer's report.
- 67 I note that such issues have arisen with a number of other recent plan changes seeking greenfield residential rezoning, with the Council Officer's and decision makers in those proceedings²⁰ agreeing generally that:
 - 67.1 Effects resulting from construction can be appropriately managed and addressed at the time of subdivision;
 - 67.2 Matters relating to crime, pollution, contamination of waterways, quality of potable water, rubbish and health and

¹⁸ Nearby examples of education facilities include the West Rolleston Primary School, Blossoms Educare and Kidsfirst Kindergarten in the vicinity of the Burnham School Road / Dunns Crossing Road intersection.

¹⁹ Officer's Report paragraphs 90-100.

²⁰ For example, PC73 and PC69.

safety are already managed through existing mechanisms that would apply to development of the site; and

- 67.3 The potential for change in urban form and rural outlook generally is a consequence of township change, growth and evolution, which will inevitably occur over time. Furthermore, the Act and the District Plan do not require protection of the amenity derived from the current open character of the site for the enjoyment of surrounding landowners.

Indeed, the NPSUD specifically recognises that amenity values will *'develop and change over time in response to the diverse and changing needs of people, communities, and future generations'* and changes in urban built form *'may detract from amenity values appreciated by some people but improve amenity values appreciated by other people, communities, and future generations, including by providing increased and varied housing densities and types; and are not, of themselves, an adverse effect'*²¹.

- 68 Ultimately, I agree with the Officer's view that *'the types of adverse effects raised in these submissions are not of such significance as to preclude the rezoning of the site'*²².

Matters Requiring Further Assessment

- 69 The following paragraphs provide the reasoning for the matters where my opinion differs from the Officer:

Reverse Sensitivity- Odour ²³

- 70 I agree with the Officer that given the nature of land uses surrounding the PC81 block and its distance from the RRP and WWTP, reverse sensitivity effects are unlikely to arise with this land²⁴.
- 71 For the PC82 block, reverse sensitivity effects associated with the RRP and WWTP are a relevant consideration and I agree with the officer that *'the same issues arise in relation to PC82 as they do to PC73'*. Unsurprisingly therefore, the Officer's Report raises the same concerns from Council in respect to reverse sensitivity effects.
- 72 While these potential reverse sensitivity effects rightly deserve scrutiny, I note that a number of measures are proposed in PC82 in

²¹ NPSUD objective 4 and policy 6.

²² Officer's report paragraph 99.

²³ Officer's Report paragraphs 101-120.

²⁴ Officer's Report paragraph 105.

order to provide surety that reverse sensitivity effects on the RRP and WWTP will not arise. Those measures are detailed in **Attachment 2** and include:

- 72.1 Rules precluding any residential activities within the Odour Constrained Area (600m buffer from the RRP, which translates to a buffer of >1000m from the WWTP).
 - 72.2 A rule precluding the creation of any residential allotments within 1500m of the WWTP prior to the consenting of the 'Pines 120K' upgrade, or 31 December 2026, whichever is sooner.
 - 72.3 A rule precluding the creation of any residential allotments within 1500m of the WWTP, unless a no-complaints covenant is registered on the title in favour of the Council, in respect of the WWTP and RRP. The wording of this provision is based on the definition of 'no-complaints covenant' within the Christchurch District Plan and corresponding rules that provide a mechanism for avoiding reverse sensitivity effects on Lyttelton Port (strategic infrastructure).
- 73 Notwithstanding these measures, I understand the position of Council Officer's on this matter can be summarised as follows:
- 73.1 Mr England (Council's Asset Manager- Water Services) generally supports the restriction (as set out in **Attachment 2**) on the creation of allotments within 1500m of the WWTP prior to Council Certification that specific approvals have been obtained for the upgrade of the plant; or 31 December 2026, whichever comes sooner²⁵.
 - 73.2 Mr England still remains concerned about the potential for complaints after regulatory approvals are obtained, or the timeframe specified²⁶. Mr England does not elaborate on the likelihood or implications of receiving such complaints (i.e. whether they would constitute a reverse sensitivity effect of any significance) or what relief would address these concerns.
 - 73.3 Mr Boyd (Council's Solid Waste Manager) considers that the proposed (600m) separation distances from the RRP should be increased, so as to avoid future complaints about real or perceived odour issues, which he considers may result in significant costs, either to enclose or relocate the facility. Mr

²⁵ Officer's report paragraph 109 and Mr England at 37-38.

²⁶ *ibid*

Boyd suggests a setback *'more in line with the Victoria EPA guideline separation distances'*²⁷ - i.e. 2000m.

- 73.4 Mr Boyd also suggests reverse sensitivity effects could be reduced further via rules requiring that no-complaints covenants are registered on sites within the PC82 site²⁸. As noted above, PC82 now includes a rule requiring no complaints covenants in favour of Council on allotments within the 1500m of the WWTP - being the northwestern corner of the PC82 site.
- 73.5 Mr Bender (Council's odour expert) considers the separation distances *'should provide sufficient separation from the odour generating activities from a well-designed and well-run WWTP'*²⁹.
- 73.6 In regards the RRP, Mr Bender accepts that this *'should be able to operate without resulting in offensive odours beyond the separation distance of 600m'*. However, he notes that 'upset conditions' may result in 'abnormal emissions' which may then be the subject of additional complaints from future PC82 residents, relative to the status quo. Similarly, the general odour arising from composting processes may be apparent and odorous to future residents, in a way that results in complaints. Mr Bender's concerns are that such complaints may then necessitate further management (and expense) at the RRP, which might not otherwise be necessary. On this basis, Mr Bender seeks that the Odour Constrained Area on the ODP be extended beyond its current 600m separation distance³⁰. Mr Bender does not specify what separation distance would be appropriate in his view.
- 74 Ultimately, I am reliant on, and accept, the evidence of Mr Van Kekem and Mr Iseli as to the potential for odour-related reverse sensitivity effects on the RRP and WWTP. I note from their evidence that:
- 74.1 Many wastewater treatment plants in New Zealand's major cities are much larger than the WWTP (even at the proposed peak 120,000 PE capacity assessed) but have separation distances consistent with (or well below) the recommended separation distances recommended for the WWTP. Mr Van

²⁷ Officer's report paragraph 111 and Mr Boyd at 44.

²⁸ Officer's report paragraph 112 and Mr Boyd at 45.

²⁹ Officer's report paragraph 113 and Mr Bender at 16.

³⁰ Mr Bender at 30-31.

Kekem's evidence lists a number of examples with residential zone setbacks ranging between 100m and 500m³¹.

- 74.2 Caution should be used when applying separation distance guidelines in isolation, without considering site-specific factors. In terms of site-specific characteristics, Mr Van Kekem's observed odour plume (up to approximately 400m from the source) is generally consistent with Mr Iseli's experience of well-operated composting operations with comparable feedstock material to that processed at the RRP. Furthermore, odour scout observations, evidence from other well operated windrow composting plants in New Zealand, consent conditions and the Odour and Dust Management Plan, collectively provide a body of evidence that residential development more than 600m from the composting site is not likely to result in reverse sensitivity effects.
- 74.3 If occasional complaints did arise from a residential area in relation to the RRP or WWTP, Environment Canterbury officers would investigate these to determine the presence of any "offensive or objectionable odour", based on the FIDOL factors (Frequency, Intensity, Duration, Offensiveness, Location) and in accordance with the guidance in Schedule 2 of the Canterbury Air Regional Plan (CARP). If an offensive and objectionable odour effect were not evident, like Mr Iseli, I would not expect that such complaints would necessitate changes to the PRRP (or WWTP) operations, that might require additional expenditure.
- 75 Accounting for their evidence and the measures summarised above in paragraph 72, I consider that the Requests will adequately avoid reverse sensitivity effects on the RRP, and will not frustrate the consenting or delivery of the proposed expansion to the WWTP. Accordingly, I consider that reverse sensitivity matters should not preclude the rezoning of the subject land.

*The Form of Urban Growth*³²

- 76 A number of submissions³³ raise issues with the form of urban growth resulting from PC81 and PC82, accounting for the existing form and extent of the Rolleston township, the planned outcomes envisaged by the Rolleston Structure Plan ('RSP') and the density of development.

³¹ Evidence of Mr Van Kekem, paragraphs 45-46.

³² Officer's Report paragraphs 121-131.

³³ M. & J. Douglas (PC81-0001 & PC82-0005), T. Croucher (PC81-0005), L. Woltersdorf (PC81-0003 & PC82-0009), Hill Street Ltd (PC81-0004 & PC82-0012)

77 On these matters, the Officer concludes that:

'Overall, I consider that there will be adverse effects from PC81 and PC82 on urban form, including a lack of consolidation and connectivity. While I consider that these effects might be able to be addressed through the rezoning of a wider area of land (including PC73 as it related to the Skellerup Block, as well as PC70) I consider that this cannot be addressed through the current plan change process'³⁴.

- 78 This conclusion relies in part on the urban design assessment of Mr Nicholson for the Council, which raises concerns regarding the perceived 'island' and 'peninsula' urban form of the PC81 and PC82 sites respectively, and associated implications in terms of accessibility, connectivity and compact urban form. Like the Officer, Mr Nicholson acknowledges that such matters would be improved if adjacent land (i.e. the PC73 Skellerup block) were rezoned.
- 79 I rely on the evidence of Mr Compton-Moen and Ms Lauenstein regarding urban design and urban form matters and I accept their findings that PC81 and PC82 will deliver appropriate outcomes irrespective of the status of PC73. In this regard, I understand that even if the PC81 and PC82 proposals proceed alongside the adjacent operative Living 3 zoning (rather than as sought under PC73), the 'island' and 'peninsula' forms described by Mr Nicholson will not arise, albeit they will deliver less accessibility and connectivity. This is illustrated on page 6 of the visual attachment to Mr Compton-Moen's evidence. Accordingly, I consider that the form of urban growth resulting from PC81 and PC82 is appropriate and should not preclude the requested rezoning.
- 80 Notwithstanding this conclusion, I consider it important to consider the relevance of the adjacent PC73 land to the issue of urban form. As noted above, the Officer's report acknowledges that the rezoning of adjacent land would provide an improved urban form outcome, albeit such an outcome has not been given further consideration on the basis that it is beyond the scope of PC81 and PC82. Whilst I acknowledge that matters of scope and 'contingent decision making' will require resolution and the guidance of counsel, from a planning perspective, I consider it artificial to disregard the interrelationship and synergies of separate rezoning proposals that are presently before the Council. In my view, when these rezoning proposals are viewed collectively, the urban form concerns raised in the Officer's report fall away. Specifically, the rezoning proposals on the west side of Dunns Crossing Road (PC73, PC81 and PC82) collectively provide for:

³⁴ Officer's Report paragraph 131.

- 80.1 A compact, linear and logical urban form, relative to the existing Rolleston township boundaries (see **Figures 2 and 3**). They remove the 'peninsula' and 'island' forms of concern to Mr Nicholson.
 - 80.2 A high degree of connectivity, in a north-south direction between the separate plan change sites, and in an east-west direction into the existing (or in the case of the PC70 land, planned and emerging) Rolleston urban area.
 - 80.3 A high degree of accessibility to proposed and existing commercial centres, recreational / open space reserves, transport routes (including walking and cycling routes and that may also provide for future public transport), educational facilities (preschools, and primary /secondary schools), and community facilities that might otherwise exist or establish within residential zones. Such accessibility is achieved by way of the enhanced connectivity between the PC73, PC81 and PC82 blocks and the amenities within these blocks.
 - 80.4 Rezoning of a large, contiguous area of land, in common ownership/control in a way that allows for comprehensive planning and management of effects in a way that may not otherwise be achievable with piecemeal, smaller scale rezoning proposals. By way of example, traffic, servicing and urban design matters have been assessed and managed in an integrated and comprehensive manner for the PC73, PC81 and PC82 proposals.
- 81 As to Mr Nicholson's preference for a wider spatial planning exercise occurring over a period of time, prior to growth occurring, I note the NPS-UD imperative for providing additional housing capacity in a responsive manner and the corresponding evidence of Messrs Jones, Sellars, Colegrave and Akehurst.
- 82 As I have stated in response to the same concerns by Mr Nicholson on PC73 and PC69, I consider that the location of land beyond identified areas for growth at the present point in time should not preclude approval of a plan change. The key matter in respect of this particular issue is whether the form and nature of the growth proposed, ahead of a Council-led planning exercise undertaken with the luxury of time, is appropriate.
- 83 I do not consider Mr Nicholson's concerns should preclude the rezoning. While a Council-led spatial planning exercise may have merit, it would potentially involve lengthy timeframes and may not deliver a different outcome. PC81 and PC82 (in conjunction with PC73) are of a scale that provides for comprehensive planning for this part of Rolleston and provides for community participation through submissions.

- 84 I am reinforced of this view noting the evidence of Ms Lauenstein and Mr Compton-Moen concludes that a strategic planning exercise advocated by Mr Nicholson would likely lead to the same conclusion – that development of the land on the western side of Dunns Crossing Road in the manner proposed is appropriate and inevitable in terms of Rolleston’s form and context. I consider **Figure 2** and my evidence in paragraphs 49-52 regarding the wider Rolleston context reinforces this point.
- 85 In summary, I do not share the Officer’s views that urban form effects and connectivity are of such significance to make the requested rezoning inappropriate. Whilst I acknowledge that urban form outcomes are enhanced where PC81 and PC82 are assessed in conjunction with the rezoning of adjacent land (namely PC73 and PC70), I consider they do not rely on these rezonings, on the basis that PC73 is presently zoned for residential activity (albeit of a low density) and the residential zoning of PC70 is understood to be accepted by Council as an inevitability.

STATUTORY ANALYSIS

Functions of Territorial Authorities

- 86 Given the preceding evidence concludes that the adverse effects of the proposal will be acceptable and accounting for the adoption of existing District Plan provisions and the amended provisions and ODP (as the key regulatory methods for achieving integrated management of the effects of the proposal), I consider that the plan change will accord with the stated functions of territorial authorities in s31 of the Act.
- 87 However, for the reasons set out in the evidence of Messrs Akehurst and Colegrave, I disagree with the Officer that *‘the plan change is not necessary to provide sufficient housing development capacity³⁵’* and therefore is not necessary for the council to meet its obligations under s31(1)(aa) of the Act to ***‘ensure that there is sufficient development capacity in respect of housing and business land to meet the expected demands of the district’***.

Part 2 Matters

- 88 Section 74(1)(b) requires any change to the District Plan to be in accordance with the provisions of Part 2 and the Officer concludes that the purpose of the Act and Part 2 matters are *‘currently reflected in the settled objectives and policies of the District Plan which PC81 and PC82 does not seek to change, except in relation to the adoption of new objectives for the Living MD Zone which are required by the Amendment Act’*. I concur with this, and like the

³⁵ Officer’s report paragraph 148.

Officer, I revisit Part 2 matters below when evaluating PC81 and PC82 in terms of s32.

Statutory Documents

National Policy Statement on Urban Development 2020 (NPS-UD)

- 89 In my evidence for PC73 and PC69, I set out what I considered were the principal questions to be determined in respect of the NPS-UD, and I note that the decisions on those plan changes records agreement that these questions effectively summarise the principal issues. Those questions or issues equally apply to PC81 and PC82 and in order they are:
- 89.1 Does Policy 8 apply, noting it and Subpart 2, clause 3.8 provides for the consideration of (and requires '*responsive decisions*' for and '*particular regard to the development capacity provided by*') proposals that are otherwise '*unanticipated*' or '*out-of-sequence*' with the CRPS and SDP? Specifically:
- (a) Will the plan change '*add significantly to development capacity*'?
 - (b) Will the plan change '*contribute*' to '*well-functioning urban environments*'?
 - (c) Will the development capacity enabled by the plan change be '*well-connected along transport corridors*'?
- 89.2 Is there '*at least sufficient development capacity to meet expected demand*' '*at all times*' as required of Councils by Policy 2? And is the information relied on to inform this determination '*robust*' and '*frequently updated*' as required by Objective 7?
- 89.3 Can a decision on the proposal be: integrated with infrastructure planning and funding, strategic over the medium and long term, and responsive as required by Objective 6.
- 89.4 Will the proposal be consistent with Objective 8 that New Zealand's urban environments support reductions in greenhouse gas emissions?
- 90 The following section of my evidence addresses the questions posed above.

Policy 8

- 91 Based on the economic evidence of Messrs Akehurst and Colegrave, I consider the PC81 and PC82 proposals will *'add significantly to development capacity'*, acknowledging the greater scale of PC82 relative to PC81. For context, I note that a number of other recently approved plan changes in Selwyn, of a relatively modest scale, have been found to *'add significantly to development capacity'*³⁶.
- 92 I also consider that the development capacity enabled by PC81 and PC82 will be *'well-connected along transport corridors'*, given the proximity and direct access to the State Highway 1 corridor (and adjacent rail corridor noting its potential to contribute to future transport option for Rolleston). The sites are otherwise well connected via Dunns Crossing Road and the proposed primary road network to existing and potential future transport connections through Rolleston.
- 93 In my view, the proposal will also contribute to well-functioning urban environments, for the reasons set out in my evidence above and in the evidence of others referred to in paragraph 11.
- 94 To the extent that the Officer has some reservations about Policy 1(c) and (d) regarding urban form/connectivity and greenhouse gas emissions respectively, I note:
- 94.1 Policy 1(c) seeks *'good accessibility for all people between housing, jobs, community services, natural spaces, and open spaces, including by way of public or active transport'*. Based on Mr Fuller's transport evidence, the urban design evidence of Mr Compton-Moen and Ms Lauenstein, and my evidence above regarding accessibility to community facilities³⁷ and connectivity and accessibility generally³⁸, I conclude that the Requests and their ODPs will satisfy this requirement. I otherwise consider the PC81 and PC82 sites have good accessibility noting:
- (a) their proximity to State Highway 1, the southern rail corridor (and any future opportunities it may provide) and the local road network (including links into the Rolleston town centre);

³⁶ E.g. PC67 (West Melton) at 131 lots; PC72 (Prebbleton) at 295 lots; and PC76 (West Melton) at 150 lots.

³⁷ See paragraph 64.

³⁸ See paragraph 80.

- (b) the provision for alternative transport modes, including active transport and current and potential future public transport facilities;
- (c) the varied densities, commercial centres, green links and reserves, proximity to schooling, and opportunities for further community facilities to establish within the zone;
- (d) the broader travel patterns of future PC81 and PC82 residents (in terms of their travel to/from Christchurch City for employment or services otherwise unavailable locally) would arise with any future greenfield development at Rolleston or in other townships beyond Christchurch City and a compact urban form that supports public transport opportunities, as well as reduced trip distances that enable active modes of transport. I consider this is also a case of whether the 'chicken or the egg' comes first – that is, as more people reside in Rolleston the local opportunities for employment, services, public transport and the like will increase and vice versa. Notably, Rolleston (a KAC) is identified as a preferred location for growth and the Officer's report acknowledges that *'Our Space seeks to direct additional capacity to Rolleston (as well as Rangiora and Kaiapoi) in order to support public transport enhancement opportunities'*³⁹.

94.2 In terms of supporting a reduction in greenhouse gas emissions, I firstly draw attention to the language used in NPS-UD Objective 8(a) and Policy 1(e) which seeks to 'support', rather than strictly 'require' reductions. I also note Objective 8 is targeted at 'New Zealand's urban environments' whilst Policy 1 seeks 'planning decisions that contribute to well-functioning urban environments'. Based on this language, I consider that the NPS-UD is focused on New Zealand's urban environments as a whole and supporting reductions on this basis rather than strictly mandating reductions on a site-by-site basis. Decisions on PC73 and PC69 have supported this view⁴⁰. Regardless, the proposed ODPs provide for walking and cycling, a high degree of connectivity and accessibility, and the potential for servicing by public transport – all of which will 'support reductions in greenhouse gas emissions'. The evidence of Mr Farrelly otherwise addresses how the proposal will 'support' reductions, including increased EV uptake and work-from-home, destocking and associated reduction of methane

³⁹ Officer's report paragraph 172.

⁴⁰ For example, see paragraphs 400-403 of the decision on PC73.

emissions, and reduced lifetime energy usage emissions associated with the predominant standalone housing typologies.

- 95 In summary, I consider the proposal will: add significantly to development capacity; contribute to a well-functioning urban environment; and be well-connected along transport corridors. Accordingly, I consider the proposal satisfies the pre-requisites for Policy 8 to be engaged.

Policy 2 and Objective 7

- 96 As to the issue of sufficient capacity, I am reliant on the evidence of Messrs Jones, Sellars, Akehurst and Colegrave and their detailed reasoning. I accept their conclusions and accordingly I consider it clear that, in the absence of PC81 and PC82, there will not be '*at least sufficient development capacity to meet expected demand*' '*at all times*' as required by Policy 2. Declining the Requests would clearly not improve this situation, whereas approving it would give effect to the directives in the policy.
- 97 As a further comment on this policy, I consider the phrases '*at all times*' and '*at least*' within Policy 2 are significant and to not afford them significance by endeavouring to only provide '*sufficient development capacity*' would render these terms superfluous. Assuming that the authors of Policy 2 intentionally stressed the need to consider housing capacity at all times and err on the side of generosity, I consider a responsive approach towards proposals that add significantly to development capacity is warranted.
- 98 Finally on this point, I consider that the risks and effects of an undersupply of development capacity outweigh the risks and effects of an oversupply, where in this case that additional supply can be serviced.

Objective 6

- 99 Objective 6(a) requires decisions to be integrated with infrastructure planning and funding. As noted by the Officer and in the evidence of Mr McLeod, Mr Mthamo and Mr Fuller, the Requests can be effectively integrated with the planning and funding of water and wastewater infrastructure, transport infrastructure, and other typical network infrastructure required at the time of subdivision. Mr Fuller's evidence concludes that the road network infrastructure, subject to upgrades that are proposed in conjunction with the proposal, can also accommodate the proposal.
- 100 To the extent that the Pines WWTP and RRP and the consenting of the WWTP capacity upgrade are of significance, I consider the PC82 proposal appropriately addresses this (noting this is not an issue for

PC81). Specifically, the air quality evidence confirms that reverse sensitivity effects will be avoided and the amended rules regarding development timing relative to the consenting of the WWTP upgrade are understood to largely address Mr England's concerns about potential opposition to any resource management approvals process.

- 101 Objective 6 otherwise requires decisions to be strategic over the medium term and long term but reconciled with the requirement to also be responsive to proposals supplying significant development capacity, in the sense of '*reacting quickly and in a positive way*'⁴¹. I consider that their urban form, infrastructure and transport attributes of the Requests appropriately account for the medium and longer term and the corresponding evidence confirms that they will not compromise strategic outcomes sought for these matters and the affected urban environment over these timeframes. This conclusion is also supported by the evidence on the effects of the proposal, its ability to contribute to a well-functioning urban environment, and its general consistency with relevant plan provisions (except where they are directive towards urban growth).

- 102 In summary, I consider the proposal satisfies the requirements in Objective 6.

Objective 8

- 103 In terms of supporting a reduction in greenhouse gas emissions, I again draw attention to the language used in NPS-UD Objective 8(a) (and Policy 1(e)) which seeks to 'support', rather than strictly 'require' reductions. I otherwise refer to my evidence above in paragraph 94.2 and Mr Farrelly's evidence to conclude that the proposal is consistent with objective 8, that '*New Zealand's urban environments support reductions in greenhouse gas emissions*'.

NPS-UD Summary

- 104 Ultimately, I consider the difference between the Officer's assessment of consistency with the NPS-UD Officer and my assessment turns on the issues of reverse sensitivity and urban form.
- 105 Given my conclusions on these matters and the assessment above, I consider that the proposal is consistent with the NPS-UD. For the same reasons, I consider a decision to decline the proposal would be inconsistent with, or even contrary to, the NPS-UD.

⁴¹ 27

<https://www.oxfordlearnersdictionaries.com/definition/english/responsive?q=responsive>

Canterbury Regional Policy Statement

- 106 I agree with the Officer as to the relevant provisions in the CRPS and the key issues in respect of those provisions.
- 107 Notably, we are in agreement that the proposal is contrary to those *parts* of CRPS Objectives 6.2.1 and 6.2.2 which direct where urban growth is to be located, albeit NPS-UD Objective 6(c) and Policy 8 overcomes this conflict and allows for responsive decision making, subject to meeting Policy 1, which I have addressed above.
- 108 Consistent with my evidence on PC69 and noting the submissions by the Regional Council and Christchurch City Council in regards potential conflict with the CRPS, I consider it important to stress that the conflict with the CRPS is, in my view, confined only to those directive provisions towards urban growth. In support of this view, I consider it helpful to examine the environmental results anticipated by the implementation of Chapter 6 of the CRPS. A brief assessment of those anticipated results is set out in the table below and I consider that this demonstrates the high degree of consistency that the PC81 and PC82 Requests achieve with that Chapter and its provisions generally.

CRPS Ch 6 Anticipated Environmental Result	Analysis
<i>1. Recovery and rebuilding is enabled within Greater Christchurch.</i>	The proposal is consistent insofar that it supports recovery and rebuilding.
<i>2. Priority areas, Future Development Areas and existing urban areas identified provide the location for all new urban development.</i>	The proposal is not consistent with this directive requirement.
<i>3. Significant natural resources are protected from inappropriate development.</i>	The proposal is consistent, noting significant natural resources will not be affected.
<i>4. People are protected from unacceptable risk from natural hazards.</i>	The proposal is consistent, noting there are no natural hazard risks of significance and to the extent that any risks exist they are avoided or managed to an acceptable level.
<i>5. Infrastructure, and urban and rural development, are developed in an integrated manner.</i>	The proposal is consistent, noting the evidence regarding effects on and integration with infrastructure.
<i>6. The use of existing infrastructure is optimised.</i>	The proposal is consistent, noting the evidence regarding effects on and integration with infrastructure.
<i>7. Development opportunities are provided for on Māori Reserves.</i>	Not applicable.
<i>8. Growth is provided for through both greenfield and brownfield development opportunities.</i>	Based on the economic evidence, demands for growth are not adequately provided for through greenfield development opportunities. The proposal therefore supports the outcome sought.

<i>9. Higher density living environments are provided.</i>	The proposal is consistent, noting the proposed Living zoning provides for this.
<i>10. Greenfield development is provided for at a rate that meets demand and enables the efficient provision and use of infrastructure.</i>	Based on the economic evidence demands for growth are not adequately provided for through greenfield development opportunities. Noting that efficient provision and use of infrastructure can be achieved and demands will be supported, the proposal therefore supports the outcome sought.
<i>11. Growth of rural towns within Greater Christchurch is sustainable and encourages selfsufficiency.</i>	Not applicable.
<i>12. Rural residential development is appropriately managed.</i>	Not applicable
<i>13. Development incorporates good urban design.</i>	The proposal is consistent, noting the evidence of Mr Compton-Moen and Ms Lauenstein.
<i>14. Areas of special amenity, heritage value, or importance to Ngāi Tahu are retained.</i>	Not applicable.
<i>15. Residential development contains a range of densities.</i>	The proposal is consistent, noting the Living MD zone provides for this.
<i>16. Transport infrastructure appropriately manages network congestion, dependency of private vehicles is reduced, emissions and energy use from vehicles is reduced, and transport safety is enhanced.</i>	The proposal is consistent, noting the evidence of Mr Fuller.
<i>17. The function and role of the Central City, the Key Activity and neighbourhood centres is maintained.</i>	The proposal is consistent, noting Rolleston's function and role as a KAC is maintained (and supported) by the proposal.
<i>18. Sufficient business land is provided for, and different types of business activity take place in appropriate locations, adopting appropriate urban design qualities.</i>	The proposal is consistent, noting the Business 1 zone centres provided for.
<i>19. Development opportunities for a metropolitan recreation facility at 466-482 Yaldhurst Road are provided for.</i>	Not applicable
<i>20. Commercial film or video production activities are enabled to support the regional economy and provide employment opportunities.</i>	Not applicable
<i>21. Sufficient opportunities for development are provided to meet the housing and business needs of people and communities – both current and future.</i>	Based on the economic evidence, sufficient opportunities for development are not adequately provided. The proposal therefore supports the outcome sought.

109 To the extent that the Officer considers conflict or tension exists with other CRPS provisions, this largely reflects their concerns regarding the issues/effects which I consider have been resolved

through the evidence referred to in paragraph 11 and in the amendments made to the proposal. In particular:

109.1 My evidence in regards to urban form effects and Policy 1 of the NPS-UD (and that of Mr Compton-Moen and Ms Lauenstein generally) has addressed how the proposal will support consolidated and well-designed urban form and growth. Accordingly, I consider the proposal will give effect to Objective 5.2.1.

109.2 With reference to the evidence of Mr Van Kekem and Mr Iseli, my evidence has concluded that the PC82 proposal will not affect the continued optimal operation of the WTP or RRP, the ability for the upgrades and future planning associated with the WTP to be implemented, nor result in conflict in the form of reverse sensitivity effects. Accordingly, I consider that PC82 (and PC81) will give effect to Objectives 5.2.1 and 6.2.1 (and supporting policies such as Policy 6.3.5.2.c. and 6.3.5.3).

- 110 Accounting for the full assessment of CRPS provisions in the Requests, the Officer's assessment and on the basis that the tensions they have identified have been addressed as set out in my evidence above, I consider the proposal gives effect to the CRPS.

Canterbury Land and Water Regional Plan and Canterbury Air Regional Plan

- 111 I agree with and adopt the Officer's assessment and conclusion that PC81 and PC82 are not inconsistent with either of these statutory documents.

Mahaanui Iwi Management Plan (IMP)

- 112 Consistent with the assessment within the s32 evaluation included with the Requests, the Officer and I share the view that the proposal is not inconsistent with the IMP.

Rolleston Structure Plan

- 113 The RSP was released in September 2009 and as stated in section 1.3 had its boundaries '*determined when the proposed Metropolitan Urban Limit (MUL) for Rolleston was established and formally adopted by Council in July 2008 and was provided to Environment Canterbury to be included in Variation 1 to Proposed Change 1 of the Regional Policy Statement (RPS PC1)*'. Accounting for this, the Structure Plan did not consider the potential for growth to the west of Dunns Crossing Road.

- 114 Notwithstanding, the RSP offers useful principles for future development generally, rather than detailed planning for individual growth areas. Ms Lauenstein's evidence adopts a similar position, describing the RSP as a key document that still relevantly guides the overall structure and direction of growth, but not necessarily the specific or finite physical extent of growth (in terms of urban limits and/or timelines).
- 115 Ultimately, Ms Lauenstein concludes that PC81 and PC82 follow a logical sequence of urban development for Rolleston and fit within the overall direction of several planning documents in particular the direction of growth given by the RSP.
- 116 Based on Ms Lauenstein's evidence (especially in regards to the RSP) and otherwise noting the evidence of Mr Compton-Moen, I consider the proposal to be generally consistent with the principles in the RSP.

CONSIDERATION OF ALTERNATIVES, COSTS AND BENEFITS.

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

Section 32

Part 2 of the Act

- 117 In evaluating the extent to which the objectives of the proposal are the most appropriate way to achieve the Act, the Officer considers the relevant matters in s7 of the Act, noting there are no s6 matters of relevance.
- 118 For the reasons stated by the Officer and in my evidence above, I share the view that the purpose of the proposal achieves s7(c) and 7(f) (in regards to the maintenance and enhancement of amenity values and the quality of the environment respectively).
- 119 In regards s7(b) and the efficient use and development of natural and physical resources, the Officer accepts the transport networks will be efficiently used but considers that *'for the purpose of the proposal to be more appropriate than the status quo, there would need to be certainty that the proposal would not compromise the ability for [the WWTP and RRP as physical resources] to be able to be efficiently used and developed'*. My evidence and that of Mr Van Kekem and Mr Iseli has explained why this will be the case.
- 120 I also consider the efficient use of the subject land as a physical resource is a relevant consideration under s7(b) and that the proposal represents a more efficient use of this resource than the existing or ongoing rural use of the land, accounting for: low

productivity LUC Class 4 soils; available and forthcoming road network and infrastructure capacity that can cater for the development anticipated by the Requests; the land's proximity and accessibility to the existing Rolleston township; and the demand for housing development capacity.

NPS-UD and CRPS

- 121 As already addressed in this evidence, I consider the Requests will give effect to both the NPS-UD and CRPS.

Selwyn District Plan

- 122 The Officer's Report records general agreement with the assessment of relevant objectives and policies in the District Plan accompanying the Requests⁴². Where that is not the case, again this relates to the issues which have been addressed earlier in this evidence. Insofar that the Officer discusses such tensions, I comment on these as follows:

122.1 The Officer notes the directions in Objective B4.3.1, B4.3.4, B3.4.3, Policy B2.2.5 and the overarching direction in the CRPS in regards to the efficient development, use and maintenance of utilities and infrastructure and avoiding reverse sensitivity effects. I accept this assessment but consider the evidence of Mr Van Kekem and Mr Iseli confirms that the proposal will achieve these provisions.

122.2 The Officer notes Mr Nicholson's concerns that the proposal will not achieve Objective B3.4.4 and Policy B4.3.6 regarding compact urban form, or Objective B.3.4.5 regarding connectivity. Notably, these provisions seek (with my emphasis added):

'Objective B3.4.4 Growth of existing townships has a compact urban form and provides a variety of living environments and housing choices for residents, including medium density housing typologies located within areas identified in an Outline Development Plan'.

'Objective B3.4.5 Urban growth within and adjoining townships will provide a high level of connectivity both within the development and with adjoining land areas (where these have been or are likely to be developed for urban activities or public reserves) and will provide suitable access to a variety of forms of transport.

⁴² Officer's report paragraph 217

In my view, Objective B3.4.4, seeks that the 'growth' (rather than the existing township as a whole) has a compact urban form. This is consistent with Policy B4.3.6 which seeks to '*Encourage townships to expand in a compact shape where practical*' and recognises that the growth of townships may occur sporadically or irregularly. Regardless, accounting for **Figures 2 and 3** of my evidence and the evidence of Mr Compton Moen and Ms Lauenstein, I consider growth in this part of Rolleston will support a compact urban form.

Objective B3.4.5 contemplates growth 'adjoining' townships and necessarily therefore a less compact urban form for such townships as they progressively grow outwards. Secondly, the objective seeks connectivity within the subject land and with adjoining land which is '***likely to be developed** for urban activities*', indicating acceptance of urban growth that may adjoin land that remains undeveloped for a period of time, where it '*provides a high level of connectivity*'. Accounting for my evidence in paragraphs 31-38 regarding the likelihood of development of the PC70 land and the western side of Dunns Crossing Road, I consider this objective and the underlined wording is of some significance to the Requests. Also, noting the rezoning aspirations of Hill Street Limited⁴³, I note that the Requests provide for future connectivity to this land.

- 123 Overall, I consider that the proposal, as amended, is the most appropriate way to achieve the purpose of the Act. In reaching this conclusion, I have referred also to the Ministry for Environment guide to s32 of the Act, which references case law confirming that "most appropriate" is interpreted by case law as meaning "suitable, but not necessarily superior".
- 124 There is no specific requirement to consider a plan change against the PSDP and as the relevant provisions are currently being heard and are subject to change, little if any weight could be afforded to them in any event. To the extent that the PSDP does not provide an Urban Growth overlay for the PC81 and PC82 sites, this reflects the provisions in the CRPS that have been canvassed earlier in my evidence.

Whether the Provisions are the Most Appropriate Way to Achieve the Objectives

- 125 In terms of the appropriateness of the provisions at achieving the objectives of the proposal and the SDP objectives, the Officer identifies concerns that require resolution⁴⁴. Amendments to the Requests have been made in response, as set out in detail in

⁴³ Submitter PC81-0004 and PC82-0012.

⁴⁴ Officer's report, paragraphs 223-224.

Attachments 1 and 2 of this evidence. In summary, all recommended amendments have been incorporated into the proposal, with the exception of the increase to the 600m odour buffer.

CONCLUSIONS

- 126 I share the Officer's view that *'the proposal's inconsistency with Objective B4.3.3 of the Plan and various provisions within the CRPS that direct the location of growth... is overcome by the significance of the development capacity provided by the proposals, noting this is less for PC81 than for PC82. This takes into account that both plan changes would provide more capacity in Rolleston Township, aligning with strategic planning outcomes that seek to focus growth in Rolleston⁴⁵'*.
- 127 Accounting for the amendments to the Requests as set out in **Attachment 1 (PC81)** and **Attachment 2 (PC82)**, I share the Officer's view that the crux of whether or not the rezoning is the most appropriate way to achieve the purpose of the Act relates to the form of urban growth and reverse sensitivity effects.
- 128 Reliant on the evidence of Mr Compton-Moen and Ms Lauenstein, I consider that PC81 and PC82, when considered on their own merits, achieve an appropriate and acceptable level of connectivity with Rolleston and a compact urban form. Such attributes are significantly enhanced if the Requests are considered holistically with PC73. As evident in **Figures 2 and 3** of my evidence, these proposals would collectively provide for comprehensive, integrated, and compact urban form along the western edge of the existing Rolleston township with good accessibility and connectivity (with each other and with the existing and planned Rolleston urban area to the east).
- 129 In regards reverse sensitivity effects for PC82, I share the Officer's view that:

'the development enabled by the Request needs to be managed to ensure that such development does not result in reverse sensitivity effects with respect to the RRP and WWTP, which in turn could adversely affect their continued operation, as well as the ability for the upgrades and future planning associated with the WWTP to be implemented'; and,

'that the development also needs to be managed so that it does not result in conflict between the proposed higher

⁴⁵ Officer's report, paragraph 227.

density residential use and the WWTP or the RRP, nor impede their optimal use'; and,

'unless there is sufficient confidence that the provisions in the Plan Change will achieve this, aspects of the PC82 Request could be contrary to Objectives 5.2.1 and 6.2.1 of the CRPS, as well as Policy 6.3.5, as well as Objective B3.4.3 and Policy B2.2.5 of the Selwyn District Plan'⁴⁶.

- 130 I understand that Council's air quality expert (Mr Bender) endorses a 600m buffer for typical operations at the RRP and WWTP (as existing and consented).
- 131 To the extent that the Council has residual concerns (particularly for 'upset conditions' at the RRP composting facility), I rely on the evidence of Mr Van Kekem and Mr Iseli to conclude, with confidence, that the proposed amendments and provisions in **Attachment 2** will effectively avoid reverse sensitivity effects on the RRP (and WWTP). I also consider that the WWTP staging setback and no complaints covenant rules will adequately frustration of the Pines 120 upgrade. Accordingly, I consider the proposal will achieve consistency with those provisions in the CRPS and SDP concerned with reverse sensitivity and the protection of infrastructure.
- 132 On the basis that the relevant outstanding issues raised in submissions and in the Officer's Report have been addressed through amendments to the proposal and/or in the evidence provided, I conclude that the adverse effects of the proposal can or will be avoided, remedied or mitigated to an acceptable standard and the proposal will contribute to well-functioning urban environments.
- 133 For the same reason, I also consider that the proposal will give effect to the NPS-UD and give effect to the CRPS and achieve consistency with the operative District Plan (except for those directive provisions regarding urban growth which are resolved by Policy 8 of the NPS-UD). I do not consider the proposal will result in any significant conflict with other relevant statutory or non-statutory documents or plans as referred to in the Requests or the Officer's Report.
- 134 I also consider that with the requirement to give effect to the NPS-UD (being a higher order statutory document which prescribes objectives and policies for a matter of national significance and which has primacy over the CRPS and SDP), the evaluation of the Requests needs to have particular regard to:

⁴⁶ Officer's report, paragraph 227.

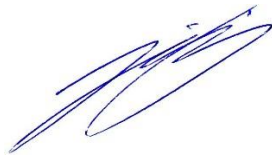
134.1 The significant development capacity offered by the Requests and their contribution to well functioning urban environments, improved housing affordability and enablement of housing in an area with high demand relative to other areas; and, their ability to integrate with infrastructure planning and funding.

134.2 The NPS-UD imperatives for 'responsive' decision making and providing 'sufficient development capacity' 'at all times' (particularly given the evidence that there is insufficient capacity).

135 Overall, I consider that the Requests are the most appropriate way of achieving the purpose of the Act, and that the purpose of the Act is achieved.

136 On the basis of the views expressed above, I consider that PC81 and PC82 should be approved.

Dated: 26 August 2022



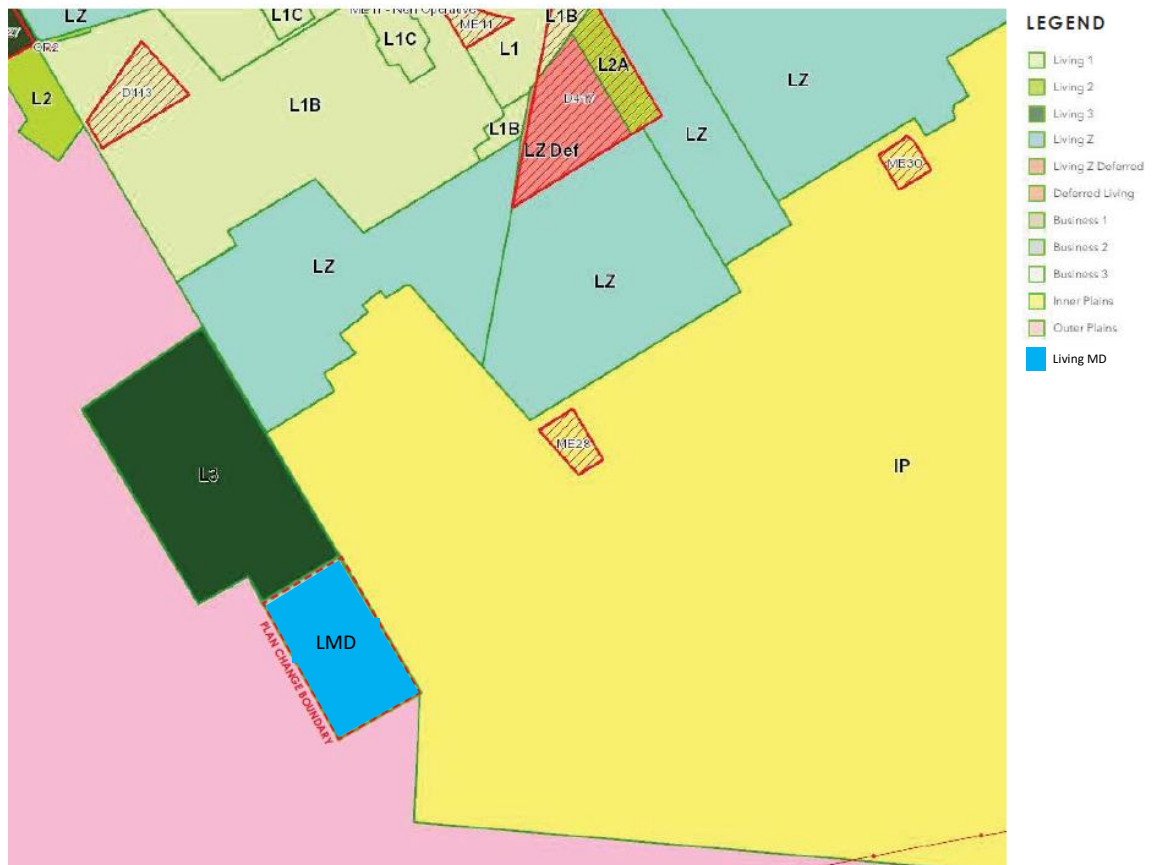
Jeremy Phillips

Attachment 1: PC81 - Proposed Changes to the SDP

Plan Change 81 proposes to make the following changes to the Selwyn District Plan:

1. To amend the Selwyn District Plan Planning Maps, by rezoning the site to Living MD as depicted in **Attachment 1a**.
2. To amend the Township Volume, Appendix E38, Outline Development Plan- Rolleston by inserting the Outline Development Plan attached in **Attachment 1b** as a new ODP Area XX.
3. To amend the District Plan provisions (including to incorporate the Medium Density Residential Standards (MDRS)), as set out below in **Attachment 1c**.
4. Any other consequential amendments including but not limited to renumbering of clauses.

Attachment 1a: PC81 - Proposed Changes to SDP planning maps



Attachment 1b: PC81 - Proposed ODP (Skellerup South) for inclusion in Appendix 38.



OUTLINE DEVELOPMENT PLAN - PC81 (1:7,500)

ROLLESTON WEST, PLAN CHANGE 81 AND 82 HEARING

Attachment 1b: PC81 - Proposed ODP (Skellerup South) narrative for inclusion in Appendix 38.

Note: for ease of reference, the amendments set out below are distinguished as follows:

- Italicised text that is not underlined or struck out (irrespective of colour), represents text within the ODP, as notified.
- Text that is underlined or ~~struck-out~~ in red font, represent changes made after notification (via update dated 16 August 2022), and accounted for in the Officer's report.
- Text that is underlined or ~~struck-out~~ in blue font, represent changes made as part of the applicant's evidence dated 26 August 2022.

OUTLINE DEVELOPMENT PLAN XX (SKELLERUP SOUTH)

Introduction

The Outline Development Plan (ODP) area comprises 28.4 hectares and is situated at the south-western corner of the existing Rolleston Township, to the west of Dunns Crossing Road, and to the north of Selwyn Road.

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

- a. The Land Use Recovery Plan (LURP)
- b. The Canterbury Regional Policy Statement
- c. The Greater Christchurch Urban Development Strategy (UDS)
- d. The Ministry for the Environment's Urban Design Protocol
- e. The Selwyn District Council's 2009 Subdivision Design Guide

A single Overall ODP addresses the land use, movement, green and blue networks.

Land Use Plan

~~The ODP area provides for at least 350 residential households in total. However, an Integrated Transport Assessment shall be required in association with any resource consent application resulting in any more than 350 households total within the ODP area, in order to re-evaluate and manage road network effects at that time. The ODP area shall provide for a maximum of 350 households, beyond which an Integrated Transport Assessment shall be required in association with any resource consent application. In addition, the~~ The development area shall achieve a minimum net density of 12 household per hectare, averaged over the area.

The Living MD zone ODP densities will enable a minimum individual allotment size of 400m². Comprehensive residential development (i.e. with semi-attached and attached built-form typologies) is provided for and may be co-located with either open space, reserves, local centres, along key road connections and in smaller pockets around high amenity, low traffic residential streets.

A rural-style interface treatment will be established along the Selwyn Road frontage and the western boundary of the site. This will include open rural fencing, and tree planting with the detailed design to be confirmed at subdivision stage.

For all earthworks across the site, an Accidental Discovery Protocol will be implemented at the time of site development, in addition to appropriate erosion and sediment controls, to assist in mitigating against the potential effects on wāhi tapu and wāhi taonga values generally.

Movement Network

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

The ODP provides for an integrated transport network incorporating:

- a. Primary routes that provide east-to-west and north-to-south linkages through the ODP area, connecting to Dunns Crossing Road, and providing a connection to Selwyn Road. A future primary road connection and secondary road connection are provided for land to the north.
- b. Secondary routes are otherwise provided throughout the ODP block and are intended to provide ease of movement access in a north-to-south and east-to-west direction through the block.
- c. Shared pedestrian and cycle connections are provided centrally through the ODP area to enhance safe walking and cycling opportunities, and will provide linkages to adjacent properties.
- d. A gateway feature is proposed at the western end of the site frontage along Selwyn Road to demarcate a change in speed environment to 60km/hr and the urbanising of this area.

The remaining internal roading layout must provide for long-term interconnectivity once full development is achieved. An integrated network of tertiary roads must facilitate the internal distribution of traffic, and if necessary, provide additional property access.

Transport network upgrades are required in order to accommodate growth and traffic from the ODP area. The nature of these works, timing requirements and anticipated funding responsibility is set out in Table 1 below and a consent notice or similar mechanism shall be imposed at the time of any subdivision consent to ensure these outcomes. As noted above, where more than 350 households total are proposed or enabled within the ODP area, an Integrated Transport Assessment shall be required in order to re-evaluate and manage road network effects at that time.

Table 1: Transport network upgrades

Upgrade required	Timing	Anticipated funding mechanism
<u>Commencement of</u> SH1 / Dunns Crossing Road / Walkers Road Intersection <u>upgrade</u>	Prior to <u>any development (including earthworks or construction related activities) occupation of any dwelling</u> in the ODP area.	Works already funded by Waka Kotahi.
Dunns Crossing Road / Burnham School Road Traffic Signals	Prior to <u>issue of a completion certificate shall be issued under section 224 of the Act (other than for a boundary adjustment or creation of an allotment solely for utility purposes), occupation of any dwelling</u> in the ODP area.	Developer agreement (as in the Selwyn District Council Long Term Plan for 2032/2033 and also required for Plan Change 73).
Goulds Road / Dunns Crossing Road / Selwyn Road Upgrade	Prior to <u>issue of a completion certificate shall be issued under section 224 of the Act (other than for a boundary adjustment or creation of an allotment solely for utility purposes), occupation of any dwelling</u> in the ODP area.	Developer agreement as also required for Plan Change 70.
<u>Dunns Crossing Road Frontage Upgrades (including gateway thresholds) as shown on the ODP</u>	Prior to <u>issue of a completion certificate shall be issued under section 224 of the Act (other than for a boundary adjustment or creation of an allotment solely for utility purposes), occupation of any dwelling</u> in the ODP area.	Developer constructed.

Selwyn Road Frontage Upgrade	Prior to occupation of any dwelling in the ODP area.	Developer constructed.
Dunns Crossing Road / Newmans Road Intersection	Prior to occupation of any dwelling in the ODP area.	To be delivered by PC73 and / or as part of Waka Kotahi works to SH1 / Dunns Crossing Road.
Dunns Crossing Road / Lowes Road	Prior to issue of a completion certificate shall be issued under section 224 of the Act (other than for a boundary adjustment or creation of an allotment solely for utility purposes) , occupation of any dwelling in the ODP area.	To be delivered by PC82 or brought forward by developer agreements noting it is in the LTP for 2035/36.

Green Network

A recreational reserve of approximately 1.5-2.0ha will be provided, in addition to green links and reserves that provide open space and facilitate attractive pedestrian and cyclist connections to align with adjacent sites. The location of the reserve has been determined based on the number of households within the plan change area and to ensure people are within a 500m walking radius of their homes.

The proposed reserve network provides an opportunity to create an ecological corridor, and to integrate the collection, treatment, and disposal of stormwater where appropriate. Plant selection in new reserves will include locally sourced native tree and shrub plantings.

The existing water race [and any other water bodies identified on the site will be subject to a field-based ecological assessment prior to subdivision, in order to determine whether they will be decommissioned, retained, or otherwise managed prior to or](#) as part of the subdivision works. Fauna within the water race will be translocated locally, except for eels, where they shall be translocated into the neighbouring Te Waihora/Lake Ellesmere catchment so they can access the sea and complete their life cycles. The fish and kākahi salvage/translocation will be conducted in accordance with ECAN fish salvage guidelines prior to any works within the water races.

Blue Network

Stormwater - Stormwater runoff from individual sites will discharge primary runoff from rooves and hardstand areas directly to ground via on-site soak pits. Runoff from hardstand areas and roads will be collected and treated before discharging into ground via soak pits or infiltration trenches. In general, the first flush stormwater runoff will be generally treated through a swale or infiltration basin or proprietary stormwater treatment devices.

Stormwater runoff from large rainfall events which exceed the first flush capacity can be discharged directly to ground using rapid infiltration trenches or soak pits. Flows in excess of the capacity of the primary system can be directed to the roads which will act as secondary flow paths to safely convey stormwater through the developments. The detailed design of stormwater management will be determined by the developer in collaboration with Council at the subdivision stage and in accordance with Environment Canterbury requirements.

Water – The water reticulation will be an extension of the existing water reticulation network bordering the site into the plan change block along proposed roads with minor upgrading of the existing network . Additional connections to other parts of the Council network to the north/east will be determined at the subdivision stage to increase network connectivity and resilience. [No completion certificate shall be issued under section 224 of the Act \(other than for a boundary adjustment or creation of an allotment solely for utility purposes\), until such time as a potable water supply which is capable of serving any lots within the subdivision is provided.](#)

Educational Facilities

[The provision of new educational facilities can be provided within the block or in the wider area albeit subject to a needs assessment.](#)

Attachment 1c: Proposed amendments to operative Selwyn District Plan provisions (including amendments to incorporate the Medium Density Residential Standards (MDRS))

Note: for ease of reference, the amendments set out below are distinguished as follows:

- Italicised text that is not underlined or struck out (irrespective of colour), represents text within the operative Selwyn District Plan (that is not proposed to change).
- Text that is underlined or ~~struck-out~~ in grey font, represents changes required to incorporate the Medium Density Residential Standards, with these changes proposed/provided by Selwyn District Council officers.
- Text that is underlined or ~~struck-out~~ in black font, represent changes proposed by PC81, as notified.
- Text that is underlined or ~~struck-out~~ in red font, represent changes proposed by PC81, with changes made after notification (via update dated 16 August 2022), and accounted for in the Officer's report.
- Text that is underlined or ~~struck-out~~ in blue font, represent changes proposed by PC81, with changes made as part of the applicant's evidence dated 26 August 2022.

A4.5 TOWNSHIPS AND ZONES

Table A4.4 – Description of Township Zones

Insert below description of Living MD:

<u>Living MD</u>	<u>Urban growth areas within or adjacent to existing townships within Greater Christchurch. These areas are used predominantly for residential activities with a higher concentration and bulk of buildings, such as detached, semi-detached and terraced housing, low-rise apartments, and other compatible activities.¹</u>
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B3.4 QUALITY OF THE ENVIRONMENT — OBJECTIVES

Objective B3.4.7²

Within the Living MD Zone, a well-functioning urban environment that enables all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future.

B3.4 QUALITY OF THE ENVIRONMENT — POLICIES

ZONES

Policy B3.4.1

To provide zones in townships based on the existing quality of the environment, character and amenity values, except within the Living MD Zone or³ within Outline Development Plan areas in the Greater Christchurch area where provision is made for high quality medium density housing.

Policy B3.4.9A⁴

Apply the medium density residential standards in the Living MD Zone except in circumstances where a qualifying matter is relevant (including matters of significance such as historic heritage and the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga).

¹ Adapted from Planning Std description of the medium density residential zone

² Cl6(1)(a) Objective 1

³ Consequential amendment to clarify that this policy does not apply to MDRS

⁴ Cl6(2)(b) Policy 2

BUILDING DESIGN

Policy B3.4.27A⁵

In the Living MD Zone, encourage development to achieve attractive and safe streets and public open spaces, including by providing for passive surveillance.

Policy B3.4.27B⁶

In the Living MD Zone, enable housing to be designed to meet the day-to-day needs of residents

Policy B3.4.27C⁷

In the Living MD Zone, provide for developments not meeting permitted activity status, while encouraging high-quality developments.

B4.1 RESIDENTIAL DENSITY — OBJECTIVES

Objective B4.1.1

A range of living environments is provided for in townships, while maintaining the overall ‘spacious’ character of Living zones, except within the Living MD Zone⁸ and within Medium Density areas identified in an Outline Development Plan where a high quality, medium density of development is anticipated.

Objective B4.1.3⁹

The Living MD Zone provides for a variety of housing types and sizes that respond to—

- i. housing needs and demand; and
- ii. the neighbourhood’s planned urban character, including 3-storey buildings

B4.1 RESIDENTIAL DENSITY — POLICIES

Policy B4.1.14¹⁰

Enable a variety of housing typologies with a mix of densities within the Living MD Zone, including 3-storey attached and detached residential units¹¹, and low-rise apartments.

B4.3 RESIDENTIAL AND BUSINESS DEVELOPMENT

Policy B4.3.7

Living Z and Living MD¹² urban growth areas identified in the District Plan shall not be developed for urban purposes until an operative Outline Development Plan for that area has been included within the District Plan. Each Outline Development Plan shall:

- Be prepared as a single plan for any identified Outline Development Plan area identified on the Planning Maps and Appendices;
- Be prepared in accordance with the matters set out in Policy B4.3.8;
- Take account of the Medium Density and Subdivision Design Guides.

Policy B4.3.8

Each Outline Development Plan shall include:

- Principal through roads, connection and integration with the surrounding road networks, relevant infrastructure services and areas for possible future development;
- Any land to be set aside for
- community facilities or schools;
- parks and land required for recreation or reserves;

⁵ Cl6(2)(c) Policy 3

⁶ Cl6(2)(d) Policy 4

⁷ Cl6(2)(e) Policy 5

⁸ Consequential amendment to clarify that this objective does not apply to MDRS, because Objective B4.1.3 applies instead

⁹ Cl6(1)(b) Objective 2

¹⁰ Cl6(2)(a) Policy 1

¹¹ EHS uses ‘dwellings’, but MDRS standards use ‘residential units’

¹² To ensure that Living MD zones also get an ODP

- any land to be set aside for business activities;
- the distribution of different residential densities;
- land required for the integrated management of water systems, including stormwater treatment, secondary flow paths, retention and drainage paths;
- land reserved or otherwise set aside from development for environmental or landscape protection or enhancement; and
- land reserved or otherwise set aside from development for any other reason, and the reasons for its protection.
- Demonstrate how each ODP area will achieve a minimum net density of at least 10 lots or household units per hectare;
- Identify any cultural (including Te Taumutu Rūnanga values), natural, and historic or heritage features and values and show how they are to be enhanced or maintained;
- Indicate how required infrastructure will be provided and how it will be funded;
- Set out the phasing and co-ordination of subdivision and development in line with the phasing shown on the Planning Maps and Appendices;
- Demonstrate how effective provision is made for a range of transport options, including public transport systems, pedestrian walkways and cycleways, both within and adjoining the ODP area;
- Show how other potential adverse effects on and/or from nearby existing or designated strategic infrastructure (including requirements for designations, or planned infrastructure) will be avoided, remedied or appropriately mitigated;
- Show how other potential adverse effects on the environment, the protection and enhancement of surface and groundwater quality, are to be avoided, remedied or mitigated;
- Include any other information which is relevant to an understanding of the development and its proposed zoning; and
- Demonstrate that the design will minimise any reverse sensitivity effects.
- In the Living MD Zone, any identified qualifying matter and how it is to be addressed

Policy B4.3.77

Ensure that development within each of the Outline Development Plan areas identified on the Planning Maps and Appendices within Rolleston addresses the specific matters relevant to each ODP Area number listed below:

...

Outline Development Plan Area 'XX'

- Provision of a Primary road on a north-south alignment across the ODP area;
- Provision of a secondary road network internal to the ODP area and providing connections to the south and north of the ODP area;
- Provision of a neighbourhood park centrally and adjacent the Primary road;
- ~~Provision for medium density development adjacent the reserve;~~
- Provision of pedestrian and cycle links within and through the ODP area to connect to adjoining urban areas;
- Provision of reticulated water supply and wastewater systems that have sufficient capacity for the ODP area;
- Provision of a comprehensive stormwater system that has sufficient capacity for the ODP area;
- Provision of a minimum net density of 12 households per hectare averaged over the ODP Area.
- Potential provision of educational facilities.

C4 LZ BUILDINGS

4.2 BUILDINGS AND LANDSCAPING

Permitted Activities — Buildings and Landscaping

- 4.2.1 *Except in the Living MD Zone where Rule 4.19 applies instead and except¹³ for the Living 3 Zone at Rolleston identified in the Outline Development Plan in Appendix 39 and 40, any principal building shall be a permitted activity if the area between the road boundary and the principal building is landscaped with shrubs and*
- *Planted in lawn, and/or*
 - *Paved or sealed, and/or*
 - *Dressed with bark chips or similar material.*

4.6 BUILDINGS AND BUILDING DENSITY

Permitted Activities — Buildings and Building Density

- 4.6.1 *Except in the Living MD Zone where Rule 4.19 applies instead, the ~~the~~¹⁴ erection on an allotment (other than a site at Castle Hill) of not more than either:*
- *One dwelling and one family flat up to 70m² in floor area; or*
 - *One principal building (other than a dwelling) and one dwelling,*
shall be a permitted activity, except that within a comprehensive residential development within a Living Z Zone, more than one dwelling may be erected on the balance lot prior to any subsequent subdivision consent that occurs after erection of the dwellings (to the extent that the exterior is fully closed in).

4.7 BUILDINGS AND SITE COVERAGE

Permitted Activities — Buildings and Site Coverage

- 4.7.1 *Except in the Living MD Zone where Rule 4.19 applies instead, and except¹⁵ as provided in Rule 4.7.2, the erection of any building which complies with the site coverage allowances set out in Table C4.1 below shall be a permitted activity. Site coverage shall be calculated on the net area of any allotment and shall exclude areas used exclusively for access, reserves or to house utility structures or which are subject to a designation.*

4.8 BUILDINGS AND BUILDING HEIGHT

Permitted Activities — Buildings and Building Height

- 4.8.1 *Except in the Living MD Zone where Rule 4.19 applies instead, the ~~the~~¹⁶ erection of any building which has a height of not more than 8 metres shall be a permitted activity.*

4.9 BUILDINGS AND BUILDING POSITION

Permitted Activities — Buildings and Building Position

The following shall be permitted activities

Recession Planes

- 4.9.1 *Except in the Living MD Zone where Rule 4.19 applies instead¹⁷, and except as provided for¹⁸ in Rule 4.9.1.1 and Rule 4.9.1.2, the construction of any building which complies with the Recession Plane A requirements set out in Appendix 11;*
- 4.9.1.1 *In a Living Z medium density area located within an Outline Development Plan (ODP) on any internal boundary which is*
- (a) *not a boundary of a lot in a low density area; and*

¹³ Consequential amendment because CI18 applies instead

¹⁴ Consequential amendment because CI10 applies instead

¹⁵ Consequential amendment because CI14 applies instead

¹⁶ Consequential amendment because CI11 applies instead

¹⁷ Consequential amendment because CI12 applies instead

¹⁸ Consequential amendment to improve clarity given the length of exclusions

- (b) which is not a boundary of the ODP area as a whole – the construction of any building which complies with a recession plan angle of 45 degrees, with the starting point for the recession plane to be 4m above ground level; and

4.9.1.2 Where buildings on adjoining sites have a common wall along an internal boundary, the recession plane shall not apply along that part of the boundary covered by such a wall.

Setbacks from Boundaries

4.9.2 Except in the Living MD Zone where Rule 4.19¹⁹ applies instead and except as provided in Rules 4.9.3 to Rules 4.9.33, any building which complies with the setback distances from internal boundaries and road boundaries, as set out in Table C4.2 below.

4.13 BUILDINGS AND STREETSCENE

Permitted Activities — Buildings and Streetscene

For all residential development located within the Lowes Road Outline Development Plan area (Appendix 34) or the High Street, Southbridge Outline Development Plan area (Appendix 45), or a Living Z zone, or a Living MD Zone

4.19 DENSITY STANDARDS IN THE LIVING MD ZONE

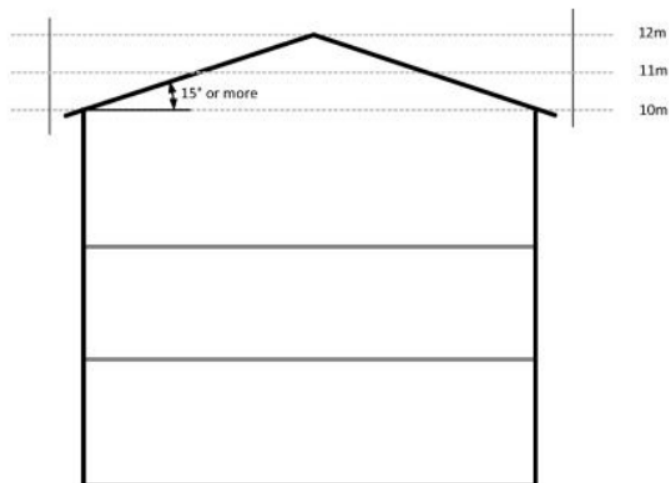
Permitted Activities – Density Standards in the Living MD Zone

4.19.1 In the Living MD Zone, the establishment of not more than 3 residential units on a site shall be a permitted activity.²⁰

4.19.2 In the Living MD Zone, the establishment of any residential unit or other principal building which has a height of not more than 11 metres shall be a permitted activity, except that 50% of a building's roof in elevation, measured vertically from the junction between wall and roof, may exceed this height by 1 metre, where the entire roof slopes 15° or more, as shown on Figure C4.1.²¹

4.19.3 In the Living MD Zone, the establishment of any other building or structure which has a height of not more than 8 metres shall be a permitted activity.

Figure C4.1 – Permitted residential unit height, Living MD Zone



¹⁹ Consequential amendment because CI13 applies instead

²⁰ CI10

²¹ CI11

4.19.4 In the Living MD Zone and except as set out below, the construction of any building which complies with the Recession Plane C requirements set out in Appendix 11, shall be a permitted activity.²²

4.19.5 In the Living MD zone, any building which complies with the setback distances from internal boundaries and road boundaries as set out in Table C4.4 below, shall be a permitted activity.²³For the purposes of this rule, setbacks shall be measured from the relevant boundary to the closest point of the building.

Table C4.4 - Minimum Setbacks for Buildings, Living MD Zone

<u>Building type</u>	<u>Setback from boundary (metres)</u>	
	<u>Internal boundary</u>	<u>Road boundary or shared access where specified</u>
<u>Garage: vehicle door faces road or shared access</u>	<u>1m</u>	<u>5.5m</u>
<u>Residential Unit or other principal building</u>	<u>1m</u>	<u>1.5m</u>
<u>Any other building</u>	<u>1m</u>	<u>2m</u>

4.19.6 Despite Rule 4.19.5, any building in the Living MD Zone may be sited along an internal boundary of the site where there is a common wall between two buildings on adjacent sites, or where such a wall is proposed.²⁴

4.19.7 Any building in the Living MD Zone where the building coverage does not exceed 50% of the net site area shall be a permitted activity.²⁵

4.19.8 Any residential unit in the Living MD Zone shall be a permitted activity where it provides an outdoor living space that:²⁶

4.19.8.1 Where the residential unit is at ground floor level, comprises ground floor, balcony, patio, or roof terrace space that:

- (a) is at least 20m² in area; and
- (b) where located at ground level, has no dimension less than 3 metres; and
- (c) where provided in the form of a balcony, patio, or roof terrace, is at least 8 square metres and has a minimum dimension of 1.8 metres; and
- (d) is accessible from the residential unit; and
- (e) may be—
 - (i) grouped cumulatively by area in 1 communally accessible location;
 - or
 - (ii) located directly adjacent to the unit; and
- (f) is free of buildings, parking spaces, and servicing and manoeuvring areas.²⁷

4.19.8.2 Where the residential unit is located above ground floor level, comprises balcony, patio, or roof terrace space that:

- (a) is at least 8m² and has a minimum dimension of 1.8 metres; and
- (b) is accessible from the residential unit; and
- (c) may be—
 - (i) grouped cumulatively by area in 1 communally accessible location, in which case it may be located at ground level; or

²² C12

²³ C13(1)

²⁴ C13(2), refer 4.9.7 for wording for other Living zones

²⁵ C14

²⁶ C15(1)

²⁷ C15(1)

(ii) located directly adjacent to the unit.²⁸

4.19.9 Any residential unit in the Living MD Zone shall be a permitted activity where it provides an outlook space from habitable room windows as shown in Figure C4.2²⁹ and:³⁰

4.19.9.1 Each required outlook space shall comply with the following minimum dimensions:

(a) one principal living room must have an outlook space with a minimum dimension of 4 metres in depth and 4 metres in width; and

(b) all other habitable rooms must have an outlook space with a minimum dimension of 1 metre in depth and 1 metre in width; and³¹

4.19.9.2 The width of the outlook space is measured from the centre point of the largest window on the building face to which it applies;³²

4.19.9.3 Outlook spaces may be over driveways and footpaths within the site or over a public street or other public open space;³³

4.19.9.4 Outlook spaces may overlap where they are on the same wall plane in the case of a multi-storey building;³⁴

4.19.9.5 Outlook spaces may be under or over a balcony;³⁵

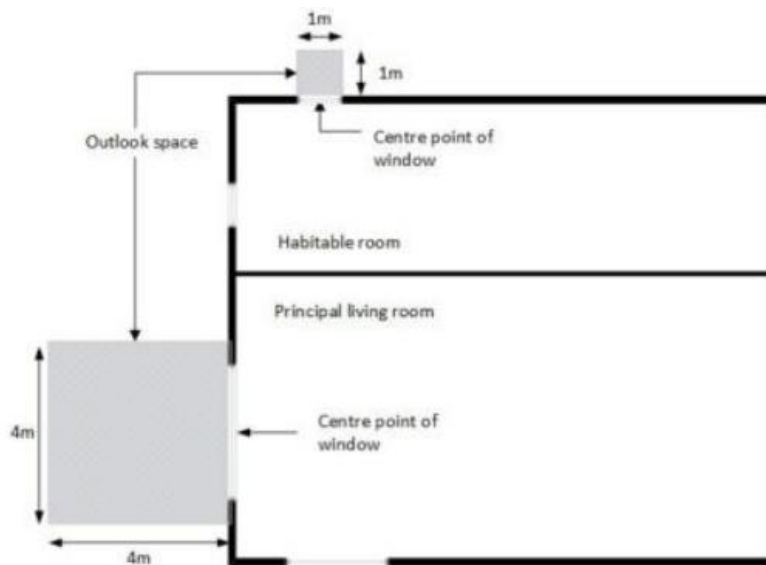
4.19.9.6 Outlook spaces required from different rooms within the same building may overlap; and³⁶

4.19.9.7 Every outlook space must:

(a) be clear and unobstructed by buildings; and

(b) not extend over an outlook space or outdoor living space required by another residential unit.³⁷

Figure C4.2 Required outlook space from habitable rooms, Living MD Zone³⁸



²⁸ CI15(2)

²⁹ CI16(2)

³⁰ CL16(1)

³¹ CL16(3)

³² CL16(4)

³³ CL16(5)

³⁴ CI16(6)

³⁵ CI16(7)

³⁶ CI16(8)

³⁷ CI16(9)

³⁸ CI16(2)

4.19.10 In the Living MD Zone, any residential unit facing the street shall be a permitted activity where it has a minimum of 20% of the street-facing façade in glazing. This can be in the form of windows or doors.³⁹

4.19.11 In the Living MD Zone, any residential unit at ground floor level shall be a permitted activity where:

4.19.11.1 a landscaped area of a minimum of 20% of a developed site with grass or plants is provided, which can include the canopy of trees regardless of the ground treatment below them.

4.19.11.2 The landscaped area may be located on any part of the development site, and does not need to be associated with each residential unit.⁴⁰

Restricted Discretionary Activities — Density Standards in the Living MD Zone

4.19.12 Any activity which does not comply with Rule 4.19.1⁴¹ shall be a restricted discretionary activity,⁴² which shall not be subject to public or limited notification.⁴³ The exercise of discretion shall be restricted to consideration of the following matters:

4.19.12.1 For each residential unit:

(a) Adequacy of exclusive outdoor living space

(b) access to daylight and sunlight; and

(c) visual privacy

4.19.12.2 Parking and access; safety, efficiency and impacts to on street parking and neighbours.

4.19.12.3 The extent to which each residential unit is required to be provided with separate utility services.⁴⁴

4.19.12.4 Effects on the character and amenity values of nearby residential areas and public spaces from the intensity, scale, location, form and appearance of the proposal.

4.19.12.5 Location, orientation and screening of outdoor living, service/storage, and waste management spaces.

4.19.12.6 Extent to which landscaping on the site:

(a) enhances residential amenity; and

(b) defines and enhances on-site outdoor living spaces;

(c) reduces the visual impact of buildings through screening and planting;

(d) screens service areas, loading areas, and outdoor storage areas from public vantage points.⁴⁵

4.19.13 Any activity which does not comply with Rule 4.19.2⁴⁶ or Rule 4.19.3⁴⁷ shall be a restricted discretionary activity,⁴⁸ which shall not be subject to public notification.⁴⁹ The exercise of discretion shall be restricted to consideration of the following matters:

4.19.13.1 Effects on privacy, outlook, or shading on the affected property.

4.19.13.2 Effects on visual amenity values, including dominance, and the compatibility with the receiving environment.

4.19.13.3 The extent to which the increase in height provides for the protection of any heritage item listed in Appendix 3, protected tree listed in Appendix 4, or site of significance to tangata whenua listed in Appendix 5.

³⁹ CI17

⁴⁰ CI18

⁴¹ CI10 Density

⁴² CI4

⁴³ CI5(2)

⁴⁴ PDP RESZ-MAT8

⁴⁵ PDP RESZ-MAT14

⁴⁶ CI11 height of residential units

⁴⁷ Height of other buildings

⁴⁸ CI4

⁴⁹ CI5(1)

4.19.13.4 Mitigation of the effects of natural hazards.⁵⁰

4.19.14 Any activity which does not comply with Rule 4.19.4⁵¹ shall be a restricted discretionary activity,⁵² which shall not be subject to public notification.⁵³ The exercise of discretion shall be restricted to consideration of the following matters:

4.19.14.1 Effects on privacy, outlook, or shading on the affected property.⁵⁴

4.19.14.2 The extent to which the breach provides for the protection of any heritage item listed in Appendix 3, protected tree listed in Appendix 4, or site of significance to tangata whenua listed in Appendix 5.

4.19.15 Any activity which does not comply with Rule 4.19.5⁵⁵ shall be a restricted discretionary activity, which shall not be subject to public notification,⁵⁶ unless it is permitted by Rule 4.19.6⁵⁷.⁵⁸ The exercise of discretion shall be restricted to consideration of the following matters:

4.19.15.1 For internal boundaries:

(a) Effects on privacy, outlook, or shading on the affected property.

(b) Effects on visual amenity values, including dominance, and the compatibility with the receiving environment.

(c) The extent to which the reduced setback provides for the protection of any heritage item listed in Appendix 3, protected tree listed in Appendix 4, or site of significance to tangata whenua listed in Appendix 5.

(d) Mitigation of the effects of natural hazards.

(e) Reverse sensitivity effects.⁵⁹

(f) Effects on the accessibility of the space between buildings and the affected internal boundary: for cleaning and maintenance; for storage; and to keep the area free of vermin.

4.19.15.2 For road boundaries:

(a) Effects on the safety and efficiency of the land transport infrastructure.

(b) Effects on visual amenity values, including dominance, and the compatibility with the receiving environment.

(c) The extent to which the reduced setback provides for the protection of any heritage item listed in Appendix 3, protected tree listed in Appendix 4, or site of significance to tangata whenua listed in Appendix 5.⁶⁰

(d) The extent to which the design incorporates Crime Prevention Through Environment Design (CPTED) principles as required to achieve a safe, secure environment.⁶¹

4.19.16 Any activity which does not comply with Rule 4.19.7⁶² shall be a restricted discretionary activity,⁶³ which shall not be subject to public notification.⁶⁴ The exercise of discretion shall be restricted to consideration of the following matters:

4.19.16.1 Effects on visual amenity values, including dominance, and the compatibility with the receiving environment.

4.19.16.2 Provision of adequate outdoor living space on site.⁶⁵

⁵⁰ PDP RESZ-MAT3

⁵¹ CI12 height in relation to boundary

⁵² CI4

⁵³ CI5(1)

⁵⁴ RESZ-MAT4

⁵⁵ CI13 setbacks

⁵⁶ CI5(1)

⁵⁷ Exclusion for common walls

⁵⁸ CI4

⁵⁹ PDP RESZ-MAT6

⁶⁰ RESZ-MAT5

⁶¹ Adapted from RESZ-MAT1

⁶² CI14 Building coverage

⁶³ CI4

⁶⁴ CI5(1)

⁶⁵ PDP RESZ-MAT2

- 4.19.17 Any activity which does not comply with Rule 4.19.8⁶⁶ shall be a restricted discretionary activity,⁶⁷ which shall not be subject to public notification.⁶⁸ The exercise of discretion shall be restricted to consideration of the following matters:
- 4.19.17.1 The degree to which any reduction in outdoor living space will adversely affect the ability of the site to provide for the outdoor living needs of residents of the site.
 - 4.19.17.2 The extent to which any outdoor living space intrudes in front of any residential unit such that it would be likely to give rise to pressure to erect high fences between the residential unit and the street, to the detriment of an open street scene.
 - 4.19.17.3 The degree to which large areas of public open space are provided within very close proximity to the site.
 - 4.19.17.4 The degree to which a reduction in outdoor living space would contribute to a visual perception of cramped development or over-development of the site⁶⁹
- 4.19.18 Any activity which does not comply with Rule 4.19.9⁷⁰ shall be a restricted discretionary activity,⁷¹ which shall not be subject to public notification.⁷² The exercise of discretion shall be restricted to consideration of the following matters:
- 4.19.18.1 The ability of the affected habitable room to receive natural sunlight and daylight especially on the shortest day of the year
 - 4.19.18.2 The extent to which habitable rooms have an outlook and sense of space
 - 4.19.18.3 The degree to which a reduction in outlook space would contribute to a visual perception of cramped living conditions
 - 4.19.18.4 The extent to which visual privacy is provided between habitable rooms of different residential units, on the same or adjacent sites.
- 4.19.19 Any activity which does not comply with Rule 4.19.10⁷³ shall be a restricted discretionary activity,⁷⁴ which shall not be subject to public notification.⁷⁵ The exercise of discretion shall be restricted to consideration of the following matters:
- 4.19.19.1 Whether the development engages with adjacent streets and any other adjacent public open spaces and contributes to them being lively, safe, and attractive.
 - 4.19.19.2 Whether the development is designed to minimise the visual bulk of the buildings and provide visual interest, when viewed from the street.
 - 4.19.19.3 Whether the development incorporates Crime Prevention Through Environment Design (CPTED) principles as required to achieve a safe, secure environment.⁷⁶
- 4.19.20 Any activity which does not comply with Rule 4.19.11⁷⁷ shall be a restricted discretionary activity,⁷⁸ which shall not be subject to public notification.⁷⁹ The exercise of discretion shall be restricted to consideration of the following matters:
- 4.19.20.1 The extent to which the proposed landscaping enhances residential amenity and is integrated within the site design to:
 - (a) define and enhance on-site outdoor living spaces,
 - (b) reduce the visual impact of large buildings through screening and planting

⁶⁶ CI15 Outdoor living space

⁶⁷ CI4

⁶⁸ CI5(1)

⁶⁹ SDP Rule 4.14.2

⁷⁰ CI16 Outlook space

⁷¹ CI4

⁷² CI5(1)

⁷³ CI17 Windows to street

⁷⁴ CI4

⁷⁵ CI5(1)

⁷⁶ Adapted from RESZ-MAT1

⁷⁷ CI18 Landscaping

⁷⁸ CI4

⁷⁹ CI5(1)

- (c) screen service areas, loading areas, and outdoor storage areas from public vantage points.⁸⁰
- (d) contributes to a cooling effect of the urban environment
- 4.19.20.2. Whether the development incorporates Crime Prevention Through Environment Design (CPTED) principles as required to achieve a safe, secure environment.
- 4.19.20.3 Effects on the permeability of the site for stormwater run-off and subsequent effects on adjoining sites.

12.1 SUBDIVISION — GENERAL

Controlled Activities — Subdivision — General

- 12.1.A1 A subdivision of land, which is not a subdivision under Rules 12.2⁸¹ or 12.3⁸² shall be a controlled activity if it complies with the standards and terms set out in Rule 12.1.3.⁸³
- 12.1.A2 Any subdivision subject to Rule 12.1A1, and which complies with Rule 12.1.3, shall not be notified and shall not require the written approval of affected parties.⁸⁴ The Council shall reserve control over the matters listed in Rule 12.1.4 following Table C12.1.

Restricted Discretionary Activities — Subdivision — General

- 12.1.3.6 Except in the Living MD Zone, any⁸⁵ ~~Any~~ allotment created, including a balance allotment, contains a building area of not less than 15m x 15m, except for sites greater than 400m² in area in a medium density area shown on an Outline Development Plan where the minimum building area shall be not less than 8m x 15m. For sites that form part of a comprehensive Medium Density development in a Medium Density Area covered by an Outline Development Plan, there shall be no minimum building area requirement; and
- 12.1.3.6A Within the Living MD Zone, every vacant allotment either:
 - (a) is accompanied by a land use application that will be determined concurrently with the subdivision application that demonstrates that it is practicable to construct, as a permitted activity, a residential unit; or
 - (b) contains a building area of not less than 8m x 15m.⁸⁶

Rolleston

12.1.3.50

- (c) In respect of the land identified at Appendix 38 ODP Area XX (Skellerup South):
 - i. No development (including earthworks or construction related activities) shall occur prior to the commencement of the upgrade of the SH1/Dunns Crossing Road/ Walkers Road intersection.
 - ii. No completion certificate shall be issued under section 224 of the Act (other than for a boundary adjustment or creation of an allotment solely for utility purposes), until such time as the following works have been completed to the satisfaction of the Council:
 - a. the signalisation of the Dunns Crossing Road / Burnham School Road intersection;
 - b. the upgrade of Dunns Crossing Road / Selwyn Road / Goulds Road intersection;
 - c. the upgrade to the Lowes Road / Dunns Crossing Road intersection;
 - d. road frontage upgrades and gateway threshold treatments as shown on the ODP; and
 - e. provision of a potable water supply which is capable of serving any lots within the subdivision.

⁸⁰ PDP RESZ-MAT14.7

⁸¹ Boundary adjustments

⁸² Access, reserve and utility allotments

⁸³ C13

⁸⁴ C15(2)

⁸⁵ Consequential amendment to allow C18

⁸⁶ C18

- 12.1.3.58 Any subdivision within a Living Z Zone, Living MD Zone or Living ~~or~~ 3 Zone that is subject to an Operative Outline Development Plan within the District Plan shall be in general compliance with that Outline Development Plan and shall comply with any standards referred to in that Outline Development Plan.

Table C12.1 – Allotment Sizes

Insert relevant row at the end of the section for the relevant township:

Township	Zone	Average Allotment Size Not Less Than
<u>Rolleston</u>	<u>Living MD</u>	Minimum individual allotment size 400m ² ⁸⁷ <u>There is no minimum allotment size where: the subdivision does not increase the degree of any non-compliance with Rule 4.19; or where the subdivision application is accompanied by a land use application that will be determined concurrently with the subdivision application that demonstrates that it is practicable to construct, as a permitted activity, a residential unit on every vacant allotment</u> ⁸⁸
<u>Calculating allotment size</u> ⁸⁹	<u>All Living Zones except Living MD</u> ⁹⁰	The average allotment size shall be calculated as a mean average (total area of allotments divided by the number of allotments). The total area and number of allotments used to calculate the mean shall exclude areas used exclusively for access, reserves or to house utility structures, or which are subject to a designation. Any allotment which is twice or more the size of the average allotment required in the zone, shall be calculated as being: 2 x average allotment size for that zone - 10m ² ; or as its actual size, if a covenant is placed on the Certificate of Title to prevent any further subdivision of that land.
	<u>Living MD</u>	<u>Net site area shall be used to calculate allotment size.</u> ⁹¹

- 12.1.4 Matters over which the Council has reserved its control or⁹² restricted the exercise of its discretion:

12.1.4.77A In respect of the land identified at Appendix 38 ODP Area XX (Skellerup South):

(a) Whether, following consultation with the Ministry for Education, any land is required to be provided for education purposes within ODP Area XXX in Appendix 38.

(b). Whether the pattern and staging of development commences adjacent to Dunns Crossing Road and/or adjacent land development to maximise connectivity and the efficient provision of infrastructure.

(c). The appropriateness of any mechanism proposed to address boundary treatment requirements identified within the Outline Development Plan.

(d). For subdivision of land that will result in any more than 350 residential allotments or provide for more than 350 residential units, in total, within the Outline Development Plan area, the recommendations of an Integrated Transport Assessment.

(e) The recommendations of a field-based ecological assessment regarding the retention or management of any existing water races, ponds or any wetland features affected by the subdivision.

⁸⁷ These are the LZ medium density (small lot) requirements for Lincoln, but without the maximum site size requirements that accompany LZ

⁸⁸ CI8

⁸⁹ Consequential amendment to restructure table so that provisions make sense

⁹⁰ Provisions as described do not apply to Living MD

⁹¹ Net site area, to be consistent with usage in the rest of the Living Zones, and to be consistent with building coverage requirements/Planning Stds terms

⁹² Consequential amendment from CI3

Restricted Discretionary Activities — Subdivision – General

12.1.5 The following activities shall be restricted discretionary activities:

- 12.1.5.1 Any subdivision subject to Rule 12.1.A1 or Rule 12.1.1 which complies with all standards and terms in Rule 12.1.3 except Rule 12.1.3.2.⁹³

Discretionary Activities — Subdivision – General

12.1.6 The following activities shall be discretionary activities

- 12.1.6.10 Any subdivision in a Living MD Zone that is not in general compliance with an operative Outline Development Plan.⁹⁴

Non Complying Activities — Subdivision – General

12.1.7 Except as provided for in Rules 12.1.5 and Rules 12.1.6, the following activities shall be non-complying activities:

- 12.1.7.12 Any subdivision subject to Rule 12.1.A1 which does not comply with Rule 12.1.3.⁹⁵

D DEFINITIONS

Building: except in the Living MD Zone⁹⁶, means any structure or part of any structure whether permanent, moveable or immovable, but does not include any of the following:

- Any scaffolding or falsework erected temporarily for maintenance or construction purposes
- Any fence or wall of up to 2m in height
- Any structure which is less than 10m² in area and 2m in height
- Any vehicle, trailer, tent, caravan or boat which is moveable and is not used as a place of storage, permanent accommodation or business (other than the business of hiring the facility for its intended use)
- Any utility structure.

In the Living MD Zone, means a temporary or permanent movable or immovable physical construction that is:

(a) partially or fully roofed; and

(b) fixed or located on or in land;

but excludes any motorised vehicle or other mode of transport that could be moved under its own power.⁹⁷

Building coverage means the percentage of the net site area covered by the building footprint⁹⁸

Building footprint means, in relation to building coverage, the total area of buildings at ground floor level together with the area of any section of any of those buildings that extends out beyond the ground floor level limits of the building and overhangs the ground⁹⁹

Height: except in the Living MD Zone,¹⁰⁰ in relation to any building or structure means the vertical distance between the ground level at any point and the highest part of the building or structure immediately above that point.

For the purpose of calculating height in any zone other than the Living MD Zone, no account shall be taken of any:

- Radio or television aerial provided that the maximum height normally permitted by the rules for the zone is not exceeded by more than 2.5m.
- Chimney or flue not exceeding 1m in any direction.
- Utility, or part of a utility with a horizontal dimension less than 25mm.
- Lift shaft, plant room, water tank, air conditioning unit, ventilation duct and similar architectural features on any building in the Business zones (except the Business 2A Zone) provided that the maximum height normally permitted by the rules for the zone is not exceeded by more than 2m.

⁹³ Corner splays

⁹⁴ Consistent with Living Z

⁹⁵ Consistent with Living Z

⁹⁶ A different definition applies in the Living MD Zone

⁹⁷ The MDRS provisions rely on the Planning Standards definition of *residential unit*, which in turn relies on the Planning Standards definition of *building*

⁹⁸ Planning Stds definition

⁹⁹ Planning Stds definition

¹⁰⁰ C11 applies instead

- Lift shafts, plant rooms, water tanks, air conditioning units, ventilation ducts, cooling towers, chimney stacks, water tanks and similar architectural features on any building in the Business 2A Zone provided that the maximum height normally permitted by the rules is not exceeded by more than 5m and no more than 10% of the plan area of a building.

In the Living MD Zone, means the vertical distance between a specified reference point and the highest part of any feature, structure or building above that point.¹⁰¹

Measurement of Height:

For the purpose of applying rules in relation to height...

Net site area: in the Living MD Zone, means the total area of the site, but excludes:

(a) any part of the site that provides legal access to another site;

(b) any part of a rear site that provides legal access to that site;

(c) any part of the site subject to a designation that may be taken or acquired under the Public Works Act 1981¹⁰²

Residential activity: except in the Living MD Zone means the use of land and buildings for the purpose of living accommodation and ancillary activities. For the purpose of this definition, residential activity shall include:

a) Accommodation offered to not more than five guests for reward or payment where the registered proprietor resides on-site

b) Emergency and/or refuge accommodation

c) Supervised living accommodation and any associated caregivers where the residents are not detained on the site

Residential Activity does not include:

a) Travelling accommodation activities (other than those specified above)

b) Custodial and/or supervised living accommodation where the residents are detained on site.

In the Living MD Zone, means the use of land and building(s) for people's living accommodation.

Residential unit: in the Living MD Zone, means a building(s) or part of a building that is used for a residential activity exclusively by one household, and must include sleeping, cooking, bathing and toilet facilities.¹⁰³

Setback: Except in the Living MD Zone, means the minimum prescribed distance between the exterior face of the building and the boundaries of its site. The following intrusions are permitted into any setback area:

a) Eaves being no more than 600mm wide.

b) Any porch, windbreak, chimney, external stairway or landing being no more than 1.8m long and extending no more than 800mm into the setback area.

c) Any utility structure attached to an existing building or structure located in a setback from a waterbody provided that it does not protrude more than 1.5m from that existing building or structure.

In the Living MD Zone, means a distance measured horizontally from a boundary, feature or item as specified in a rule.

Site: except in the Living MD Zone,¹⁰⁴ means an area of land or volume of space:

- Held in a single certificate of title, or
- Comprised of two or more adjoining certificates of title held together in such a way that they cannot be dealt with separately without the prior consent of the Council; or
- For which a separate certificate of title could be issued without further consent of the Council.

In the Living MD Zone, means:

(a) an area of land comprised in a single record of title under the Land Transfer Act 2017; or

¹⁰¹ Planning Stds definition, as per CI1

¹⁰² Planning Stds definition, per CI1

¹⁰³ Planning Stds definition, per CI1(3)

¹⁰⁴ CI1(3) applies instead

- (b) an area of land which comprises two or more adjoining legally defined allotments in such a way that the allotments cannot be dealt with separately without the prior consent of the council; or
- (c) the land comprised in a single allotment or balance area on an approved survey plan of subdivision for which a separate record of title under the Land Transfer Act 2017 could be issued without further consent of the Council; or
- (d) despite paragraphs (a) to (c), in the case of land subdivided under the Unit Titles Act 1972 or the Unit Titles Act 2010 or a cross lease system, is the whole of the land subject to the unit development or cross lease.¹⁰⁵

APPENDIX 11

RECESSION PLANES

Recession Plane A

Applicable to all buildings along all internal boundaries in all Living zones except the Living MD Zone¹⁰⁶ and to all¹⁰⁷ Business zones adjoining any Living or Rural zones and boundaries along the common boundary of the Business 2A Zone and the Rural zone as depicted in the Outline Development Plan in Appendix 22.

...

Recession Plane C

Applicable to all buildings along all boundaries in the Living MD Zone.¹⁰⁸

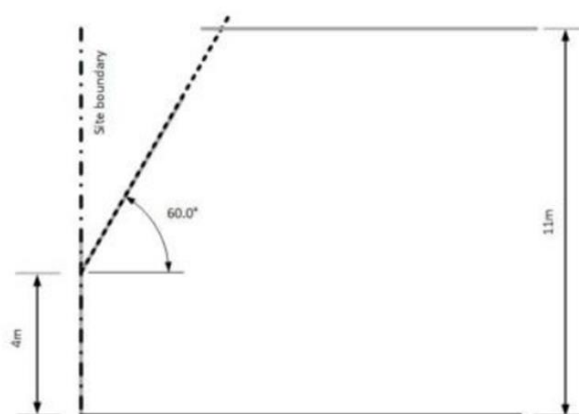
The recession plane shall be measured from a point 4 metres vertically above ground level along all boundaries.

The ground level of site boundaries shall be measured from filled ground level except where there is an existing building at a lower level on the other side of a common boundary, where that lower level shall be adopted.¹⁰⁹

Where the boundary forms part of a legal right of way, entrance strip, access site, or pedestrian access way, the recession plane applies from the farthest boundary of that legal right of way, entrance strip, access site, or pedestrian access way.

Compliance with the recession plane is not required in relation to—

- (a) any road boundary;
- (b) existing or proposed internal boundaries within a site;
- (c) site boundaries where there is an existing common wall between 2 buildings on adjacent sites or where a common wall is proposed.¹¹⁰



¹⁰⁵ Planning Stds definition, per CI1(3)

¹⁰⁶ CI12 applies instead

¹⁰⁷ To improve clarity, given the exclusion now added

¹⁰⁸ CI12

¹⁰⁹ As for Recession Planes A and B

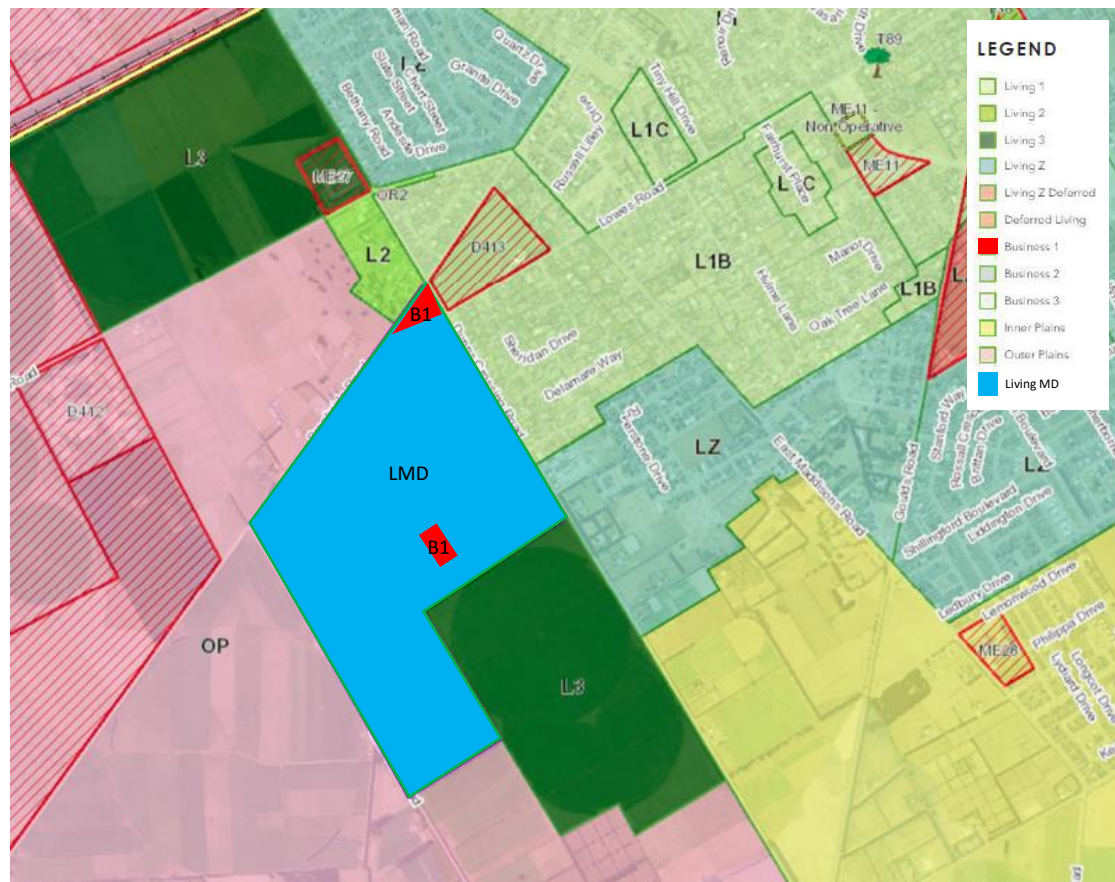
¹¹⁰ CI12

Attachment 2: PC82 - Proposed Changes to the SDP

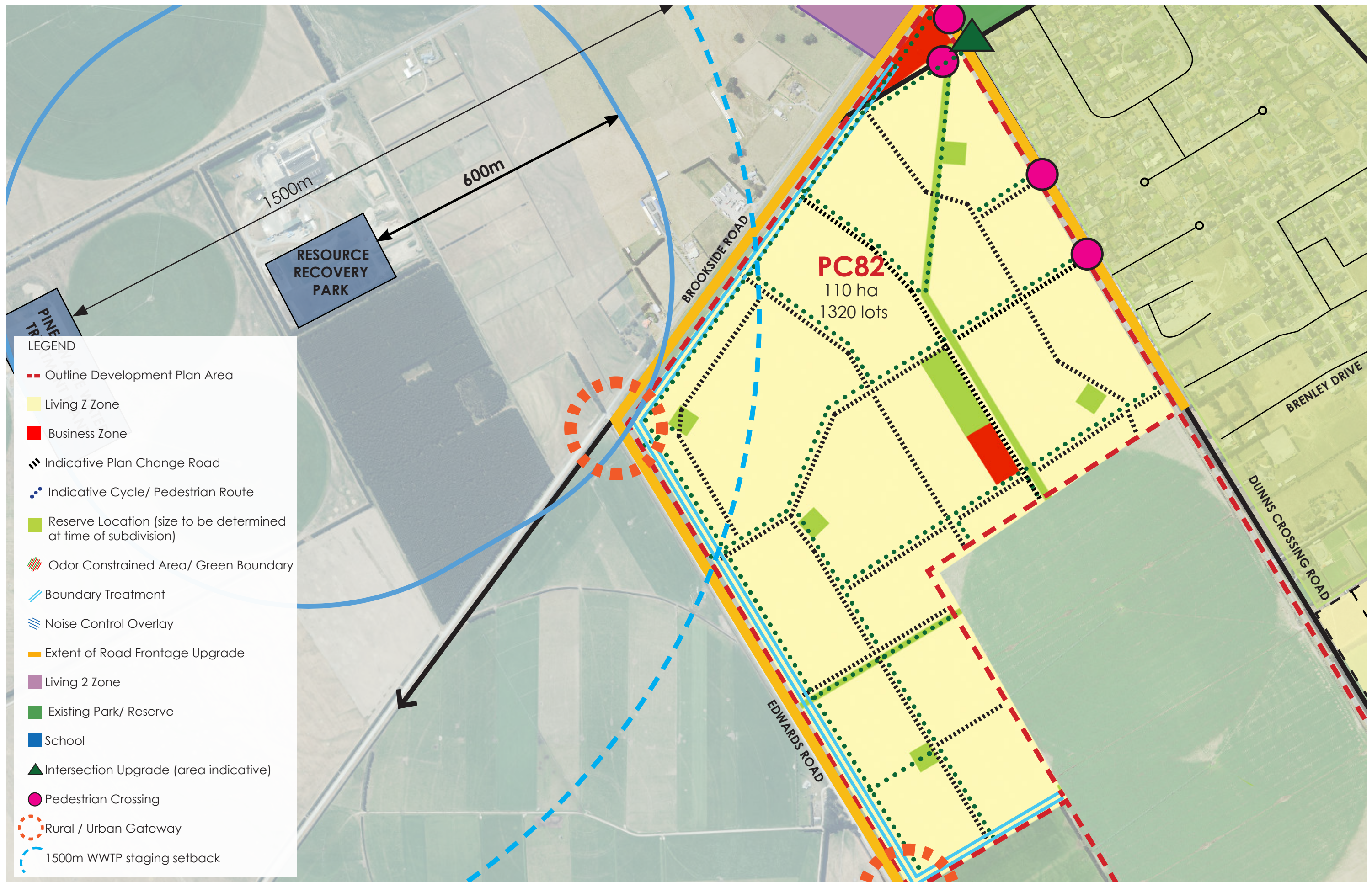
Plan Change 82 proposes to make the following changes to the Selwyn District Plan:

1. To amend the Selwyn District Plan Planning Maps, by rezoning the site to Living MD and Business 1 as depicted in **Attachment 2a**.
2. To amend the Township Volume, Appendix E38, Outline Development Plan- Rolleston by inserting the Outline Development Plan attached in **Attachment 2b** as a new ODP Area XX.
3. To amend the District Plan provisions (including to incorporate the Medium Density Residential Standards (MDRS)), as set out below in **Attachment 2c**.
4. Any other consequential amendments including but not limited to renumbering of clauses.

Attachment 2a: PC82 - Proposed Changes to SDP planning maps



Attachment 2b: PC82 - Proposed ODP (Brookside) for inclusion in Appendix 38.



OUTLINE DEVELOPMENT PLAN - PC82 (1:7,500)

ROLLESTON WEST, PLAN CHANGE 81 AND 82 HEARING

Attachment 2b: PC81 - Proposed ODP (Brookside) narrative for inclusion in Appendix 38.

Note: for ease of reference, the amendments set out below are distinguished as follows:

- Italicised text that is not underlined or struck out (irrespective of colour), represents text within the ODP, as notified.
- Text that is underlined or ~~struck-out~~ in red font, represent changes made after notification (via update dated 16 August 2022), and accounted for in the Officer's report.
- Text that is underlined or ~~struck-out~~ in blue font, represent changes made as part of the applicant's evidence dated 26 August 2022.

OUTLINE DEVELOPMENT PLAN XX (BROOKSIDE)

This area comprises approximately 110 hectares and is situated on the west side of Dunns Crossing Road, and bounded by Edwards and Brookside Roads.

Land Use

The development area shall achieve a minimum net density of 12 household per hectare (hh/ha), averaged over the area of the Site, excluding the area identified as an Odour Constrained Area where dwellings are not permitted 600m from the active composting area

in the Rolleston Resource Recovery Park Pines Wastewater Treatment Plant. The Living MD Zone enables a minimum individual allotment size of 400m². Should this area be developed in stages, confirmation at the time of subdivision of each stage, and an assessment as to how the minimum net density of 12 household per hectare for the overall area can be achieved, will be required.

Comprehensive residential development areas (i.e. with semi-attached and attached built form typologies) within the Site are able to be supported by adjacent amenities that include key open spaces including a neighbourhood park, local parks, green corridors and two small commercial centres within the Site.

The small local commercial centres are proposed adjacent to the intersection of Dunns Crossing Road/ Lowes Road, and on the proposed central Primary Road by the neighbourhood park, to provide good accessibility and to meet some of the convenience needs of residents in the immediate area.

~~Approximately A maximum of~~ 1320 sites can be provided across the whole of the development area based on a minimum density of 12 hh/ha. However, an Integrated Transport Assessment shall be required in association with any resource consent application enabling any more than 1320 households total within the ODP area, in order to re-evaluate and manage road network effects at that time. ~~no~~No residential lots shall be completed prior to the completion of:

- the upgrade to the SH1 / Dunns Crossing Road intersection;
- the upgrade to the Lowes Road/Dunns Crossing intersection; and
- re-alignment of Brookside Road at Dunns Crossing Road;

A consent notice or similar mechanism shall be imposed at the time of any subdivision consent to ensure these outcomes.

No sensitive activities are provided for in the 'Odour Constrained Area' adjoining the area's north-western boundary on Brookside Road. The restrictions in this area shall be supported by an appropriate, enduring legal mechanism (such as a covenant, consent notice, etc) imposed at the time of subdivision.

No residential allotments may be created within 1500m of the Pines Wastewater Treatment Plant buildings (as depicted by the green line shown in Figure 1 below) prior to: Certification by the Council's Asset Manager that the resource management approvals required to enable the Pines Wastewater Treatment Plan to provide treatment capacity for 120,000 person equivalents of incoming flow have been obtained; or 31 December ~~2026~~2025, whichever is sooner.



Figure 1: Odour Constrained Area and WWTP Setbacks

Access and Transport

The ODP employs a roading hierarchy that delivers a range of integrated transport options, including active transport connections at the boundary of the development area to adjacent neighbourhoods that facilitate the use of existing and future public transport routes. Roading connections shall be designed to achieve permeability, whilst minimising the number of new intersections and maintaining appropriate intersection spacing.

The ODP features a primary east – west route that provides a connection point from Dunns Crossing Road to Edwards Road, and a second primary east – west road from Edwards Road in to the Skellerup Block of Plan Change 73. Another primary north – south route links the Skellerup Block to a mid-point on Brookside Road. Brookside Road is to be realigned to connect with Lowes Road at an upgraded intersection. The proposed roading hierarchy will deliver an accessible and coherent neighbourhood that provides safe and efficient access to the new development and can cater for extensions to existing public transport routes and/or new routes.

An integrated network of roads will facilitate the safe and efficient distribution of internal traffic, provide access to properties, assist in connecting the open space reserves network both within and beyond the site and provide links to adjoining neighbourhoods.

The transport network for the area shall integrate into the pedestrian and cycle network established in adjoining neighbourhoods and the wider township. Cycling and walking will be contained within the road reserve and incorporated into the roading design of the overall road network where applicable. Adequate space must be provided to accommodate cyclists and to facilitate safe and convenient pedestrian movements. Three indicative

pedestrian crossing points are shown on the ODP on Dunns Crossing Road adjacent to the primary and secondary roads that support pedestrian and cycle networks.

The requirement for the intersection upgrade at Dunns Crossing/ Lowes Roads is also identified on the ODP. The possible need for improvements at the Edwards Road/Ellesmere Junction Road intersection to ensure its safety and efficiency shall be considered at the time of any subdivision which includes property access onto Edwards Road.

Transport network upgrades are required in order to accommodate growth and traffic from the ODP area. The nature of these works, timing requirements and anticipated funding responsibility is set out in Table 1 below and a consent notice or similar mechanism shall be imposed at the time of any subdivision consent to ensure these outcomes. As noted above, where more than 1320 households total are proposed or enabled within the ODP area, an Integrated Transport Assessment shall be required in order to re-evaluate and manage road network effects at that time.

Table 1: Transport network upgrades

<u>Upgrade required</u>	<u>Timing</u>	<u>Anticipated funding mechanism</u>
<u>Commencement of SH1 / Dunns Crossing Road / Walkers Road Intersection upgrade</u>	<u>Prior to any development (including earthworks or construction related activities) in the ODP area.</u>	<u>Works already funded by Waka Kotahi.</u>
<u>Dunns Crossing Road / Burnham School Road Traffic Signals</u>	<u>Prior to issue of a completion certificate shall be issued under section 224 of the Act (other than for a boundary adjustment or creation of an allotment solely for utility purposes), in the ODP area.</u>	<u>Developer agreement (as in the Selwyn District Council Long Term Plan for 2032/2033 and also required for Plan Change 73).</u>
<u>Realignment of Brookside Road at Dunns Crossing Road and gateway threshold on Brookside Road</u>	<u>Prior to issue of a completion certificate shall be issued under section 224 of the Act (other than for a boundary adjustment or creation of an allotment solely for utility purposes), in the ODP area.</u>	<u>Developer constructed.</u>
<u>Goulds Road / Dunns Crossing Road / Selwyn Road Upgrade</u>	<u>Prior to issue of a completion certificate shall be issued under section 224 of the Act (other than for a boundary adjustment or creation of an allotment solely for utility purposes), in the ODP area.</u>	<u>Developer agreement as also required for Plan Change 70.</u>
<u>Dunns Crossing Road Frontage Upgrades as shown on the ODP</u>	<u>Prior to issue of a completion certificate shall be issued under section 224 of the Act (other than for a boundary adjustment or</u>	<u>Developer constructed.</u>

	creation of an allotment solely for utility purposes), in the ODP area.	
Dunns Crossing Road / Lowes Road	Prior to issue of a completion certificate shall be issued under section 224 of the Act (other than for a boundary adjustment or creation of an allotment solely for utility purposes), occupation of any dwelling in the ODP area.	To be delivered by PC82 or brought forward by developer agreements noting it is in the LTP for 2035/36.
The upgrade of Edwards Road between Brookside Road and Selwyn Road including a gateway threshold on Edwards Road.	Prior to the establishment of any vehicle crossing, access or road connection to Edwards Road or Brookside Road.	Developer constructed.
The upgrade of the Edwards Road / Ellesmere Junction Road intersection.	Prior to the establishment of any vehicle crossing, access or road connection to Edwards Road or Brookside Road.	Developer constructed.

Open Space, Recreation, and Community and Educational Facilities

A central neighbourhood park and a number of local parks are to be established within the Site. The location of these reserves has been determined based on the number of reserves established in the wider area and to ensure people living within the development block have access to open space reserve within a 500m walking radius of their homes. These local parks will provide passive recreation opportunities, with nearby Brookside and Foster Parks providing access to active recreation opportunities.

There is an opportunity to integrate the collection, treatment, and disposal of stormwater with open space reserves where appropriate. Pedestrian and cycle paths are required to integrate into the green network to ensure a high level of connectivity is achieved, and to maximise the utility of the public space. Council's open space requirements cited in the Long Term Plan and Activity Management Plans should be adhered to during subdivision design.

The provision of new educational facilities are not part of the design concept but could be provided within the Site or in the wider area albeit subject to a needs assessment.

An existing water race runs through the area and can be retained and realigned. [A field based ecological assessment of the water race and any other water bodies on the site shall occur prior to subdivision, in order to determine whether they will be decommissioned, retained, or otherwise managed as part of the subdivision works. Further investigation of its ecological values can be undertaken at subdivision stage, including the feasibility and desirability of its possible naturalisation and integration as part of the urban environment.](#)

Servicing

The underlying soils are relatively free-draining and generally support the discharge of stormwater disposal via infiltration to ground. There are a range of options available for the collection, treatment, and disposal of stormwater. Detailed stormwater solutions are to be determined by the developer in collaboration with Council

at subdivision stage and in accordance with Environment Canterbury requirements. Systems will be designed to integrate into both the transport and reserve networks where practicable.

In respect of stormwater treatment for roads, runoff from hardstand areas and roads will be collected and treated before discharging into ground via soak pits or infiltration trenches. In general, the first flush stormwater runoff will be generally treated through a swale or infiltration basin or proprietary stormwater treatment devices. Stormwater runoff from large rainfall events which exceed the first flush capacity can be discharged directly to ground using rapid infiltration trenches or soak pits. The detailed design of stormwater management will be determined by the developer in collaboration with Council at the subdivision stage and in accordance with Environment Canterbury requirements.

The above management of stormwater will be located within road reserves, dedicated utility reserves and some conveyance and detention storage may also be integrated along the edge of open space areas to create buffers to private properties.

All of these measure will add amenity value to the development with regard to visual amenity, opportunities for landscaping and assist in the sustainable management of the hydrology of the site.

The provision of infrastructure to service the area shall align with the Council's indicative infrastructure staging plan, unless an alternative arrangement is made by the landowner/developer and approved by Council. [No completion certificate shall be issued under section 224 of the Act \(other than for a boundary adjustment or creation of an allotment solely for utility purposes\), until such time as a potable water supply which is capable of serving any lots within the subdivision is provided.](#)

Attachment 2c: PC82 - Proposed amendments to operative Selwyn District Plan provisions (including amendments to incorporate the Medium Density Residential Standards (MDRS))

Note: for ease of reference, the amendments set out below are distinguished as follows:

- Italicised text that is not underlined or struck out (irrespective of colour), represents text within the operative Selwyn District Plan (that is not proposed to change).
- Text that is underlined or ~~struck-out~~ in grey font, represents changes required to incorporate the Medium Density Residential Standards, with these changes proposed/provided by Selwyn District Council officers. (Note- PC82 contained these changes in a separate Appendix 16 to the PC82 request. For ease of reference, these changes included below alongside all other changes proposed by PC82).
- Text that is underlined or ~~struck-out~~ in black font, represent changes proposed by PC82, as notified.
- Text that is underlined or ~~struck-out~~ in red font, represent changes proposed by PC82, with changes made after notification (via update dated 16 August 2022), and accounted for in the Officer's report.
- Text that is underlined or ~~struck-out~~ in blue font, represent changes proposed by PC82, with changes made as part of the applicant's evidence dated 26 August 2022.

A4.5 TOWNSHIPS AND ZONES

Table A4.4 – Description of Township Zones

Insert below description of Living MD:

<u>Living MD</u>	<i>Urban growth areas within or adjacent to existing townships within Greater Christchurch. <u>These areas are used predominantly for residential activities with a higher concentration and bulk of buildings, such as detached, semi-detached and terraced housing, low-rise apartments, and other compatible activities.</u>¹</i>
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B3.4 QUALITY OF THE ENVIRONMENT — OBJECTIVES

Objective B3.4.7²

Within the Living MD Zone, a well-functioning urban environment that enables all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future.

B3.4 QUALITY OF THE ENVIRONMENT — POLICIES

ZONES

Policy B3.4.1

To provide zones in townships based on the existing quality of the environment, character and amenity values, except within the Living MD Zone or³ within Outline Development Plan areas in the Greater Christchurch area where provision is made for high quality medium density housing.

Policy B3.4.9A⁴

Apply the medium density residential standards in the Living MD Zone except in circumstances where a qualifying matter is relevant (including matters of significance such as historic heritage and the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga).

¹ Adapted from Planning Std description of the medium density residential zone

² Cl6(1)(a) Objective 1

³ Consequential amendment to clarify that this policy does not apply to MDRS

⁴ Cl6(2)(b) Policy 2

BUILDING DESIGN

Policy B3.4.27A⁵

In the Living MD Zone, encourage development to achieve attractive and safe streets and public open spaces, including by providing for passive surveillance.

Policy B3.4.27B⁶

In the Living MD Zone, enable housing to be designed to meet the day-to-day needs of residents

Policy B3.4.27C⁷

In the Living MD Zone, provide for developments not meeting permitted activity status, while encouraging high-quality developments.

B4.1 RESIDENTIAL DENSITY — OBJECTIVES

Objective B4.1.1

A range of living environments is provided for in townships, while maintaining the overall ‘spacious’ character of Living zones, except within the Living MD Zone⁸ and within Medium Density areas identified in an Outline Development Plan where a high quality, medium density of development is anticipated.

Objective B4.1.3⁹

The Living MD Zone provides for a variety of housing types and sizes that respond to—

- i. housing needs and demand; and
- ii. the neighbourhood’s planned urban character, including 3-storey buildings

B4.1 RESIDENTIAL DENSITY — POLICIES

Policy B4.1.14¹⁰

Enable a variety of housing typologies with a mix of densities within the Living MD Zone, including 3-storey attached and detached residential units¹¹, and low-rise apartments.

B4.3 RESIDENTIAL AND BUSINESS DEVELOPMENT

Policy B4.3.7

Living Z and Living MD¹² urban growth areas identified in the District Plan shall not be developed for urban purposes until an operative Outline Development Plan for that area has been included within the District Plan. Each Outline Development Plan shall:

- Be prepared as a single plan for any identified Outline Development Plan area identified on the Planning Maps and Appendices;
- Be prepared in accordance with the matters set out in Policy B4.3.8;
- Take account of the Medium Density and Subdivision Design Guides.

Policy B4.3.8

Each Outline Development Plan shall include:

- Principal through roads, connection and integration with the surrounding road networks, relevant infrastructure services and areas for possible future development;
- Any land to be set aside for
- community facilities or schools;
- parks and land required for recreation or reserves;

⁵ Cl6(2)(c) Policy 3

⁶ Cl6(2)(d) Policy 4

⁷ Cl6(2)(e) Policy 5

⁸ Consequential amendment to clarify that this objective does not apply to MDRS, because Objective B4.1.3 applies instead

⁹ Cl6(1)(b) Objective 2

¹⁰ Cl6(2)(a) Policy 1

¹¹ EHS uses ‘dwellings’, but MDRS standards use ‘residential units’

¹² To ensure that Living MD zones also get an ODP

- any land to be set aside for business activities;
- the distribution of different residential densities;
- land required for the integrated management of water systems, including stormwater treatment, secondary flow paths, retention and drainage paths;
- land reserved or otherwise set aside from development for environmental or landscape protection or enhancement; and
- land reserved or otherwise set aside from development for any other reason, and the reasons for its protection.
- Demonstrate how each ODP area will achieve a minimum net density of at least 10 lots or household units per hectare;
- Identify any cultural (including Te Taumutu Rūnanga values), natural, and historic or heritage features and values and show how they are to be enhanced or maintained;
- Indicate how required infrastructure will be provided and how it will be funded;
- Set out the phasing and co-ordination of subdivision and development in line with the phasing shown on the Planning Maps and Appendices;
- Demonstrate how effective provision is made for a range of transport options, including public transport systems, pedestrian walkways and cycleways, both within and adjoining the ODP area;
- Show how other potential adverse effects on and/or from nearby existing or designated strategic infrastructure (including requirements for designations, or planned infrastructure) will be avoided, remedied or appropriately mitigated;
- Show how other potential adverse effects on the environment, the protection and enhancement of surface and groundwater quality, are to be avoided, remedied or mitigated;
- Include any other information which is relevant to an understanding of the development and its proposed zoning; and
- Demonstrate that the design will minimise any reverse sensitivity effects.
- In the Living MD Zone, any identified qualifying matter and how it is to be addressed

Policy B4.3.77

Ensure that development within each of the Outline Development Plan areas identified on the Planning Maps and Appendices within Rolleston addresses the specific matters relevant to each ODP Area number listed below:

...

Outline Development Plan Area XX (Brookside)

- Provision of a Primary road network on a north-south and east-west alignment across the ODP area;
- Provision of a secondary road network internal to the ODP area and providing connections to the south and north of the ODP area;
- Provision of a neighbourhood park centrally and adjacent the Primary road;
- Provision of pedestrian and cycle links within and through the ODP area to connect to adjoining urban areas;
- Provision of reticulated water supply and wastewater systems that have sufficient capacity for the ODP area;
- Provision of a comprehensive stormwater system that has sufficient capacity for the ODP area;
- Provision of a minimum net density of 12 households per hectare averaged over the ODP Area.
- Potential provision of educational facilities.

C4 LZ BUILDINGS

4.2 BUILDINGS AND LANDSCAPING

Permitted Activities — Buildings and Landscaping

- 4.2.1 *Except in the Living MD Zone where Rule 4.19 applies instead and except¹³ for the Living 3 Zone at Rolleston identified in the Outline Development Plan in Appendix 39 and 40, any principal building shall be a permitted activity if the area between the road boundary and the principal building is landscaped with shrubs and*
- *Planted in lawn, and/or*
 - *Paved or sealed, and/or*
 - *Dressed with bark chips or similar material.*

4.6 BUILDINGS AND BUILDING DENSITY

Permitted Activities — Buildings and Building Density

- 4.6.1 *Except in the Living MD Zone where Rule 4.19 applies instead, the ~~the~~¹⁴ erection on an allotment (other than a site at Castle Hill) of not more than either:*
- *One dwelling and one family flat up to 70m² in floor area; or*
 - *One principal building (other than a dwelling) and one dwelling,*
shall be a permitted activity, except that within a comprehensive residential development within a Living Z Zone, more than one dwelling may be erected on the balance lot prior to any subsequent subdivision consent that occurs after erection of the dwellings (to the extent that the exterior is fully closed in).

4.7 BUILDINGS AND SITE COVERAGE

Permitted Activities — Buildings and Site Coverage

- 4.7.1 *Except in the Living MD Zone where Rule 4.19 applies instead, and except¹⁵ as provided in Rule 4.7.2, the erection of any building which complies with the site coverage allowances set out in Table C4.1 below shall be a permitted activity. Site coverage shall be calculated on the net area of any allotment and shall exclude areas used exclusively for access, reserves or to house utility structures or which are subject to a designation.*

4.8 BUILDINGS AND BUILDING HEIGHT

Permitted Activities — Buildings and Building Height

- 4.8.1 *Except in the Living MD Zone where Rule 4.19 applies instead, the ~~the~~¹⁶ erection of any building which has a height of not more than 8 metres shall be a permitted activity.*

4.9 BUILDINGS AND BUILDING POSITION

Permitted Activities — Buildings and Building Position

The following shall be permitted activities

Recession Planes

- 4.9.1 *Except in the Living MD Zone where Rule 4.19 applies instead¹⁷, and except as provided for¹⁸ in Rule 4.9.1.1 and Rule 4.9.1.2, the construction of any building which complies with the Recession Plane A requirements set out in Appendix 11;*
- 4.9.1.1 *In a Living Z medium density area located within an Outline Development Plan (ODP) on any internal boundary which is*
- (a) *not a boundary of a lot in a low density area; and*

¹³ Consequential amendment because CI18 applies instead

¹⁴ Consequential amendment because CI10 applies instead

¹⁵ Consequential amendment because CI14 applies instead

¹⁶ Consequential amendment because CI11 applies instead

¹⁷ Consequential amendment because CI12 applies instead

¹⁸ Consequential amendment to improve clarity given the length of exclusions

- (b) which is not a boundary of the ODP area as a whole – the construction of any building which complies with a recession plan angle of 45 degrees, with the starting point for the recession plane to be 4m above ground level; and

4.9.1.2 Where buildings on adjoining sites have a common wall along an internal boundary, the recession plane shall not apply along that part of the boundary covered by such a wall.

Setbacks from Boundaries

4.9.2 Except in the Living MD Zone where Rule 4.19¹⁹ applies instead and except as provided in Rules 4.9.3 to Rules 4.9.33, any building which complies with the setback distances from internal boundaries and road boundaries, as set out in Table C4.2 below.

Permitted Activities — Buildings and Building Position

The following shall be permitted activities...

Rolleston

4.9.39 Any dwelling, family flat, and any rooms within accessory buildings used for sleeping or living purposes in the Living 3 Zone at Rolleston (as shown on the Outline Development Plan in Appendix 39 (Holmes Block) located outside the 'Odour Constrained Area' as shown in Appendix 40 (Skellerup Block)) or located outside the 'Odour Constrained Area' shown in Appendix 38 ODP Area XX (Brookside).

Non-Complying Activities — Buildings and Building Position...

4.9.58 Erecting any new dwelling in the Countryside Area or the 'Odour Constrained Area' identified on the Outline Development Plan in Appendix 38 ODP Area XX (Brookside), Appendix 39 and Appendix 40

4.13 BUILDINGS AND STREETSCENE

Permitted Activities — Buildings and Streetscene

For all residential development located within the Lowes Road Outline Development Plan area (Appendix 34) or the High Street, Southbridge Outline Development Plan area (Appendix 45), ~~or a Living Z zone, or a Living MD Zone~~

4.19 DENSITY STANDARDS IN THE LIVING MD ZONE

Permitted Activities – Density Standards in the Living MD Zone

4.19.1 In the Living MD Zone, the establishment of not more than 3 residential units on a site shall be a permitted activity.²⁰

4.19.2 In the Living MD Zone, the establishment of any residential unit or other principal building which has a height of not more than 11 metres shall be a permitted activity, except that 50% of a building's roof in elevation, measured vertically from the junction between wall and roof, may exceed this height by 1 metre, where the entire roof slopes 15° or more, as shown on Figure C4.1.²¹

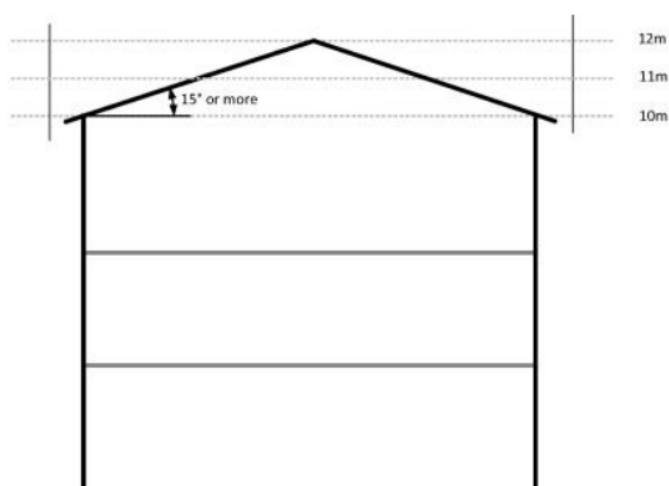
4.19.3 In the Living MD Zone, the establishment of any other building or structure which has a height of not more than 8 metres shall be a permitted activity.

¹⁹ Consequential amendment because CI13 applies instead

²⁰ CI10

²¹ CI11

Figure C4.1 – Permitted residential unit height, Living MD Zone



4.19.4 In the Living MD Zone and except as set out below, the construction of any building which complies with the Recession Plane C requirements set out in Appendix 11, shall be a permitted activity.²²

4.19.5 In the Living MD zone, any building which complies with the setback distances from internal boundaries and road boundaries as set out in Table C4.4 below, shall be a permitted activity.²³For the purposes of this rule, setbacks shall be measured from the relevant boundary to the closest point of the building.

Table C4.4 - Minimum Setbacks for Buildings, Living MD Zone

Building type	Setback from boundary (metres)	
	<u>Internal boundary</u>	<u>Road boundary or shared access where specified</u>
<u>Garage: vehicle door faces road or shared access</u>	<u>1m</u>	<u>5.5m</u>
<u>Residential Unit or other principal building</u>	<u>1m</u>	<u>1.5m</u>
<u>Any other building</u>	<u>1m</u>	<u>2m</u>

4.19.6 Despite Rule 4.19.5, any building in the Living MD Zone may be sited along an internal boundary of the site where there is a common wall between two buildings on adjacent sites, or where such a wall is proposed.²⁴

4.19.7 Any building in the Living MD Zone where the building coverage does not exceed 50% of the net site area shall be a permitted activity.²⁵

4.19.8 Any residential unit in the Living MD Zone shall be a permitted activity where it provides an outdoor living space that:²⁶

4.19.8.1 Where the residential unit is at ground floor level, comprises ground floor, balcony, patio, or roof terrace space that:

(a) Is at least 20m² in area; and

(b) where located at ground level, has no dimension less than 3 metres; and

²² CI12

²³ CI13(1)

²⁴ CI13(2), refer 4.9.7 for wording for other Living zones

²⁵ CI14

²⁶ CI15(1)

- (c) where provided in the form of a balcony, patio, or roof terrace, is at least 8 square metres and has a minimum dimension of 1.8 metres; and
- (d) is accessible from the residential unit; and
- (e) may be—
 - (i) grouped cumulatively by area in 1 communally accessible location;
 - or
 - (ii) located directly adjacent to the unit; and
- (f) is free of buildings, parking spaces, and servicing and manoeuvring areas.²⁷

4.19.8.2 Where the residential unit is located above ground floor level, comprises balcony, patio, or roof terrace space that:

- (a) is at least 8m² and has a minimum dimension of 1.8 metres; and
- (b) is accessible from the residential unit; and
- (c) may be—
 - (i) grouped cumulatively by area in 1 communally accessible location, in which case it may be located at ground level; or
 - (ii) located directly adjacent to the unit.²⁸

4.19.9 Any residential unit in the Living MD Zone shall be a permitted activity where it provides an outlook space from habitable room windows as shown in Figure C4.2²⁹ and:³⁰

4.19.9.1 Each required outlook space shall comply with the following minimum dimensions:

- (a) one principal living room must have an outlook space with a minimum dimension of 4 metres in depth and 4 metres in width; and
- (b) all other habitable rooms must have an outlook space with a minimum dimension of 1 metre in depth and 1 metre in width; and³¹

4.19.9.2 The width of the outlook space is measured from the centre point of the largest window on the building face to which it applies.³²

4.19.9.3 Outlook spaces may be over driveways and footpaths within the site or over a public street or other public open space;³³

4.19.9.4 Outlook spaces may overlap where they are on the same wall plane in the case of a multi-storey building.³⁴

4.19.9.5 Outlook spaces may be under or over a balcony.³⁵

4.19.9.6 Outlook spaces required from different rooms within the same building may overlap; and³⁶

4.19.9.7 Every outlook space must:

- (a) be clear and unobstructed by buildings; and
- (b) not extend over an outlook space or outdoor living space required by another residential unit.³⁷

²⁷ CI15(1)

²⁸ CI15(2)

²⁹ CI16(2)

³⁰ CL16(1)

³¹ CL16(3)

³² CL16(4)

³³ CL16(5)

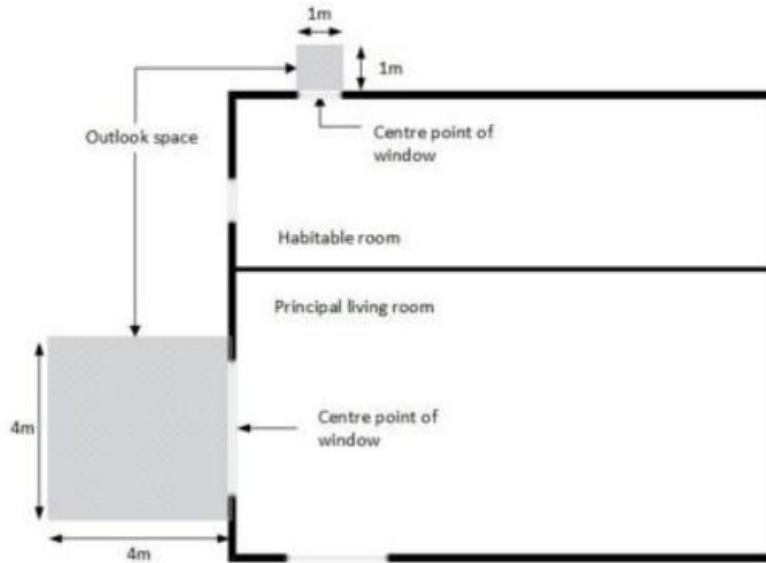
³⁴ CI16(6)

³⁵ CI16(7)

³⁶ CI16(8)

³⁷ CI16(9)

Figure C4.2 Required outlook space from habitable rooms, Living MD Zone³⁸



4.19.10 *In the Living MD Zone, any residential unit facing the street shall be a permitted activity where it has a minimum of 20% of the street-facing façade in glazing. This can be in the form of windows or doors.*³⁹

4.19.11 *In the Living MD Zone, any residential unit at ground floor level shall be a permitted activity where:*

4.19.11.1 *a landscaped area of a minimum of 20% of a developed site with grass or plants is provided, which can include the canopy of trees regardless of the ground treatment below them.*

4.19.11.2 *The landscaped area may be located on any part of the development site, and does not need to be associated with each residential unit.*⁴⁰

Restricted Discretionary Activities — Density Standards in the Living MD Zone

4.19.12 *Any activity which does not comply with Rule 4.19.1⁴¹ shall be a restricted discretionary activity,⁴² which shall not be subject to public or limited notification.⁴³ The exercise of discretion shall be restricted to consideration of the following matters:*

4.19.12.1 *For each residential unit:*

- (a) *Adequacy of exclusive outdoor living space*
- (b) *access to daylight and sunlight; and*
- (c) *visual privacy*

4.19.12.2 *Parking and access; safety, efficiency and impacts to on street parking and neighbours.*

4.19.12.3 *The extent to which each residential unit is required to be provided with separate utility services.*⁴⁴

4.19.12.4 *Effects on the character and amenity values of nearby residential areas and public spaces from the intensity, scale, location, form and appearance of the proposal.*

4.19.12.5 *Location, orientation and screening of outdoor living, service/storage, and waste management spaces.*

³⁸ CI16(2)

³⁹ CI17

⁴⁰ CI18

⁴¹ CI10 Density

⁴² CI4

⁴³ CI5(2)

⁴⁴ PDP RESZ-MAT8

- 4.19.12.6 Extent to which landscaping on the site:
- (a) enhances residential amenity; and
 - (b) defines and enhances on-site outdoor living spaces;
 - (c) reduces the visual impact of buildings through screening and planting;
 - (d) screens service areas, loading areas, and outdoor storage areas from public vantage points.⁴⁵
- 4.19.13 Any activity which does not comply with Rule 4.19.2⁴⁶ or Rule 4.19.3⁴⁷ shall be a restricted discretionary activity,⁴⁸ which shall not be subject to public notification.⁴⁹ The exercise of discretion shall be restricted to consideration of the following matters:
- 4.19.13.1 Effects on privacy, outlook, or shading on the affected property.
 - 4.19.13.2 Effects on visual amenity values, including dominance, and the compatibility with the receiving environment.
 - 4.19.13.3 The extent to which the increase in height provides for the protection of any heritage item listed in Appendix 3, protected tree listed in Appendix 4, or site of significance to tangata whenua listed in Appendix 5.
 - 4.19.13.4 Mitigation of the effects of natural hazards.⁵⁰
- 4.19.14 Any activity which does not comply with Rule 4.19.4⁵¹ shall be a restricted discretionary activity,⁵² which shall not be subject to public notification.⁵³ The exercise of discretion shall be restricted to consideration of the following matters:
- 4.19.14.1 Effects on privacy, outlook, or shading on the affected property.⁵⁴
 - 4.19.14.2 The extent to which the breach provides for the protection of any heritage item listed in Appendix 3, protected tree listed in Appendix 4, or site of significance to tangata whenua listed in Appendix 5.
- 4.19.15 Any activity which does not comply with Rule 4.19.5⁵⁵ shall be a restricted discretionary activity, which shall not be subject to public notification,⁵⁶ unless it is permitted by Rule 4.19.6⁵⁷.⁵⁸ The exercise of discretion shall be restricted to consideration of the following matters:
- 4.19.15.1 For internal boundaries:
 - (a) Effects on privacy, outlook, or shading on the affected property.
 - (b) Effects on visual amenity values, including dominance, and the compatibility with the receiving environment.
 - (c) The extent to which the reduced setback provides for the protection of any heritage item listed in Appendix 3, protected tree listed in Appendix 4, or site of significance to tangata whenua listed in Appendix 5.
 - (d) Mitigation of the effects of natural hazards.
 - (e) Reverse sensitivity effects.⁵⁹
 - (f) Effects on the accessibility of the space between buildings and the affected internal boundary: for cleaning and maintenance; for storage; and to keep the area free of vermin.
 - 4.19.15.2 For road boundaries:

⁴⁵ PDP RESZ-MAT14

⁴⁶ CI11 height of residential units

⁴⁷ Height of other buildings

⁴⁸ CI4

⁴⁹ CI5(1)

⁵⁰ PDP RESZ-MAT3

⁵¹ CI12 height in relation to boundary

⁵² CI4

⁵³ CI5(1)

⁵⁴ RESZ-MAT4

⁵⁵ CI13 setbacks

⁵⁶ CI5(1)

⁵⁷ Exclusion for common walls

⁵⁸ CI4

⁵⁹ PDP RESZ-MAT6

- (a) Effects on the safety and efficiency of the land transport infrastructure.
- (b) Effects on visual amenity values, including dominance, and the compatibility with the receiving environment.
- (c) The extent to which the reduced setback provides for the protection of any heritage item listed in Appendix 3, protected tree listed in Appendix 4, or site of significance to tangata whenua listed in Appendix 5.⁶⁰
- (d) The extent to which the design incorporates Crime Prevention Through Environment Design (CPTED) principles as required to achieve a safe, secure environment.⁶¹

4.19.16 Any activity which does not comply with Rule 4.19.7⁶² shall be a restricted discretionary activity,⁶³ which shall not be subject to public notification.⁶⁴ The exercise of discretion shall be restricted to consideration of the following matters:

4.19.16.1 Effects on visual amenity values, including dominance, and the compatibility with the receiving environment.

4.19.16.2 Provision of adequate outdoor living space on site.⁶⁵

4.19.17 Any activity which does not comply with Rule 4.19.8⁶⁶ shall be a restricted discretionary activity,⁶⁷ which shall not be subject to public notification.⁶⁸ The exercise of discretion shall be restricted to consideration of the following matters:

4.19.17.1 The degree to which any reduction in outdoor living space will adversely affect the ability of the site to provide for the outdoor living needs of residents of the site.

4.19.17.2 The extent to which any outdoor living space intrudes in front of any residential unit such that it would be likely to give rise to pressure to erect high fences between the residential unit and the street, to the detriment of an open street scene.

4.19.17.3 The degree to which large areas of public open space are provided within very close proximity to the site.

4.19.17.4 The degree to which a reduction in outdoor living space would contribute to a visual perception of cramped development or over-development of the site⁶⁹

4.19.18 Any activity which does not comply with Rule 4.19.9⁷⁰ shall be a restricted discretionary activity,⁷¹ which shall not be subject to public notification.⁷² The exercise of discretion shall be restricted to consideration of the following matters:

4.19.18.1 The ability of the affected habitable room to receive natural sunlight and daylight especially on the shortest day of the year

4.19.18.2 The extent to which habitable rooms have an outlook and sense of space

4.19.18.3 The degree to which a reduction in outlook space would contribute to a visual perception of cramped living conditions

4.19.18.4 The extent to which visual privacy is provided between habitable rooms of different residential units, on the same or adjacent sites.

⁶⁰ RESZ-MAT5

⁶¹ Adapted from RESZ-MAT1

⁶² CI14 Building coverage

⁶³ CI4

⁶⁴ CI5(1)

⁶⁵ PDP RESZ-MAT2

⁶⁶ CI15 Outdoor living space

⁶⁷ CI4

⁶⁸ CI5(1)

⁶⁹ SDP Rule 4.14.2

⁷⁰ CI16 Outlook space

⁷¹ CI4

⁷² CI5(1)

- 4.19.19 Any activity which does not comply with Rule 4.19.10⁷³ shall be a restricted discretionary activity,⁷⁴ which shall not be subject to public notification.⁷⁵ The exercise of discretion shall be restricted to consideration of the following matters:
- 4.19.19.1 Whether the development engages with adjacent streets and any other adjacent public open spaces and contributes to them being lively, safe, and attractive.
 - 4.19.19.2 Whether the development is designed to minimise the visual bulk of the buildings and provide visual interest, when viewed from the street.
 - 4.19.19.3 Whether the development incorporates Crime Prevention Through Environment Design (CPTED) principles as required to achieve a safe, secure environment.⁷⁶
- 4.19.20 Any activity which does not comply with Rule 4.19.11⁷⁷ shall be a restricted discretionary activity,⁷⁸ which shall not be subject to public notification.⁷⁹ The exercise of discretion shall be restricted to consideration of the following matters:
- 4.19.20.1 The extent to which the proposed landscaping enhances residential amenity and is integrated within the site design to:
 - (a) define and enhance on-site outdoor living spaces,
 - (b) reduce the visual impact of large buildings through screening and planting
 - (c) screen service areas, loading areas, and outdoor storage areas from public vantage points.⁸⁰
 - (d) contributes to a cooling effect of the urban environment
 - 4.19.20.2. Whether the development incorporates Crime Prevention Through Environment Design (CPTED) principles as required to achieve a safe, secure environment.
 - 4.19.20.3 Effects on the permeability of the site for stormwater run-off and subsequent effects on adjoining sites.

12.1 SUBDIVISION — GENERAL

Controlled Activities — Subdivision — General

- 12.1.A1 A subdivision of land, which is not a subdivision under Rules 12.2⁸¹ or 12.3⁸² shall be a controlled activity if it complies with the standards and terms set out in Rule 12.1.3.⁸³
- 12.1.A2 Any subdivision subject to Rule 12.1A1, and which complies with Rule 12.1.3, shall not be notified and shall not require the written approval of affected parties.⁸⁴ The Council shall reserve control over the matters listed in Rule 12.1.4 following Table C12.1.

Restricted Discretionary Activities — Subdivision — General

- 12.1.3.6 Except in the Living MD Zone, any⁸⁵ Any allotment created, including a balance allotment, contains a building area of not less than 15m x 15m, except for sites greater than 400m² in area in a medium density area shown on an Outline Development Plan where the minimum building area shall be not less than 8m x 15m. For sites that form part of a comprehensive Medium Density development in a Medium Density Area covered by an Outline Development Plan, there shall be no minimum building area requirement; and
- 12.1.3.6A Within the Living MD Zone, every vacant allotment either:

⁷³ C17 Windows to street

⁷⁴ C14

⁷⁵ C15(1)

⁷⁶ Adapted from RESZ-MAT1

⁷⁷ C18 Landscaping

⁷⁸ C14

⁷⁹ C15(1)

⁸⁰ PDP RESZ-MAT14.7

⁸¹ Boundary adjustments

⁸² Access, reserve and utility allotments

⁸³ C13

⁸⁴ C15(2)

⁸⁵ Consequential amendment to allow C18

- (a) is accompanied by a land use application that will be determined concurrently with the subdivision application that demonstrates that it is practicable to construct, as a permitted activity, a residential unit; or
- (b) contains a building area of not less than 8m x 15m;⁸⁶

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12.1.3.50

(c) In respect of the land identified at Appendix 38 ODP Area XX (Brookside):

- i. A consent notice or similar mechanism shall be registered on the title of lots within this ODP area ensuring there are no occupied dwellings here prior to:
 - a. the completion of the upgrade to the SH1 / Dunns Crossing Road intersection; and
 - b. upgrade to the Lowes Road / Dunns Crossing Road intersection; and
 - c. realignment of the Brookside Road at Dunns Crossing Road.
- i. No residential allotments may be created within 1500m of the Pines Wastewater Treatment Plant buildings (as depicted by the line shown in Figure 1 below) prior to: Certification: ODP Area XX (Brookside) in Appendix 38):
 - a. Prior to certification by Council's Asset manager that the resource management approvals required to enable the Pines Wastewater Treatment Plant to provide treatment capacity for 120,000 person equivalents of incoming flow have been obtained; or 31 December 2026 2025, whichever is the sooner; and,
 - b. Unless a covenant is registered against the title/s of the land, in favour of the Selwyn District Council, to the effect that no owner or occupier or successor in title of the covenanted land shall object to, complain about, bring or contribute to any proceedings under any statute or otherwise oppose any relevant adverse environmental effects (for example noise, dust, traffic, vibration, glare or odour) resulting from any lawfully established activities at the Pines Resource Recovery Plant and Pines Wastewater Treatment Plant.
- ii. No development (including earthworks or construction related activities) shall occur prior to the commencement of the upgrade of the SH1/Dunns Crossing Road/ Walkers Road intersection.
- iii. No completion certificate shall be issued under section 224 of the Act (other than for a boundary adjustment or creation of an allotment solely for utility purposes), until such time as the following works have been completed to the satisfaction of the Council:
 - a. the signalisation of the Dunns Crossing Road / Burnham School Road intersection;
 - b. the upgrade of Dunns Crossing Road / Selwyn Road / Goulds Road intersection;
 - c. the upgrade to the Lowes Road / Dunns Crossing Road intersection;
 - d. the realignment of Brookside Road at Dunns Crossing Road;
 - e. road frontage upgrades and gateway threshold treatments as shown on the ODP; and
 - f. provision of a potable water supply which is capable of serving any lots within the subdivision.
- iv. No vehicle crossing, access or road connection to Edwards Road or Brookside Road shall be established from the ODP area, until such time as the following works have been completed to the satisfaction of the Council:
 - a. the upgrade of Edwards Road (between Brookside Road to Selwyn Road); and,
 - b. the upgrade of the Edwards Road / Ellesmere Junction Road intersection.

12.1.3.58 Any subdivision within a Living Z Zone, Living MD Zone or Living ~~or~~ 3 Zone that is subject to an Operative Outline Development Plan within the District Plan shall be in general compliance with that Outline Development Plan and shall comply with any standards referred to in that Outline Development Plan.

Table C12.1 – Allotment Sizes

Insert relevant row at the end of the section for the relevant township:

Township	Zone	Average Allotment Size Not Less Than
<u>Rolleston</u>	<u>Living MD</u>	Minimum individual allotment size 400m ² ⁸⁷ <i>There is no minimum allotment size where: the subdivision does not increase the degree of any non-compliance with Rule 4.19; or where the subdivision application is accompanied by a land use application that will be determined concurrently with the subdivision application that demonstrates that it is practicable to construct, as a permitted activity, a residential unit on every vacant allotment</i> ⁸⁸
<u>Calculating allotment size</u> ⁸⁹	<u>All Living Zones except Living MD</u> ⁹⁰	The average allotment size shall be calculated as a mean average (total area of allotments divided by the number of allotments). The total area and number of allotments used to calculate the mean shall exclude areas used exclusively for access, reserves or to house utility structures, or which are subject to a designation. Any allotment which is twice or more the size of the average allotment required in the zone, shall be calculated as being: 2 x average allotment size for that zone - 10m ² ; or as its actual size, if a covenant is placed on the Certificate of Title to prevent any further subdivision of that land.
	<u>Living MD</u>	<i>Net site area shall be used to calculate allotment size.</i> ⁹¹

12.1.4 Matters over which the Council has reserved its control or⁹² restricted the exercise of its discretion:

12.1.4.77A In respect of the land identified at Appendix 38 ODP Area XX (Brookside):

- a. Whether, following consultation with the Ministry for Education, any land is required to be provided for education purposes within Outline Development Plan Area XX (Brookside).
- b. Whether the pattern and staging of development commences adjacent to Dunns Crossing Road and/or adjacent land development to maximise connectivity and the efficient provision of infrastructure.
- c. The appropriateness of any mechanism proposed to address boundary treatment requirements identified within the Outline Development Plan.
- d. For subdivision of land that will result in any more than 1320 residential allotments or provide for more than 1320 residential units, in total, within the Outline Development Plan area, the recommendations of an Integrated Transport Assessment.
- e. How land within the Odour Constrained Area is to be managed and integrated into the development, while ensuring activities sensitive to odour are avoided within this area.
- f. The recommendations of a field-based ecological assessment regarding the retention or management of any existing water races, ponds or any wetland features affected by the subdivision.

(g) In respect of the land identified at Appendix 38 (Brookside ODP):

- A. A consent notice or similar mechanism shall be registered on the title of lots within this ODP area ensuring there are no occupied dwellings here prior to:
 - i. the completion of the upgrade to the SH1 / Dunns Crossing Road intersection; and
 - ii. upgrade to the Lowes Road / Dunns Crossing Road intersection; and
 - iii. realignment of the Brookside Road at Dunns Crossing Road.

⁸⁷ These are the LZ medium density (small lot) requirements for Lincoln, but without the maximum site size requirements that accompany LZ

⁸⁸ CI8

⁸⁹ Consequential amendment to restructure table so that provisions make sense

⁹⁰ Provisions as described do not apply to Living MD

⁹¹ Net site area, to be consistent with usage in the rest of the Living Zones, and to be consistent with building coverage requirements/Planning Stds terms

⁹² Consequential amendment from CI3

Restricted Discretionary Activities — Subdivision – General

12.1.5 The following activities shall be restricted discretionary activities:

- 12.1.5.1 Any subdivision subject to Rule 12.1.A1 or Rule 12.1.1 which complies with all standards and terms in Rule 12.1.3 except Rule 12.1.3.2.⁹³

Discretionary Activities — Subdivision – General

12.1.6 The following activities shall be discretionary activities

- 12.1.6.10 Any subdivision in a Living MD Zone that is not in general compliance with an operative Outline Development Plan.⁹⁴

Non Complying Activities — Subdivision – General

12.1.7 Except as provided for in Rules 12.1.5 and Rules 12.1.6, the following activities shall be non-complying activities:

- 12.1.7.12 Any subdivision subject to Rule 12.1.A1 which does not comply with Rule 12.1.3.⁹⁵

D DEFINITIONS

Building: except in the Living MD Zone⁹⁶, means any structure or part of any structure whether permanent, moveable or immovable, but does not include any of the following:

- Any scaffolding or falsework erected temporarily for maintenance or construction purposes
- Any fence or wall of up to 2m in height
- Any structure which is less than 10m² in area and 2m in height
- Any vehicle, trailer, tent, caravan or boat which is moveable and is not used as a place of storage, permanent accommodation or business (other than the business of hiring the facility for its intended use)
- Any utility structure.

In the Living MD Zone, means a temporary or permanent movable or immovable physical construction that is:

(a) partially or fully roofed; and

(b) fixed or located on or in land;

but excludes any motorised vehicle or other mode of transport that could be moved under its own power.⁹⁷

Building coverage means the percentage of the net site area covered by the building footprint⁹⁸

Building footprint means, in relation to building coverage, the total area of buildings at ground floor level together with the area of any section of any of those buildings that extends out beyond the ground floor level limits of the building and overhangs the ground⁹⁹

Height: except in the Living MD Zone,¹⁰⁰ in relation to any building or structure means the vertical distance between the ground level at any point and the highest part of the building or structure immediately above that point.

For the purpose of calculating height in any zone other than the Living MD Zone, no account shall be taken of any:

- Radio or television aerial provided that the maximum height normally permitted by the rules for the zone is not exceeded by more than 2.5m.
- Chimney or flue not exceeding 1m in any direction.
- Utility, or part of a utility with a horizontal dimension less than 25mm.
- Lift shaft, plant room, water tank, air conditioning unit, ventilation duct and similar architectural features on any building in the Business zones (except the Business 2A Zone) provided that the maximum height normally permitted by the rules for the zone is not exceeded by more than 2m.

⁹³ Corner splays

⁹⁴ Consistent with Living Z

⁹⁵ Consistent with Living Z

⁹⁶ A different definition applies in the Living MD Zone

⁹⁷ The MDRS provisions rely on the Planning Standards definition of *residential unit*, which in turn relies on the Planning Standards definition of *building*

⁹⁸ Planning Stds definition

⁹⁹ Planning Stds definition

¹⁰⁰ C11 applies instead

- Lift shafts, plant rooms, water tanks, air conditioning units, ventilation ducts, cooling towers, chimney stacks, water tanks and similar architectural features on any building in the Business 2A Zone provided that the maximum height normally permitted by the rules is not exceeded by more than 5m and no more than 10% of the plan area of a building.

In the Living MD Zone, means the vertical distance between a specified reference point and the highest part of any feature, structure or building above that point.¹⁰¹

Measurement of Height:

For the purpose of applying rules in relation to height...

Net site area: in the Living MD Zone, means the total area of the site, but excludes:

(a) any part of the site that provides legal access to another site;

(b) any part of a rear site that provides legal access to that site;

(c) any part of the site subject to a designation that may be taken or acquired under the Public Works Act 1981¹⁰²

Residential activity: except in the Living MD Zone means the use of land and buildings for the purpose of living accommodation and ancillary activities. For the purpose of this definition, residential activity shall include:

a) Accommodation offered to not more than five guests for reward or payment where the registered proprietor resides on-site

b) Emergency and/or refuge accommodation

c) Supervised living accommodation and any associated caregivers where the residents are not detained on the site

Residential Activity does not include:

a) Travelling accommodation activities (other than those specified above)

b) Custodial and/or supervised living accommodation where the residents are detained on site.

In the Living MD Zone, means the use of land and building(s) for people's living accommodation.

Residential unit: in the Living MD Zone, means a building(s) or part of a building that is used for a residential activity exclusively by one household, and must include sleeping, cooking, bathing and toilet facilities.¹⁰³

Setback: Except in the Living MD Zone, means the minimum prescribed distance between the exterior face of the building and the boundaries of its site. The following intrusions are permitted into any setback area:

a) Eaves being no more than 600mm wide.

b) Any porch, windbreak, chimney, external stairway or landing being no more than 1.8m long and extending no more than 800mm into the setback area.

c) Any utility structure attached to an existing building or structure located in a setback from a waterbody provided that it does not protrude more than 1.5m from that existing building or structure.

In the Living MD Zone, means a distance measured horizontally from a boundary, feature or item as specified in a rule.

Site: except in the Living MD Zone,¹⁰⁴ means an area of land or volume of space:

- Held in a single certificate of title, or
- Comprised of two or more adjoining certificates of title held together in such a way that they cannot be dealt with separately without the prior consent of the Council; or
- For which a separate certificate of title could be issued without further consent of the Council.

In the Living MD Zone, means:

(a) an area of land comprised in a single record of title under the Land Transfer Act 2017; or

¹⁰¹ Planning Stds definition, as per CI1

¹⁰² Planning Stds definition, per CI1

¹⁰³ Planning Stds definition, per CI1(3)

¹⁰⁴ CI1(3) applies instead

- (b) an area of land which comprises two or more adjoining legally defined allotments in such a way that the allotments cannot be dealt with separately without the prior consent of the council; or
- (c) the land comprised in a single allotment or balance area on an approved survey plan of subdivision for which a separate record of title under the Land Transfer Act 2017 could be issued without further consent of the Council; or
- (d) despite paragraphs (a) to (c), in the case of land subdivided under the Unit Titles Act 1972 or the Unit Titles Act 2010 or a cross lease system, is the whole of the land subject to the unit development or cross lease.¹⁰⁵

APPENDIX 11

RECESSION PLANES

Recession Plane A

Applicable to all buildings along all internal boundaries in all Living zones except the Living MD Zone¹⁰⁶ and to all¹⁰⁷ Business zones adjoining any Living or Rural zones and boundaries along the common boundary of the Business 2A Zone and the Rural zone as depicted in the Outline Development Plan in Appendix 22.

...

Recession Plane C

Applicable to all buildings along all boundaries in the Living MD Zone.¹⁰⁸

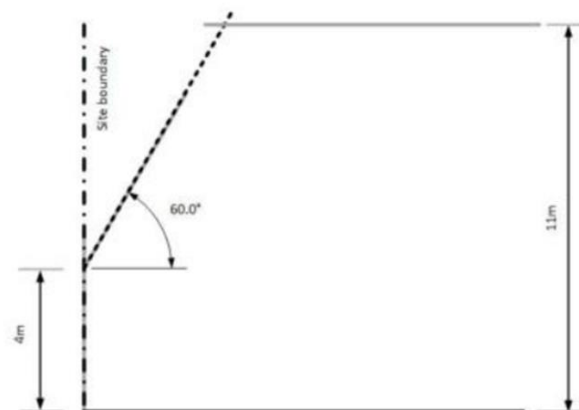
The recession plane shall be measured from a point 4 metres vertically above ground level along all boundaries.

The ground level of site boundaries shall be measured from filled ground level except where there is an existing building at a lower level on the other side of a common boundary, where that lower level shall be adopted.¹⁰⁹

Where the boundary forms part of a legal right of way, entrance strip, access site, or pedestrian access way, the recession plane applies from the farthest boundary of that legal right of way, entrance strip, access site, or pedestrian access way.

Compliance with the recession plane is not required in relation to—

- (a) any road boundary;
- (b) existing or proposed internal boundaries within a site;
- (c) site boundaries where there is an existing common wall between 2 buildings on adjacent sites or where a common wall is proposed.¹¹⁰



¹⁰⁵ Planning Stds definition, per CI1(3)

¹⁰⁶ CI12 applies instead

¹⁰⁷ To improve clarity, given the exclusion now added

¹⁰⁸ CI12

¹⁰⁹ As for Recession Planes A and B

¹¹⁰ CI12