

Selwyn District Plan

Section 42A Report

Private Plan Changes 81 & 82

**Request by Rolleston Industrial Developments Limited to rezone
approximately 28 hectares of Rural Outer Plains Zone to Living MD,
Dunns Crossing and Selwyn Roads, West Rolleston (PC81)**

and

**Request by Brookside Road Residential Limited to rezone
approximately 110 hectares of Rural Outer Plains Zone to Living MD
and Business 1, Dunns Crossing, Brookside and Edwards Road, West
Rolleston (PC82)**

19 August 2022

Report prepared by

Liz White

Consultant Planner

1. Introduction

Qualifications and Experience

1. My full name is Elizabeth (Liz) Jane White. I am an independent self-employed planning consultant, based in Christchurch. I hold a Master of Resource and Environmental Planning with First Class Honours from Massey University and a Bachelor of Arts with Honours from Canterbury University. I am a full member of the New Zealand Planning Institute.
2. I have over 15 years' planning experience working in both local government and the private sector. My experience includes both regional and district plan development, including the preparation of plan provisions and accompanying s32 evaluation reports, and preparing and presenting s42A reports. I also have experience undertaking policy analysis and preparing submissions for clients on various Resource Management Act 1991 (RMA) documents, and preparing and processing resource consent applications and notices of requirements for territorial authorities. I have been engaged by Selwyn District Council to prepare a s42A Report for Private Plan Changes 81 (PC81) and 82 (PC82). I have also assisted the Council in the processing of other private plan change requests to rezone land at Rolleston (PC66, PC71, PC73 & PC80) and West Melton (PC67).
3. Although this is a Council hearing, I confirm that I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note and that I agree to comply with it. I confirm that I have considered all the material facts that I am aware of that might alter or detract from the opinions that I express, and that this evidence is within my area of expertise, except where I state that I am relying on the evidence of another person.

Evidence Scope

4. This report analyses the submissions received on PC81 and PC82 to the Selwyn District Plan (the Plan) and has been prepared in accordance with s42A of the RMA.
5. The purpose of this report is to assist the Hearing Commissioner in evaluating and deciding on submissions made on PC81 and PC82 and to assist submitters in understanding how their submission affects the planning process. This report includes recommendations on points made in submissions, and to make amendments to the Plan. For the avoidance of doubt, it should be emphasised that any conclusions reached or recommendations made in this report are not binding on the Hearing Commissioner. It should not be assumed that the Hearing Commissioner will reach the same conclusions or recommendations having considered all the evidence to be brought before them by the applicant and submitters.
6. In preparing this report I have:
 - visited both sites and their surrounding areas;
 - reviewed the original plan change requests and the further information received;
 - read and considered all the submissions received on both plan change requests;
 - reviewed the statutory framework and other relevant planning documents; and
 - reviewed, and where necessary relied on, the evidence and peer reviews provided by other experts on these plan changes.
7. This report effectively acts as an audit of the detailed information lodged with the PC81 plan change request prepared by Novo Group Ltd on behalf of Rolleston Industrial Developments Ltd and the PC82 plan change request prepared by Aston Consultants Ltd on behalf of Brookside

Road Residential Ltd. A full copy of the plan change requests, submissions, summary of submissions and other relevant documentation can be found on the Selwyn District Council website at www.selwyn.govt.nz/pc81 and www.selwyn.govt.nz/pc82

8. As such, this report seeks to provide as little repetition as possible and accepts those parts of the application where referred to. If a matter is not specifically dealt with in this report, it can be assumed that there is no dispute with the position set out in the relevant plan change application.

2. Background

9. The PC81 application was lodged in October 2021. This sought rezoning of the site from Rural Outer Plains to Living Z Zone, the insertion of an Outline Development Plan (ODP) into the District Plan to guide development of the site, an addition to Policy B4.3.77 reflecting the ODP, and a minor consequential change to Policy B4.3.9. No changes were proposed to the rule framework. As such, it largely sought to adopt and apply an existing zoning contained within the District Plan.
10. The PC82 application was lodged in October 2021. This sought rezoning of the site from Rural Outer Plains to Living Z Zone and Business 1, the insertion of an Outline Development Plan (ODP) into the District Plan to guide development of the site, a minor consequential change to Policy B4.3.9, and the inclusion of an additional subdivision rule limiting development prior to specified roading upgrades being completed. As such, it largely sought to adopt and apply an existing zoning contained within the District Plan.
11. On 21 December 2021, the Resource Management Act (Enabling Housing Supply and Other Matters) Amendment Act 2021 (the Amendment Act) came into force. This included specific requirements relevant to private plan changes. Under clause 25(4A) of the RMA (as included by the Amendment Act), a council must not accept or adopt a request if it does not incorporate the Medium Density Residential Standards (MDRS) as required by s80F(1). As a result of the number of private plan change requests before Council affected by the Amendment Act, the Council's preferred approach has been to develop a stand-alone zone – Living Medium Density (Living MD) – in respect of the application of the MDRS.
12. This approach was largely adopted by both the PC81 and PC82 proponents, and the Requests were amended to rezone the area Living MD, with the adoption of provisions provided by staff. However, a cap on household numbers was proposed in order to accommodate a qualifying matter – being the impact on the safe and efficient operation of nationally significant infrastructure that adoption of the MDRS without a cap is expected to result in.
13. Following the submission period, due to the commonalities between the plan change requests, in terms of the proponent, location, submitters and planning context, it was considered that there were benefits in them being heard together. The proponent is supportive of this approach. While they remain separate requests, they will be heard jointly, and this report considers both. As such, issues common to both and dealt with jointly, but matters specific to only one of the plan changes are assessed separately.
14. Following discussions with the proponents regarding the qualifying matter, and in response to matters raised in submissions, the applications were amended on 8 August 2022. These amendments:
 - a. remove any reference to a 'qualifying matter';

- b. remove the cap on households numbers, instead applying these as a threshold beyond which an integrated transport assessment is required;
- c. include wording regarding the potential provision of educational facilities in policy, assessment matters and in the ODP text for both sites; and
- d. include additional assessment matters that relate to matters raised in the course of the hearing on PC73.

3. Proposal and Site Description

Site Description

- 15. The site to which PC81 relates is approximately 28.4 hectares and is located on the northwest corner of the intersection of Dunns Crossing, Selwyn and Goulds Roads. It has frontage to both Dunns Crossing and Selwyn Roads. The site is flat, with the majority of it in open grass fields. It contains shelter belts and structures associated with rural activities. A water race is located near the middle of the site and terminates in a soak pit toward the Selwyn Road end.
- 16. The site to which PC82 relates is approximately 109.8 hectares and is located on the southwest corner of the intersection of Dunns Crossing and Brookside Roads, extending west to the intersection with Edwards Road. It has frontage to Dunns Crossing, Brookside and Edwards Roads. The site is shown in the aerial photograph below, with the plan change area outlined in red.
- 17. The PC82 Site is flat and contains a range of rural land uses. This includes a specialised poultry breeder complex which includes sheds, storage buildings, staff facilities (including three dwellings) and other ancillary buildings. Other parts of the Site are used as a dairy cattle run-off or as pastoral land. The Site also contains some shelterbelts between different boundaries or as internal windbreaks. A further dwelling is also located on that part of the site at 152 Edwards Road. A shallow water race also extends through part of the site.
- 18. Both sites are shown in the aerial photograph below, with the plan change areas outlined in red.



Figure 1 – Aerial Photograph of the PC81 Site and relevant other plan change sites (Source: Google Maps)

Surrounding Environment

19. The surrounding environment is predominantly rural in character, consisting of paddocks and limited built form. This reflects the rural zoning of the sites to the south of Selwyn Road, and to the west of the PC81 site; and sites to the north, east and south of the PC82 site.
20. The site adjoining PC81 to the north, and PC82 to the south, while currently rural in character, is zoned Living 3, which provides for rural-residential development with a mix of densities ranging from 5,000m² through to 4ha.¹ Through Plan Change 73, a Living Z zoning was sought for this land. This request was declined, but is subject to an Environment Court appeal.
21. The site to the east, of PC81 on the opposite side of Dunns Crossing Road is zoned Rural - Inner Plains but is subject to a plan change request (PC70) that was lodged in November 2020. Further information has been requested, but my understanding is that the proponents have not progressed this request further, nor withdrawn the request. I also understand that this land will

¹ Refer Appendix 40 of the Township Volume of the Selwyn District Plan.

not be included in Council's forthcoming variation to the PDP. As such the land at this time remains zoned for rural purposes.

22. Sites on opposite side of Dunns Crossing Road to the PC82 site are zoned Living 1B or Living Z. At the Site's north-eastern corner is a small area of Living 2 zoned land. The land opposite the Site's north-eastern boundary is also designated as a recreation reserve (Brookside Park). The Pines Wastewater Treatment Plant (WWTP)² is located in the rural area to the west of the PC82 Site. The Rolleston Resource Recovery Park (RRP)³ is also located to the northwest of the Site.

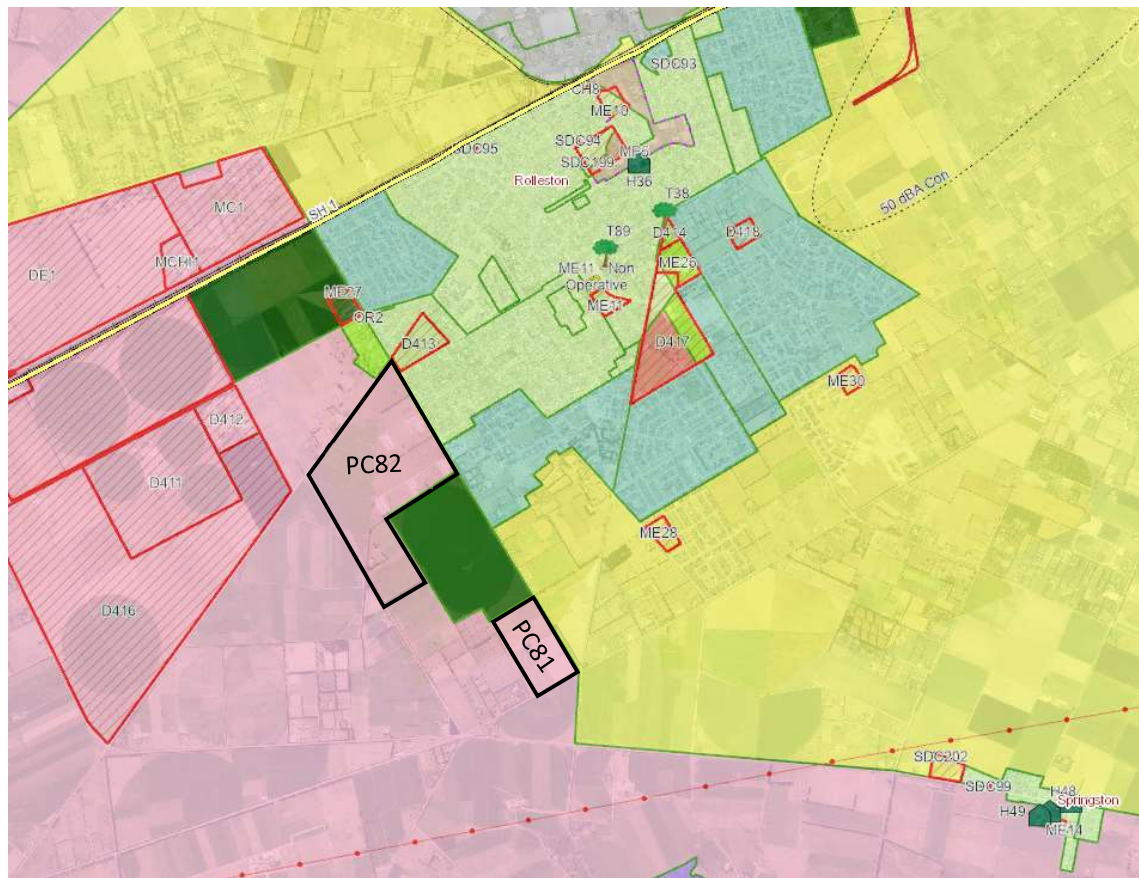


Figure 2 – Current Zoning of Site and Surrounding Area under the Operative District Plan

23. The PC81 Site is located to the south-west of Rolleston's existing urban boundary and the PC82 site is located adjoining its western boundary. Rolleston Township straddles SH1 and the main trunk railway, with its residential areas and main commercial area located south of SH1/the railway, and its industrial area located to the north of SH1 and the railway line. Rolleston is the largest town in the Selwyn District, and has experienced substantial growth over the last 25 years. Rolleston is located approximately 13km west of Hornby. Rolleston is located within the subregional area identified as Greater Christchurch.

² Designations D411 & D416.

³ Designation D412.

Proposal

24. The Requests seeks to rezone the Sites from Rural – Outer Plains to Living MD Zone. Two portions of Business 1 zoning are also proposed within the PC82 Site, the first in a central area within the Site, and the second at the northern end of the Site’s Dunns Crossing Road frontage.
25. As noted earlier, the Living MD Zone is one that does not yet exist in the Operative District Plan, but has been developed by the Council, and largely adopted by the proponents in their request, to give effect to the requirements in the Amendment Act to apply the MDRS now contained in Schedule 3A of the RMA. The density under the Living MD Zone provides for minimum individual allotment sizes of 400m², but also allows for up to 3 residential units to be established on any site as a permitted activity. The Plan Change requests include the full suite of provisions that would apply under the proposed Living MD Zone. I have not included a full summary of these provisions, as I understand they have been developed by the Council to implement the MDRS provisions required by the Amendment Act. In addition to these, the following provisions are proposed, which are specific to each area:
 - a. additional policy direction under Policy B4.3.77;
 - b. amendments to Rules 4.9.39 and 4.9.58 to apply them to the PC82 Site;
 - c. a specific subdivision rule restricting:
 - dwelling occupation on the PC82 site until specific roading upgrades are completed; and
 - the creation of residential allotments within 1500m of the WWTP buildings prior to the sooner of: Council Certification that specific approvals have been obtained for the upgrade of the plant; or 31 December 2025; and
 - d. additional assessment matters for subdivision.
26. In addition to the zone changes, the requests include the insertion of new ODPs to guide development of each Site. The ODPs also requires that a minimum net density of 12 households per hectare is achieved across each area. The ODPs state that this is expected to provide for the establishment of at least 350 new households across the PC81 Site and 1,320 new households across the PC82 site.

4. Procedural Matters

27. The process for making a plan change request and how this is to be processed is set out in the 1st Schedule of the Act.
28. The PC81 request was formally received by Selwyn District Council on 19 October 2021. A request for further information was issued on 8 December 2021. Following the provision of requested further information, PC81 was accepted for notification at Council’s meeting on 23 March 2022.
29. The PC82 request was formally received by Selwyn District Council on 29 October 2021. A request for further information was issued on 13 December 2021, and following a review of the response provided, a further request was issued on 1 March 2022. Following the provision of

requested further information, PC82 was accepted for notification at Council's meeting on 23 March 2022.

30. Both requests were publicly notified on 6 April 2022, with submissions closing on 9 May 2022.
31. Eight submissions were received on PC81, and 16 on PC82. A further late submission was received on both, on 25 May 2022. As these were received prior to the notification of the further submission period, they were included in the summary of submissions, which was notified on 8 June 2022. No further submissions were received on either plan change.
32. PC81 and PC82 have reached the point where a hearing is now required (Clause 8B of the First Schedule to the RMA). As noted earlier, due to commonalities between the plan change, it has been decided that they will be heard together. Following the hearing, the Council is required to give a decision on each plan change and the associated submissions (Clause 10 of the First Schedule to the RMA).

5. Statutory Framework

33. Section 73(2) of the RMA allows for any person to request that a change be made to the District Plan, in accordance with the process set out in Part 2 or Part 5 of Schedule 1. Part 5 of Schedule 1 is not relevant to these particular plan change requests as it relates to the use of the 'streamlined planning process', which is not proposed in this instance.
34. Clause 21(2) of Part 2 of Schedule 1 requires that a plan change request: explain the purpose of, and reasons for, the proposed change and contain an evaluation report prepared in accordance with section 32 of the RMA; and where environmental effects are anticipated, describe those effects in such detail as corresponds with the scale and significance of the actual or potential environmental effects anticipated from the implementation of the change. Both applications considered the actual and potential effects of the plan change on the environment, and where relevant to matters raised in submissions, I discuss these further in Section 6 of this report.
35. My understanding of the matters set out in the Part 2 of Schedule 1 are that PC81 and PC82 require assessment in terms of whether:
 - a. it is in accordance with the Council's functions (s74(1)(a));
 - b. it is in accordance with Part 2 of the RMA (s74(1)(b));
 - c. it will give effect to any national policy statement or operative regional policy statement (s75(3)(a) and (c));
 - d. the objectives of the proposal (in this case, being the stated purpose of the proposal) are the most appropriate way to achieve the purpose of the RMA (s32(1)(a));
 - e. the provisions within each plan change are the most appropriate way to achieve the objectives of the District Plan and the purpose of the proposal (s32(1)(b)).
36. In addition, assessment of PC81 and PC82 must also have regard to:
 - a. any proposed regional policy statement, and management plans and strategies prepared under any other Acts (s74(2));

- b. the extent to which the plan is consistent with the plans of adjacent territorial authorities (s74 (2)(c)); and
 - c. in terms of any proposed rules, the actual or potential effect on the environment of activities including, in particular, any adverse effect.
- 37. These matters are considered in more detail in the Statutory Analysis section of this report. The following section sets out and discusses the matters raised in submissions, which are then in turn discussed in the Statutory Analysis section as they relate to the statutory requirements.
- 38. I also note that Selwyn District Council has notified a proposed District Plan (PDP). At the time of writing this report, the submission period on the proposed Plan has closed, and hearings commenced on the 9th of August 2021. My understanding of the statutory context is that there is no specific requirement to consider PC81 and PC82 against the PDP; however, in my view the PDP is useful in understanding the current issues in the District in terms of the Council's obligations under s74(1) of the RMA.

6. Assessment of Issues Raised by Submitters

- 39. As noted above, a total of nine submissions were received on PC81, and 17 on PC82, with no further submissions received on either. A summary of the submissions is available at: <https://extranet.selwyn.govt.nz/sites/consultation/PC81/SitePages/Report.aspx> (for PC81) and <https://extranet.selwyn.govt.nz/sites/consultation/PC82/SitePages/Report.aspx> (for PC82).
- 40. This section provides an assessment of the submission points received and a summary of the information included with each application and the expert evidence commissioned to inform the overall recommendations of this report and to make a determination on the relief sought by submitters. Within this report, submission points common to both plan change are discussed collectively. Where a submission relates to a matter raised only in relation to one of the plan changes, this is clearly stated.
- 41. I consider that the key matters either raised by submitters, or necessary to be considered in ensuring that the Council's statutory functions and responsibilities are fulfilled, are:
 - a. Traffic effects
 - b. Servicing
 - c. Effects on community facilities
 - d. Soils
 - e. Environmental quality
 - f. Reverse sensitivity
 - g. The form of urban growth
 - h. Geotechnical and ecological considerations
 - i. Other matters

Traffic Effects

Submissions

42. Concerns raised about the traffic effects associated with the plan changes include:
- a. The impact of traffic on the Dunns Crossing Road/Walkers Road/ State Highway 1 intersection, including cumulative effects resulting from other plan changes.⁴
 - b. The impact of traffic on surrounding roads, including in and around West Rolleston School, the roads not being suitable for this extra traffic, the increased congestion that will result, and the cost of any upgrades required falling on ratepayers.⁵
 - c. The speed of traffic on Dunns Crossing Road and its impact on pedestrians and cyclists, including elderly and school children, and lack of pedestrian pathways and lighting.⁶
 - d. Roads being too narrow to cope with extra traffic (PC82 only).⁷
 - e. The need to consider effects on the transport network in the vicinity of the Burnham Military Camp (PC82 only).⁸
 - f. The lack of integrated transport options resulting in dependency on private motor vehicle use.⁹
 - g. The increase in carbon emissions from traffic associated with the plan change, given the reliance on private vehicle use arising from limited job opportunities and local amenities in the Rolleston Township.¹⁰
 - h. The lack of existing or additional planned public transport to service the Site within an acceptable walkable catchment.¹¹
 - i. The reliance on other plan changes being accepted and developed to achieve connectivity to the wider township.¹²
43. Waka Kotahi (PC81-0006 & PC82-0013) also identify the following matters as requiring further consideration:
- a. the consistency of the request with the provisions of the NPSUD and what improvements could be made to reduce vehicle-related carbon emissions from the residential development of the site.

⁴ M. & J. Douglas (PC81-0001 & PC82-0005), Waka Kotahi (PC81-0006 & PC82-0013), I. Robertson (PC82-0016).

⁵ M. & J. Douglas (PC81-0001 & PC82-0005), J. Horne (PC81-0009 & PC82-0017), J. Munro (PC82-0006), C. McConachy (PC82-0004).

⁶ M. Green (PC82-0002), K. Green (PC82-0003), I. Robertson (PC82-0016).

⁷ J. Munro (PC82-0006), I. Robertson (PC82-0016).

⁸ NZDF (PC82-0011).

⁹ Environment Canterbury (PC81-0008 & PC82-0015).

¹⁰ M. & J. Douglas (PC81-0001 & PC82-0005), Waka Kotahi (PC81-0006 & PC82-0013).

¹¹ M. & J. Douglas (PC81-0001 & PC82-0005), Waka Kotahi (PC81-0006 & PC82-0013), Environment Canterbury (PC81-0008 & PC82-0015).

¹² Waka Kotahi (PC81-0006 & PC82-0013).

- b. opportunities for multi-modal transport through and adjoining the Site and connecting to the wider network.
44. Hill Street Ltd (PC81-0004 & PC82-0012) express support for the connectivity shown in both ODPs which would allow for a road corridor to extend into their land, located to the west of PC81 and to the south of PC82.
 45. CCC (PC81-0007 & PC82-0014) considers that as the sites are outside identified growth areas, it is important to consider infrastructure and the downstream effects on the Greater Christchurch transport network, stating that appropriate transport infrastructure is fundamental to ensuring a well-connected urban environment and good accessibility for all people. It considers that without a funded and established public transport network to service the sites, it is likely that these developments will impact on the ability of the Council to manage the downstream transport network.
 46. With respect to the Dunns Crossing Road/Walkers Road/ State Highway 1 intersection, Waka Kotahi (PC81-0006 & PC82-0013) notes that this is a key rural intersection providing access to both sides of SH1 for a range of activities and is a high-risk intersection with existing safety concerns. It notes that these safety issues are proposed to be addressed through an upgrade likely to be progressed in 2024 and completed by 2026. In relation to PC81, it accepts that the proponent has recognised the existing issues and proposed to limit the density of the site to not more than 350 households, beyond which an integrated transport assessment would be required, to consider impacts on the safety and efficiency of SH1. However, it considers it unclear as to what trigger has been included within the PC81 to require this assessment when the threshold is reached. It states that given the existing safety issues, any intensification of development which increases traffic movements through this intersection before it is upgraded will increase safety risks. In relation to PC82, it supports the proposed rule to preclude occupation of dwellings prior to the intersection upgrade occurring, but remains concerned, in relation to both plan changes, over the capacity of the intersection to accommodate development resulting from the development of the site, in addition to vehicle movements arising from other plan changes sites.
 47. In relation to PC82, the Ministry of Education (PC82-0008) notes that the Integrated Traffic Assessment included in the application does not provide any specific information regarding the effects of traffic on nearby schools and education facilities. In addition, it notes that transport connections which rely on the development of the Skellerup Block (PC73) may need be able to be relied upon given PC73 has been declined. It requests that that specific information is provided on the potential and actual traffic and safety effects on the nearby schools and education facilities.
 48. Stonehenge Trust (PC82-0010) support PC82 in principle, but seek that effects that the development will have on rural activity are minimised, including by the sealing of Edwards Road prior to the development commencing; and by all development occurring from a single entrance from Brookside Road.

Analysis

49. Mr Collins, from Flow Transportation Specialists, has been engaged by the Council to undertake a peer review of the ITA provided with the application.¹³ He also provides detailed comments on those transport-related submission points summarised above.¹⁴
50. As noted earlier, the Requests, when initially lodged, were based on adoption of the current Living Z Zone. The density standards applying under this zone were such that the development was expected to yield approximately 350 residential households across the PC81 Site, and 1320 across the PC82 Site. This was effectively overridden by the Amendment Act, resulting in the application instead of the proposed Living MD Zone, which implements the MDRS provisions. The density enabled under this zone is greater than that of the Living Z Zone, allowing for sites of 400m² to be created, and subject to compliance with built form standards, the ability for three residential units to be built on each site. Initially, the proponents proposed a cap on household numbers, effectively limited to the approximate household yield that was anticipated under the Living Z zone, in order to accommodate what they considered to be a qualifying matter – stated as being the impact on the safe and efficient operation of nationally significant infrastructure.
51. Following discussion with Council officers and Mr Collins, the proponents gave further consideration to this, the result of which is that application was amended to remove any reference to a ‘qualifying matter’, and to address potential effects on the capacity of the transport network resulting from the density of development enabled under the Living MD Zone, by amending the cap to instead be a threshold, beyond which an integrated transport assessment is required. The proponent states that this would allow for transport network upgrades required to *“provide additional capacity to meet the demands of development if, as and when required (subject to the necessary funding and approvals).”*¹⁵
52. In relation to the qualifying matter, I note that no evidence was provided by the proponents in relation to this, which would be required to satisfy the requirements of s77J and s77L of the RMA. I also understand that the Council, in preparing a variation to the proposed District Plan to implement the MDRS provisions, has not identified any qualifying matter relating to the transport network as a qualifying matter. In absence of evidence to support application of a qualifying matter, I am not in a position to agree that one should apply; but this is in any case a moot point, given this is not being pursued.
53. Mr Collins has considered this matter in his review and firstly notes that there is a difference between the development intensity that is enabled by the MDRS provisions and what might be reasonably feasible from a market economics perspective. He considers that the assumed yield on which is the ITA is based is reasonable, based on the work he has undertaken on other plan changes within the District. He supports the thresholds proposed by the proponent as a way to address the potential for more intensive development, noting that constraints on the existing and future transport network resulting from development can be addressed through improvements.¹⁶ My understanding is that the traffic effects resulting from development above the thresholds can therefore be considered in future, should development occur at a greater level than currently anticipated, and this would allow for further improvements to be

¹³ Mat Collins, ‘Private Plan Change 81 and Private Plan Change 82: Transportation Hearing Report’, August 2022.

¹⁴ Mr Collins, in Appendix A, Table 5.

¹⁵ Letter dated 8 August 2022.

¹⁶ Mr Collins, p.3.

considered. I note that Mr Collins does identify that there are potential issues with the threshold approach, whereby a future individual landowner may trigger the requirement and become responsible for wider transport improvements that exceed their proportional share of effects on the transport network.¹⁷ The proponent has also suggested that legal mechanisms or other features proposed as part of a subdivision consent application might be able to limit dwelling numbers in order to remain within the rule threshold. While I note that this may reduce or remove the risk, I consider this to be a matter for the developer to consider and not something that the Council is able to rely on.

54. While I accept the risk identified by Mr Collins, in my view it is more important to have a mechanism to consider traffic effects if density increases within the Sites above the thresholds, and this outweighs the potential risks.
55. Having reviewed the ITAs for both Requests, Mr Collins identifies a number of upgrades and restrictions (including those put forward by the proponents, as well as additional measures) that are required to address the traffic effects arising from these plan changes. These are summarised in Table 4 of Mr Collins' report.
56. Those that are additional to the upgrades/restrictions proposed in PC81 and PC82 are:
 - a. that no development (including earthworks and other construction-related activity) in relation to these plan changes should occur prior to the commencement of the upgrade of the SH1/Dunns Crossing Road/ Walkers Road intersection;¹⁸
 - b. that no built development should occur within the PC82 Site prior to the signalisation of Dunns Crossing Road / Burnham School Road;¹⁹
 - c. that no built development should occur within PC82 prior to the upgrade of Dunns Crossing Road / Selwyn Road / Gould Road;²⁰ and
 - d. that Edwards Road is sealed along entire length, and Edwards Road / Ellesmere Junction Road is upgraded prior to any vehicle connection from the PC82 Site to Brookside Road or Edwards Road;²¹ and
 - e. that an area within the PC81 ODP at the corner of Selwyn and Dunns Crossing Roads be identified to allow for the realignment of Selwyn Road and the Selwyn Road/Goulds Road intersection.²²
57. Mr Collins also identifies that he does not consider there to be a need for the Dunns Crossing Road / Newman Road intersection to be upgraded prior to development of either Site.²³
58. With respect to the SH1/Dunns Crossing Road/ Walkers Road intersection, Mr Collins notes the existing safety issues at this intersection and considers that these are such that any traffic generated by the plan changes prior to the intersection being upgraded could have potentially significant effects. He therefore recommends that that no earthworks or construction activity

¹⁷ Mr Collins, p.4.

¹⁸ Mr Collins, Section 7.1.

¹⁹ Mr Collins, Section 7.3.

²⁰ Mr Collins, Section 7.6.

²¹ Mr Collins, Section 7.7.

²² Mr Collins, Section 7.6.

²³ Mr Collins, Section 7.2.

is undertaken within these Sites, prior to the commencement of the upgrade of the intersection.²⁴ This differs from the application, which proposed that no dwellings be occupied prior to the upgrade.

59. Following the upgrade, Mr Collins notes that the intersection *“will experience an increase in average delays in the 2033 morning peak due to PPC81 and PPC82, which may classify the western and/or southern approach as operating at LOS F.”* In his view, and taking into account queue lengths and volume to capacity ratios, this is within the range of what is acceptable during peak commuter periods within urban areas.²⁵
60. Mr Collins also notes that he does not consider that the identified intersection upgrades (other than the SH1/Dunns Crossing Road/ Walkers Road intersection) need to be underway or complete in order to support traffic generated by earthworks/construction activity within either site. The applicant has proposed that the restriction be related to the occupation of dwellings. Mr Collins notes potential issues with the Council being able to monitor and enforce planning mechanisms related to “dwelling occupation” effectively and efficiently, or whether an alternate restriction such as restricting the issue of s224 completion certificate in relation to subdivision, would be more appropriate.²⁶ The latter was applied in relation to a similar matter in PC67 and I understand was supported by the Council in relation to PC69. From an efficiency and effectiveness perspective I agree with this approach.
61. In terms of accessibility, Mr Collins considers that the plan changes will likely have moderate accessibility by walking, cycling and public transport in the future, comparable to surrounding future developments that are inside the CRPS infrastructure boundary, such as PC70. However, he also notes that the degree of accessibility will depend on urbanisation of surrounding land, including PC70 and PC73 and that should this not occur, it may affect the viability of extending public transport services to the plan change sites, and in turn the connectivity and permeability of the transport network.²⁷
62. With respect to the internal street network proposed, Mr Collins considers that what is proposed will generally integrate well with the surrounding existing and potential future transport network, and provide for all users of the transport system. However he recommends further improvements through the following changes to the ODPs:
 - a. identification of gateway treatments to support the transition from a rural to urban environment;
 - b. identification of the Selwyn Road, Brookside Road and Edwards Road frontages as walking and cycling routes; and
 - c. extension of the north-south secondary road south to connect with the southern east-west primary road on the PC81 Site.²⁸
63. In addition to providing a peer review of the ITA, Mr Collins has also considered the cumulative transport effects of the nine additional private plan changes currently lodged²⁹ with the Council relating to Rolleston, to assist the Council’s understanding of the potential future effects on the

²⁴ Mr Collins, page 25.

²⁵ Mr Collins, page 27.

²⁶ Mr Collins, Section 7.11.

²⁷ Mr Collins, Section 7.9.

²⁸ Mr Collins, section 7.10.

²⁹ Including PC73 which was declined, but is subject to an appeal to the Environment Court.

transport network, should all the plan changes be approved. This assessment therefore addresses wider impacts on network that are not directly attributable to this plan change alone but may result in upgrades being required as a consequence of multiple private plan changes. My understanding is that this provides information to the Council which the Council could use to consider the timing and funding of projects in the Long Term Plan and where appropriate, it could amend the Development Contributions Policy to take into account the proportional effects identified by Mr Collins. I note that as a consequence of this broader review, Mr Collins' report includes both recommendations that relate specifically to PC81 and PC82, as well as what are effectively recommendations for the Council to consider separately. While noting the broader recommendations, in my view they are not central to the consideration of the appropriateness of this plan change and my assessment is therefore focussed on the recommendations that relate more specifically to PC81 and PC82.

64. I also note Mr Collins' comments that if PC81 and PC82 leads to greater residential growth within the District, (beyond what is currently anticipated,) without a corresponding increase in local employment and access to services, additional impact on the Greater Christchurch transport network can be expected as additional residents in Selwyn travel to access services and employment.³⁰ While I accept this, I note that this will arise generally, if there is greater growth in Selwyn than currently anticipated; and is not a particular effect arising from the location of this particular plan change. Mr Collins also notes that at a District or Regional level, the effects of these plan changes are unlikely to be overly apparent.³¹
65. In terms of submitter comments about greenhouse gas emissions, climate change and public transport, this is considered in more detail in section 7 below in relation to direction in the CRPS and NPS-UD. However, in my view, the funding and implementation of a public transport system is a matter that requires broader consideration, rather than being a site specific matter relating to this plan change. As such, I consider it would be difficult to require the developer of this Site to fund and implement a public transport system to service the site.
66. Overall, I consider that from a transport perspective, the potential adverse effects arising from the rezoning can be appropriately managed, provided that the recommendations of Mr Collins are incorporated.

Servicing

Submissions

67. Several submitters³² express concerns about the impacts of one or both plan changes on water supply and water pressure for existing residents in the west of Rolleston township. While acknowledging that private irrigation wells could be used in due course, M. & J. Douglas are concerned that these could take years to obtain resource consent from Environment Canterbury, resulting in existing property owners' water supply being further impacted.
68. With respect to wastewater, M. & J. Douglas (PC81-0001 & PC82-0005) express concerns about the need to expand the wastewater treatment. They consider that the Sites are not suitable for housing, and state that as the WWTP has reached saturation level, the Sites should be considered instead for spraying operations as part of sewage treatment facility. M. Green

³⁰ Mr Collins, section 8.

³¹ Mr Collins, section 8.

³² M. & J. Douglas (PC81-0001 & PC82-0005), J. Horne (PC81-0009 & PC82-0017), M. Green (PC82-0002), K. Green (PC82-0003), J. Munro (PC82-0006).

(PC82-0002), K. Green (PC82-0003) and J. Munro (PC82-0006) are also concerned about the impact of PC82 on other infrastructure such as sewage and drainage.

69. Environment Canterbury (PC81-0008 & PC82-0015) considers that appropriate investigation, design, and construction is necessary to ensure that the development does not exacerbate flooding on surrounding properties, and that an appropriate standard of flood mitigation is achieved for new buildings. They also consider that, due to the number of households that could result from multiple proposed plan changes, a strategic planning exercise is required to consider the most appropriate scale, direction and timing of any growth for the township, linked to a coordinated assessment of the available options to overcome identified infrastructure constraints.

Analysis

70. Mr England, the Council's Asset Manager – Water Services, has provided an assessment of the Request in relation to water supply, wastewater and stormwater.³³
71. In relation to water supply, he provides a summary of the Council's water supply in Rolleston, and planning that has been undertaken to provide for future growth. He states that as the township grows, the Council's consented allocation will be put under pressure. To ensure that growth is appropriately integrated with the provision of infrastructure, and planned growth is able to be serviced, he considers that priority of water allocation needs to be given to those developments within the Rolleston Structure Plan (RSP) area, on which future growth plans are based. As the plan change sites are outside of the RSP area he states that should the plan changes be approved in whole or in part, consented water needs to be made available for this plan change area to be developed.³⁴
72. With respect to fire fighting requirements, Mr England also notes that the reticulated water supply for the proposed plan changes would need to be designed to meet firefighting standards when either subdivision and/or building consents are sought from Council.³⁵
73. In terms of wastewater, Mr England notes that the options identified by the applicant to convey wastewater to the WWTP are feasible³⁶ and that there are capacity upgrades planned and budgeted for in relation to the WWTP which would be sufficient to accommodate the wastewater generated by development of the Site.³⁷
74. Mr England also considers that the proposed management of stormwater is appropriate.³⁸ In terms of the stormwater, I note that while this matter was raised in Environment Canterbury's submission, I have not understood them to consider that in itself it would make the rezoning inappropriate. Based on Mr England's advice, I do not consider stormwater management to be an impediment to the rezoning.
75. Overall, I consider that the Site is able to be appropriately serviced in relation to wastewater and stormwater to meet the increased demand facilitated by the proposed increase in density. In terms of water supply, I note Mr England's advice that there is only sufficient capacity to supply water to areas within the RSP. Unless the applicant is able to provide an additional water

³³ Murray England, 'Officer Comments of Murray England', 18 August 2022.

³⁴ Mr England, at 6-14.

³⁵ Mr England, at 18.

³⁶ Mr England, at 27.

³⁷ Mr England, at 40.

³⁸ Mr England, at 43.

supply, rezoning of these sites will not be able to be appropriately serviced with a water supply. I consider that this can be addressed by including a new rule that restricts subdivision of the northern part of the Site until a potable water supply is available which is capable of serving any lots within the subdivision that are outside the RSP area (and for completeness, including a related note in the ODP text); provided the applicant is able to demonstrate that such provision is likely to be feasible.

Effects on Community Facilities

Submissions

76. Three submitters³⁹ are concerned about the increase in population in West Rolleston resulting from both plan changes and the additional pressure that this will place on existing schools, noting that West Rolleston School already has a high role, and that the applications do not address this issue.
77. The Ministry of Education (PC81-0002 & PC82-0008) notes that there has not been any consultation with them regarding this matter, nor has regard been had to the capacity of education infrastructure. It notes that both Sites are outside the Projected Infrastructure Boundary identified in the CRPS, and therefore they are not anticipated by the Ministry in its planning. It expresses concerns that if PC81 or PC82 are approved, it may set a precedent for development occurring outside existing planned areas, which would make planning for school capacity and networks increasingly difficult. It considers that the direction in Policy 8 of the NPS-UD should be balanced against other parts of the NPS-UD that require councils to ensure sufficient additional infrastructure, including schools are provided. It seeks that PC81 and PC82 are only approved if: the potential inconsistencies between Policy 8 of the NPS-UD and the CRPS are satisfactorily resolved particularly as it relates to development capacity and well-functioning urban environments; and adequate consideration is given to ensuring there is sufficient capacity within the existing school network to accommodate school aged children, or enabling provisions are provided within each ODP to allow additional educational facilities.
78. M. & J Douglas (PC81-0001 & PC82-0005), M. Green (PC82-0002) and K. Green (PC82-0003) also express concerns about impact of the plan changes on other community facilities such as medical centres and emergency services.

Analysis

79. I agree that there is a need to assess the impact of the rezoning on the capacity of local schools, and identify where it is appropriate to provide for additional capacity within the Site. This is due to the cumulative impact the rezoning may have on school roles and because as the Ministry notes, their school network planning and investment in Rolleston has not taken into account potential growth associated with this Site.
80. I have been advised that the Plan Change proponents and the Ministry of Education have discussed this matter, resulting in an amendment to the applications to include the following changes:
 - a. Amending Policy B4.3.77 (Township Volume) as follows:

³⁹ M. & J Douglas (PC81-0001 & PC82-0005), The Ministry of Education (PC81-0002 & PC82-0008), J. Horne (PC81-0009 & PC82-0017).

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 XXX

• Potential provision of educational facilities.

- b. Inserting a new assessment matter in Rule 12.1.4 (Township Volume, assessment matters for subdivision) as follows:

12.1.4.77A In relation to the Skellerup South Block as shown in Appendix XXX/In respect of the land identified at Appendix 38 (Brookside ODP):

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

- c. Inserting the following new subheading and text in the ODPs:

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.

81. I note that these amendments are also consistent with changes agreed and included in the decision on Plan Change 69 (Lincoln). I am satisfied that these amendments are appropriate to address the concerns raised, particularly given that I understand them to be supported by the Ministry of Education.
82. In terms of the pressure that the Plan Change will place on other community services and facilities, I agree that the approval of the plan change would result in the need for the providers of these types of services to consider additional planning and provisions of these services. However, unlike provision of sites for schools, I do not consider that these other community facilities and amenities are matters that can be directly addressed through this plan change; nor do I consider that the impacts are particular to this plan change and would arise in relation to any further growth of the Township.
83. Overall, I consider 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.

Soils

Submissions

84. J. Horne (PC81-0009 & PC82-0017) is concerned about the loss of prime growing and producing land resulting from residential development. Similarly, in relation to PC82, J. Munro (PC82-0006) is concerned about good viable land being fragmented for housing. CCC (PC81-0007 & PC82-0014) notes that proposed National Policy Statement for Highly Productive Land (pNPS-HPL) identifies fragmentation of productive land as a national resource management issue which needs to be addressed to enable the availability of highly productive land for primary production now and for future generations. It considers that a detailed assessment of

how each proposed plan change would impact the enduring economic and natural resource value of versatile soils is required.

85. Environment Canterbury (PC81-0008) states in relation to PC81 that “*The entirety of this site has featured Hazardous Activities and Industries List (HAIL) activity A10 – Persistent Bulk Use or Storage.*” It notes that the Preliminary Site Investigation (PSI) did not directly address this activity and consider that further information is required to understand the presence and concentrations of contaminants. In terms of PC82, (PC81-0015) it notes that the Site features HAIL activities, and supports the identification in the PSI that these sites be further investigated and remediated if required. It notes that the proposed development (of both sites) would trigger a requirement for consent under the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NESC), and consider that the site should be investigated by a suitably qualified and experienced person, noting that remedial and site validation works may be required.

Analysis

86. In terms of the appropriateness of the site as growing land, I note that the site is not identified as containing any Class 1, 2 or 3 soils under the Land Use Capability system. Therefore I do not consider the loss of land from rural production is of particular relevance to this plan change.
87. With regards to contamination, I note that both Requests included a PSI⁴⁰ which have been reviewed by the contaminated land team at Environment Canterbury. They agree with the recommendations for a DSI to be undertaken for each Site, in accordance with the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NESC), to assess the HAIL activities identified, prior to large scale earthworks being undertaken or construction beginning. They further note that if the DSI identifies that any contaminants exceed the relevant soil contamination standards, a remedial action plan and site validation report should be provided to the Council detailing how the remediation should occur and confirming that it was successful.
88. I accept this advice and note that the mechanism for managing this is through the NESC. My understanding of the NESC is that this applies to any subdivision or change in the use of a piece of land, and therefore would apply to the type of land use change facilitated by the Request. This will include a requirement for a DSI to be undertaken prior to development, which may include identification of remedial and site validation works. I am comfortable that this is a matter that can be addressed and managed through the NESC resources consent process and that it is not a matter that precludes the rezoning of the site for more intensive residential purposes. For completeness I also note that while this matter was raised in Environment Canterbury’s submission, I have not understood them to consider that in itself it would make the rezoning inappropriate.
89. On the basis of the PSI and review comments from Environment Canterbury, I am satisfied that there are no contaminated land matters that preclude the rezoning of the site for residential purposes.

⁴⁰ Appendix C to the PC81 Request; and Appendix 5 to the PC82 Request.

Environmental Quality

Submissions

90. The following submission points summarise concerns raised by submitters about the impact that the plan changes will have on the amenity or environmental quality of the surrounding areas:
- a. The lack of assessment of effects in terms of landscape, visual, amenity values and reverse sensitivity on 890 Selwyn Road (PC81 only).⁴¹
 - b. The impact of construction noise, machinery, dust and heavy vehicles on the surrounding residents.⁴²
 - c. The additional noise and light pollution on the local community.⁴³
 - d. The impact that the plan change will have on houses purchased for their semi-rural aspect (PC82 only).⁴⁴
 - e. The consequential impact of the plan change on property prices/saleability of and future planning for other properties (PC82 only).⁴⁵
 - f. The increased density resulting in increased crime, including fear of loss of stock or equipment (PC82 only).⁴⁶
 - g. Obstruction of views (PC82 only).⁴⁷
91. With respect to dust, M. & J Douglas (PC81-0001 & PC82-0005) request that should PC81 or PC82 be approved, that dust mitigation measures such as barriers and use of water, be required, as well as widening and sealing of the whole of Edwards Road. In the alternate, they seek that their property be included in the plan change.
92. Stonehenge Trust (PC82-0010) support PC82 in principle, but seek that effects that the development will have on rural activity are minimised, including consideration of how the effects on farming at the urban/rural boundary can be managed. It suggests this through either rezoning of the land south of Edwards Road to a rural residential or inner plains zoning as adopted on Rolleston's other rural urban boundaries; or that measures are taken to minimise the impact of the development on uses south of Edwards Road.

Analysis

93. The PC81 Request includes a Landscape and Urban Design Assessment,⁴⁸ and the PC82 Request includes an Urban Design Statement and Visual Assessment.⁴⁹ Mr Nicholson has provided a peer

⁴¹ T. Croucher (PC81-0005).

⁴² M. & J. Douglas (PC81-0001 & PC82-0005), C. McConachy (PC82-0004).

⁴³ J. Horne (PC81-0009 & PC82-0017).

⁴⁴ M. Green (PC82-0002), K. Green (PC82-0003).

⁴⁵ M. Green (PC82-0002), K. Green (PC82-0003), McConachy (PC82-0004).

⁴⁶ M. Green (PC82-0002), K. Green (82-0003), McConachy (PC82-0004).

⁴⁷ C. McConachy (PC82-0004).

⁴⁸ Appendix E to the PC81 Request.

⁴⁹ Appendix 3 to the PC82 Request.

review of both assessments.⁵⁰ He considers that the effects of the proposed plan changes on the landscape character from an open rural character to a residential subdivision would have a “moderate-high” impact.⁵¹ He also considers that the visual impact from the viewpoints on Dunns Crossing Road and Selwyn Road would be moderate.⁵² In relation to the mitigation measures proposed in the assessment, he states that the mitigation measures proposed maybe positive features of the proposal, but he does not consider several of them to mitigate landscape and visual impacts. He also raises concerns that some of the proposed mitigation are not proposed to be implemented through the Plan Change and cannot be relied upon.⁵³ In relation to PC81, he further notes that “*MM4 provides some mitigation for the on Selwyn Road but fails to address the community severance or lack of passive surveillance created by lack of access onto the road.*”⁵⁴

94. Further to Mr Nicholson’s assessment, I note that the Landscape and Urban Design Assessment included in the PC81 application states that the development will modify the landscape from a semi-open and agricultural character to a denser and more suburban character.⁵⁵ It goes on to say that aspects of rural character, as well as open character can be maintained through mitigation measures, such as fencing types/position and landscape planting. I note that the listed mitigation measures include things such as restricting solid fencing, but I note that the MDRS does not include restrictions on solid fencing. The assessment also states that: “*The character of existing housing is typically single storey detached dwellings, which the proposal intends to continue.*” However, I note that the MDRS allows for buildings up to 3 storeys in height. In my view, there is limited mitigation that can be used to address the change from the existing rural character, and the retention of any ‘open’ character will only be insofar as can be achieved through the ODP measures, and to the extent that the MDRS standards provide for this. Put simply, the Plan Change will result in a change in character, and the question is more, whether taking into account other factors, the change is appropriate.
95. In general, any expansion to an urban area will alter people’s experience of that area and in my view, it is not reasonable to expect that townships remain static. I note that the NPS-UD expressly anticipates that urban environments, including their amenity values, will develop and change over time.⁵⁶ I do not consider that the RMA, or the District Plan requires protection of the amenity derived from the current use of the Sites. This includes the current views people may have across these Sites. Mr Nicholson similarly notes that changes to amenity values such as landscape character and visual amenity need to be balanced against the positive effects of increased housing supply and choice, and are not, of themselves, an adverse effect.⁵⁷
96. With reference to noise and lighting in particular, I accept that additional noise and light will result from development of the Site under a residential zoning. However, I note that the District Plan manages noise and light levels to achieve an appropriate level of residential amenity, and I do not consider that the increase in noise and light to be sufficiently adverse to warrant rejection of the plan change.

⁵⁰ Hugh Nicholson, ‘Statement of Evidence on Hugh Anthony Nicholson, Urban Design and Landscape’, August 2022.

⁵¹ At 13.4 and 19.4.

⁵² At 13.6 and 19.5.

⁵³ Mr Nicholson, at 13.7 and 19.7.

⁵⁴ Mr Nicholson, at 13.7

⁵⁵ PC81 Request, Appendix E, page 10.

⁵⁶ Objective 8.

⁵⁷ Mr Nicholson, at 13.8 and 19.8 and 20.5.

97. I consider that effects resulting from construction can be appropriately managed either through existing mechanisms – including the control of noise through the NZ Standard for construction noise; management of dust through requirements under the Regional Land and Water Plan; and through subdivision consent conditions relating to the construction phase. I consider that any potential for increase in crime is not a matter relevant to consideration under the RMA.
98. In relation to the property at 890 Selwyn Road, I note that the Landscape and Urban Design Assessment identifies the “view west from 890 Selwyn Road” as a key viewpoint. The assessment of effects on visual amenity does not go on to explicitly consider this property, on the basis that it considers viewpoints on public land, as close as possible to existing dwellings. As such the assessment relating to Selwyn Road refers to vehicle users, pedestrians and cyclists along Selwyn Road, noting the view will be open. Mr Nicholson notes that the visual impact on 890 Selwyn Road would be low given the distance of the residence from the site and the screening, but that impact on the landscape character of 890 Selwyn Road would be moderate reflecting the change from a rural to a suburban setting. However, he also notes that PC70 if approved would have a greater effect on the landscape character of 890 Selwyn Road.⁵⁸ In relation to the latter, I note that the property is within the Urban Growth Overlay in the PDP. While retaining an underlying General Rural zoning, the Overlay is used to indicate areas broadly considered suitable for residential development in future, to help meet demands for housing. Based on this, and Mr Nicholson’s comment, I do not consider the effects on this property to be a barrier to the rezoning of the PC81 site.
99. Overall, I consider that the types of adverse effects raised in these submissions are not of such significance as to preclude the rezoning of the site.
100. With respect to the rezoning of the land south of Edwards Road to a rural residential or inner plains zoning, it is my view is that they fall outside the scope of the PC82 Request and therefore the rezoning cannot be considered through this process. This is because the Request relates to the land parcels identified in the Request and does not include the additional parcels identified by this submitter. As a consequence, parties who are potentially affected by the additional rezoning sought would not have understood, upon notification of the Request, that the proposal would include rezoning of the additional land. Notwithstanding this, the Request also included detailed assessment of the potential impacts of the zoning change, including various technical reports. I consider that further assessments would be required in order to appropriately consider rezoning of the additional land parcels. As such, even setting aside scope, I consider that the consideration of the appropriateness of rezoning of this site – including whether they meet the threshold of providing significant development capacity – is more appropriately considered through a separate plan change process.

Reverse Sensitivity

Submissions

101. J. Horne (PC81-0009 & PC82-0017) is concerned about the impacts that noise and smell from the RRP and WWTP may have on the proposed residential living environments. In relation to PC82, J. Munro (PC82-0006) is also concerned about building close to these facilities and Environment Canterbury (PC82-0015) remain concerned, despite the setbacks proposed, that residential development of the land could give rise to reverse sensitivity, particularly with regard to the planned expansion of the WWTP and RRP. It notes that these facilities comprise important strategic infrastructure for the Selwyn District and that CRPS Policy 6.3.5(3) seeks to

⁵⁸ Mr Nicholson, at 14.4.

ensure the efficient and effective functioning of infrastructure is maintained, and the ability to maintain and upgrade that infrastructure is retained.

102. NZDF (PC82-0011) notes that the Burnham Military Camp is defined as both strategic and regionally significant infrastructure, with the CRPS directing that new development does not affect the efficient operation, use, and development of strategic/regionally significant infrastructure. This includes the need to avoid the encroachment of sensitive activities into rural areas that may result in reverse sensitivity effects on regionally significant infrastructure. It states that the Camp hosts a wide variety of activities and that reverse sensitivity can be a major challenge to the continued operation of NZDF's facilities. As such, it seeks to ensure that the operation of the Camp is not affected by PC82 and resulting increase in residential and commercial development in the surrounding area. It requests that if PC82 is accepted that a no-complaints covenant be applied to all new titles created, as a simple low-cost method of managing and avoiding reverse sensitivity effects and placing potential new landowners on notice about the effects from the Camp.

Analysis

103. My understanding of reverse sensitivity is that it occurs where the actual or perceived effects of an established activity on a new activity that is sensitive to those effects, leads to impacts on the existing activity, for example further constraints being placed on it to reduce effects on the sensitive activity/ies.
104. With respect to the Burnham Military Camp, in my view the Camp is sufficiently distant from the PC82 Site, in addition to being separated from it by a state highway and railway line, such that I consider reverse sensitivity effects are unlikely to arise. I therefore do not consider that a no-complaints covenant is required.
105. I note that as part of PC73, consideration was given to potential reverse sensitivity effects arising from the development of the Skellerup Block; being the Site located to the north of PC81. This included technical assessments on noise and odour and did not identify concerns about reverse sensitivity arising in relation to development of that Site. Given the PC81 Site is further away from the RRP and WWTP, I do not consider that there is any supporting evidence that reverse sensitivity effects are likely to arise in relation to the PC81 Site.
106. With respect to the PC82 Site, I note that the applicant proposes an 'Odour Constrained Area', based on that proposed by the applicant for PC73, with a related rule requiring that residential buildings be located outside this area. This applies a 600m setback from the active composting area within the RRP. A rule is also proposed requiring that no residential allotments are created within 1500m of the WWTP buildings prior to the sooner of: Council Certification that specific approvals have been obtained for the upgrade of the plant; or 31 December 2025. I note that the applicant for PC82 has relied on the assessments provided with PC73 to justify the appropriateness of this buffer. The reason that PC73 was declined included concerns about the potential reverse sensitivity effects.⁵⁹
107. Ultimately, I consider that the same issues arise in relation to PC82 as they do to PC73. These have been considered again specifically in relation to PC82, and as set out below, noting that while the evidence has been prepared for PC82, much of it repeats that of PC73.

⁵⁹ Recommendation by Commissioner David Caldwell on Plan Change 73. Discussion from paragraph 124 to 230, and conclusion in paragraph 510.

108. Mr England's evidence includes a general overview of the activities operating at the WWTP in Rolleston and their location, so as to assist in understanding the potential effects at both the interface between the WWTP and the PC82 Site, as well as the potential for reverse sensitivity effects to arise as a result of the WWTP's operations. Mr England outlines the upgrades planned for the WWTP, noting that *"The Pines WWTP is significant infrastructure and its ongoing expansion is critical to allow for the future growth of Rolleston and the other townships the plant treats"*.⁶⁰ He therefore considers it critical that the Request does not result in any reverse sensitivity effects that would obstruct the planned upgrading of the WWTP or lead to an increase in odour or other complaints relating to the Pines WWTP. He notes that the consequence of such obstructions would be insufficient wastewater treatment capacity to provide for additional growth, including the Site.⁶¹
109. As a consequence of his concerns, Mr England seeks that measures are put in place to avoid reverse sensitivity issues arising from sensitive activities (including residential activities) establishing on the PC82 Site. He considers that one way that this could be achieved is through the imposition of a setback area within the PC82 Site.⁶² Mr England also generally supports the restriction on the creation of allotments within 1500m of the WWTP prior to the sooner of: Council Certification that specific approvals have been obtained for the upgrade of the plant; or 31 December 2025, but seeks that further certainty is provided through an extension to the date.⁶³ However, he remains concerned that the above measures would not address the potential for complaints after regulatory approvals are obtained, or the timeframe specified.⁶⁴
110. Mr Boyd, the Council's Solid Waste Manager, provides details of the operations associated with the RRP to assist in understanding the potential for reverse sensitivity effects to arise as a result of the RRP's operations.⁶⁵ He notes concerns that:
- the development of residential activities near to the Recovery Park would result in reverse sensitivity issues that would affect the ongoing operation of the Recovery Park – classified as a core Council service under the Local Government Act, as well as to residents and business. By being the district's sole site designated for reducing waste to landfill, the Recovery Park is a key facility for Selwyn to meet its obligations under the Zero Carbon Amendment Bill.*⁶⁶
111. Mr Boyd considers that the odour assessment (being that included in the PC73 application, upon which the PC82 application relies) does not adequately take into account the volumes of composting consented at the RRP and considers that the proposed separation distances should be increased to ensure an appropriate distance is achieved between the RRP and the Plan Change site⁶⁷. He states that *"if the setback distances are not sufficient, residents living close to the Recovery Park will invariably complain about real or perceived odour issues, resulting in significant costs, either to enclose or relocate the facility"* and suggests adopting a setback distance more in line with the Victoria EPA guideline separation distances.⁶⁸

⁶⁰ Mr England, at 32.

⁶¹ Mr England, at 33.

⁶² Mr England, at 34.

⁶³ Mr England, at 36.

⁶⁴ Mr England, at 37-38.

⁶⁵ Andrew Boyd, 'Officer Comments of Andrew Boyd', 11 August 2022.

⁶⁶ Mr Boyd, at 5.

⁶⁷ Mr Boyd, at 30-31.

⁶⁸ Mr Boyd, at 44.

112. Mr Boyd also suggests that a further way to reduce reverse sensitivity effects could be via rules requiring that no-complaints covenants are registered on sites within the PC82 Site in favour of the Council in relation to operations at the RRP.⁶⁹
113. Mr Bender, who reviewed the odour assessment and provided evidence on PC73, has also provided evidence on PC82.⁷⁰ Mr Bender notes that, in order to address potential reverse sensitivity effects of the Request, the applicant's odour assessment has relied primarily on separation distances between the Site and various odour producing activities - being the WWTP and the RRP. Mr Bender, having reviewed the proposed setback distances, considers that:
- a. The separation distances between the PC82 Site and the WWTP, including the areas of application of biosolids and treated wastewater to land, *"should provide sufficient separation from the odour generating activities from a well-designed and well-run WWTP"*.⁷¹
 - b. The separation distance from the composting operations adopted in the odour assessment and applied as an Odour Constrained Area within PC82 is not appropriate.
114. With respect to the latter, Mr Bender has identified and considered recommended separation distances from a range of sources which are contained in guidelines. He notes that the proposed separation distance of 600m from the active composting area of the PRRP is significantly less than the separation distances recommended by various international authorities for a composting facility of the size and type of the PRRP.⁷²
115. Mr Bender accepts that the separation distances are guidelines only and lower separation distances may be adequate depending on other factors.⁷³ He has therefore also considered the site specific assessments undertaken as part of the resource consent process for the RRP, noting that its operations, as described in the application documents and related odour and dust management plan, *"were developed to ensure that the site can operate without generating adverse off-site air quality effects."*⁷⁴ He therefore accepts that the site "should" be able to operate without resulting in offensive odours beyond the proposed 600m separation distance. However, he notes that in practise "upset conditions" may occur, and in his view, the increased density of housing proposed in PC82 would increase the sensitivity of the receiving environment and could therefore contribute to additional odour complaints arising from any incident.⁷⁵ He also notes that even well-managed composting operation will have odour which may not be particularly offensive in a rural residential area but would likely be offensive to some people in a more densely populated residential area. He notes that the strength of this odour will be proportional to the amount of compost processed onsite and therefore considers it more appropriate to determine separation distances from the composting area as a whole, including the area for maturing/aging of compost.⁷⁶

⁶⁹ Mr Boyd at 45.

⁷⁰ Chris Bender, 'Memorandum: Plan Change 82 – Odour Assessment Review', 17 August 2022.

⁷¹ Mr Bender, at 16.

⁷² Mr Bender, at 26 and 35.

⁷³ Mr Bender, at 26.

⁷⁴ Mr Bender, at 28-30.

⁷⁵ Mr Bender, at 30.

⁷⁶ Mr Bender, at 31.

116. Mr Bender also notes that a potential outcome from intensification of residential development beyond the proposed 600m buffer is that it could lead to future requirements for the composting facility to adopt more expensive composting technologies.⁷⁷
117. Overall, he concludes that the proposed Odour Control Setback Area is insufficient to avoid the potential for reverse sensitivity effects on the RRP.⁷⁸
118. Based on Mr Bender's review, as well the concerns raised by Mr Boyd, I consider that the currently proposed distance of 600m from the RRP is not sufficient to ensure that the potential reverse sensitivity effects arising from the proposed rezoning will be adequately avoided or mitigated.
119. I have also considered the potential for no-complaints covenants to be used as a further measure to mitigate potential reverse sensitivity effects. I note that no complaints covenants are private matters and therefore while a landowner may be subject to such a covenant, they can ultimately still make a complaint and the relevant authority would be required to investigate and act on the complaint regardless of the covenant. While the Council, as the beneficiary of the covenant could then separately seek to enforce it, it would not stop either the district or regional council from having to act on complaints made. As such, my view is that no complaints covenants may assist, but only somewhat, in addressing potential reverse sensitivity effects, and therefore if used, should only be used in addition to other measures.
120. Overall, I have concerns that in its current form, the Request does not adequately avoid reverse sensitivity effects on the RRP, and has the potential to frustrate the consenting and ultimately the delivery of the proposed expansion to the WWTP that is required to service this Site as well as other planned areas of growth.

The Form of Urban Growth

Submissions

121. A number of submitters⁷⁹ have raised concerns about the form of urban growth, from the perspective of inconsistency with the CRPS and NPS-UD. As they relate more to the assessment of the Request against relevant statutory documents, they are set out and discussed in section 7 of this report. This section of the Report therefore more specifically considers the potential effects of the Request in terms of the change in the urban form of Rolleston.
122. M. & J. Douglas (PC81-0001 & PC82-0005) are concerned that that the rezonings would remove the existing gradual buffer between the suburban, semi-rural and rural nature, and would result in an isolated island. T. Croucher (PC81-0005) is concerned, in relation to PC81, that the site is not adjacent to the exiting township, and considers that until the Rolleston Structure Plan (RSP) is updated, provision for ad hoc plan changes will significantly hinder the ability for Council to provide for a well-functioning urban environment. L. Woltersdorf (PC81-0003 & PC82-0009) considers that the RSP is still relevant, and as there is undeveloped land still within the RSP boundaries, considers there is no need to develop beyond Dunns Crossing Road. Conversely, Hill Street Ltd (PC81-0004 & PC82-0012) considers that that eventual development to Selwyn Road to the south and Edwards Road to the west (or south-west) would create sensible edges,

⁷⁷ Mr Bender, at 32.

⁷⁸ Mr Bender, at 37.

⁷⁹ CCC (PC81-0007 & PC82-0014), Waka Kotahi (PC81-0006 & PC82-0013); Environment Canterbury (PC81-0008 & PC82-0015).

provide additional housing options, and form part of a logical extension to Rolleston while maintaining a consolidated urban form for the future.

123. With respect to density, T. Croucher (PC81-0005) is concerned, in relation to PC81, that the ODP is contrary to the Design Principle 4 in the RSP which promotes higher density at nodal points, matching population density with centres of activity and high amenity, due to density proposed on site and distance to town centre, comparative to closer, lower density zones. L. Woltersdorf (PC82-0009) is also concerned in relation to PC82 that the Site is opposite larger sections which have rural character, and which are greatly enhanced by the undeveloped nature of the PC82 site. She considers that developing the land will destroy this character. In her view, there are other sites more suitable for higher density housing.
124. Environment Canterbury (PC81-0008 & PC82-0015) considers that the suitability of both Sites for urban development would be more appropriately considered through the comprehensive spatial planning exercise already initiated by the Greater Christchurch Partnership, rather than through ad hoc and individual assessments via private plan change requests. It considers that this would ensure that the benefits and implications of urban growth around Rolleston are appropriately weighed against alternative spatial growth scenarios such that sufficient development capacity is enabled at a Greater Christchurch level in a manner that best delivers the outcomes sought by the shared vision established through the Partnership.

Analysis

125. For context, I note that the PDP includes an 'Urban Growth' chapter, the overview to which outlines that the chapter is intended to assist in meeting demands for housing and business opportunities to support growing community needs. New urban areas have an underlying General Rural zoning, but are identified within an 'Urban Growth Overlay' (UGO). UG-P2 directs that the rezoning of land to establish new urban areas within the UGO is provided for; while UG-P3 directs the avoidance of zoning of land to establish new urban areas/township extensions outside this UGO. My understanding is that the UGO is intended to generally identify areas for future growth, while still requiring that these areas go through more specific rezoning processes before they can be developed for urban purposes. In Rolleston, the parcels of land identified within the UGO are shown (in yellow hatching) in Figure 3 below.

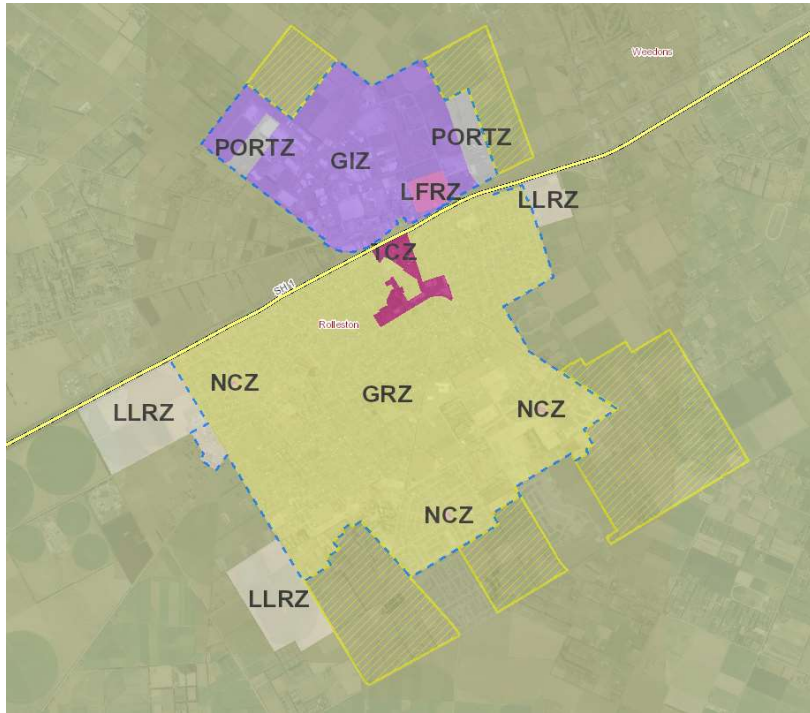


Figure 3 – Proposed Selwyn District Plan

126. As noted earlier, my understanding is that there is no specific requirement to consider PC81 and PC82 against the PDP. The hearings for the PDP commenced in the second half of 2021, and I understand that an overall recommendation report is expected to be released following the conclusion of the hearings in 2023; therefore its provisions are subject to change. However, I consider that the Site's location outside areas anticipated for further urban intensification further reinforces that increased density of the Site is not currently anticipated in future growth planning of Rolleston.
127. Mr Nicholson has also considered the urban design effects in relation to the urban form of Rolleston.⁸⁰ This addresses, in broad terms, various matters raised in the submissions set out above. His view is that rezoning the PC81 Site would result in an 'island' urban form surrounded on four sides by rural or rural residential land uses;⁸¹ that it would not contribute to a consolidated urban form and would have poor connectivity with Rolleston.⁸² Even if PC70 is approved, he considers that this would still be the case. In terms of accessibility, he considers the Site would have a low level of accessibility to public services and facilities.⁸³
128. With respect to the PC82 Site, Mr Nicholson considers that the rezoning would result a 'peninsula' urban form surrounded on three sides by rural or rural lifestyle land uses.⁸⁴ He also considers that it would have a low level of connectivity with Rolleston and would not contribute to a compact urban form.⁸⁵ In his view, the Site would have a moderate level of accessibility to

⁸⁰ Hugh Nicholson, 'Statement of Evidence of Hugh Anthony Nicholson – Urban Design and Landscape', August 2022.

⁸¹ Mr Nicholson, at 10.1.

⁸² Mr Nicholson, at 10.5.

⁸³ Mr Nicholson, at 11.9.

⁸⁴ Mr Nicholson, at 16.1.

⁸⁵ Mr Nicholson, at 16.3.

public services and facilities, noting that it is reasonably proximate to the town centre, but that some houses within the Site would be more than two kilometres from the primary road exit.⁸⁶

129. While acknowledging for both sites that connectivity would be improved if the land between the sites was also rezoned (being the Skellerup Block, and as was proposed through PC73), he considers that it is not the only option for the growth of Rolleston; nor does he consider that these plan changes can rely on rezoning the surrounding areas of land in order to provide a compact urban form or good connectivity.⁸⁷
130. With respect to the locating higher density at nodal points, I note, as has Mr Nicholson, that the approach taken in the RSP has in effect been superseded by of the Amendment Act, which requires that MDRS provisions be applied in every relevant residential zone. While higher density (i.e. greater than the MDRS standards) could be provided at nodal points, there is not an ability to provide for lower density in residential zones at the edge of Townships.
131. 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.

Geotechnical and Ecological Considerations

132. The Requests also included geotechnical assessments of the appropriateness of the land for residential development.⁸⁸
133. The geotechnical assessments were peer reviewed by Mr Ian McCahon of Geotech Consulting Ltd and that review is attached as **Appendix 1** to this report. In relation to both plan changes, the peer review states that Mr McCahon agrees that the Sites are geotechnically “benign” and that he generally agrees with the conclusions reached in the reports. In relation to PC81, he states, in addition:

This site is geotechnically “benign” and we generally agree with the conclusions reached in the report. The wider area is known to be underlain with deep gravel from a shallow depth. We consider that the extent of the testing referenced is adequate for the particular soil profile present to demonstrate the geotechnical suitability of the site area for plan change consideration.

We agree that there is minimal liquefaction hazard and the site is equivalent TC1 land. We conclude that the investigations are adequate and conclusions are appropriate to the site and proposed rezoning. Site testing is essential at subdivision consent stage.

134. In relation to PC82, he considers that the assessment, including the responses to the Council’s request for further information, “provides sufficient information to demonstrate the general geotechnical suitability of the land for development and thus supports the plan change application”.

⁸⁶ Mr Nicholson, at 17.1 - 17.9.

⁸⁷ Mr Nicholson, at 10.6 and 16.6.

⁸⁸ Appendix B to the PC81 Request; and Appendix 4 to the PC82 Request.

135. PC81 also included as an ecological assessment,⁸⁹ while comments on ecological matters were provided in the response to a further information request on PC82.⁹⁰
136. The ecological assessments were reviewed by Dr Greg Burrell of Instream Consulting⁹¹.
137. In relation to PC81, he notes that the assessment identifies a water race, soak hole and two ponds on the Site, and that the assessment states that the aquatic ecology values on the Site are likely low, due to the artificial and modified nature of the waterways, and the fact that the water race is at the end of a long network. While the assessment notes that the ecological state of the waterway could be verified by undertaking an ecology field survey, Dr Burrell notes that the ODP assumes decommissioning of the water race, rather than referring to further ecological assessment. While Dr Burrell agrees that ecological values associated with waterways on the PC81 site are likely to be low, he considers that this should be confirmed by an ecological assessment, particularly given the possibility that the ponded areas could be wetlands, and as such subject to the National Policy Statement for Freshwater Management 2020 and the National Environmental Standards for Freshwater 2020. He therefore recommends that
- ...the ODP text regarding the existing water race should be changed to better reflect the sentiment of the application documents that support it. In particular, the ODP text should include words to the effect that prior to subdivision, a field-based ecological assessment should be carried out to confirm ecological values. The assessment should include recommendations about whether any wetland features on the property should be retained, plus guidance on ecological enhancement and waterway realignment. The subdivision layout should be amended to incorporate results of the ecological assessment, if necessary.*
138. On this basis, I consider that should PC81 be approved, the ODP text should be amended to reflect Dr Burrell recommendation. This does not preclude the rezoning, but ensures that if there are ecological values that should be protected, these can be taken into account at provided for at the time of subdivision.
139. In relation to PC82, Dr Burrell agrees with the ecological comments that the water race on the Site may support moderate ecological values. He agrees in broad terms with the proposed text in the ODP which relates to further investigation of the water race, and its potential naturalisation and integration into the residential development, but considers that it should be reworded to require further investigation of ecological values. Again, I consider that should PC82 be approved, the ODP text should be amended to reflect Dr Burrell recommendation.
140. Mr England also comments the water race from an asset management perspective, noting that there are a number of ways to treat the water race, including incorporating the race within the development, closing the race, diverting the race, or piping the race. He considers that this treatment can be determined at the subdivision consent stage.⁹² I consider that this provides flexibility for different options for the future management of the water race, to cater for any ecological considerations.

⁸⁹ Appendix F to the Request.

⁹⁰ Appendix A to the Request for Further Information Response.

⁹¹ Dr Greg Burrell, 'Memorandum: Review of Ecological Assessment for PC81 Rolleston', 11 August 2022; and 'Memorandum: Review of Ecological Assessment for PC82 Rolleston', 11 August 2022.

⁹² Mr England, at 47-49.

141. On the basis of the technical reports and the conclusion of the peer reviews, I am satisfied that there are no geotechnical or ecological matters that preclude the rezoning of the site for residential purposes.

Other Matters

Submissions

142. L. Field (PC82-0007) states that he lives and farms on Edwards Road and will be directly impacted by PC82. However, the submission contains no other details.
143. M. & J. Douglas (PC81-0001 & PC82-0005) and J. Horne (PC81-0009 & PC82-0017) consider that the same reasons that PC73 was declined also apply to PC81 and PC82, and therefore PC81 and PC82 should be declined on the same basis. M. Green (PC82-0002), K. Green (PC82-0003) and T. & K. Parker (PC82-0001) also raise this in relation to PC82.

Analysis

144. Given the lack of detail in L. Field's submission I am not able to provide any comment on it.
145. In relation to the relevance of the findings of PC73, in my view, the fact that PC73 was declined does not automatically mean that these plan changes should be declined, if the matters on which PC73 were declined can either be overcome, or are not applicable in the same way to these plan changes. However, in considering the various effects arising from both PC81 and PC82, I do consider the matters relevant to why PC73 was declined are also relevant to PC81 and PC82, when they are considered on their individual merits.

7. Statutory Analysis

Functions of Territorial Authorities

146. The functions of Council as set out in s31 of the RMA include the establishment, implementation and review of objectives, policies and methods to:
- a. achieve integrated management of the effects of the use, development and protection of land and associated natural and physical resources; and
 - b. control any actual or potential effects of the use, development or protection of land.
147. The application states that the plan change accords with these stated functions, providing for the use and development of land for residential activities as an extension of an existing residential area, and with only such amendments as are necessary to recognise the site and the proposed ODP. It states that the proposed ODP provides the methods for Council to manage potential effects of this activity and demonstrates an integrated management approach. I agree broadly with this assessment, while noting that changes to the ODP and additional measures are recommended in the report to better address identified issues, should the plan change be granted.
148. I note that another of the Council's functions (under s31(1)(aa) of the RMA) is to ensure that there is sufficient development capacity in respect of housing and business land to meet the expected demands of the district. As will be expanded on this section, I consider that the plan

change is not necessary to provide sufficient housing development capacity and therefore is not necessary for the council to meet this aspect of its functions under the RMA.

Part 2 Matters

149. Under s 74(1)(b), any changes to the District Plan must be in accordance with the provisions of Part 2 of the RMA. This sets out the purpose of the RMA (s5), matters of national importance that must be recognised and provided for (s6) and other matters that particular regard is to be had to (s7).
150. Notwithstanding that the Council has notified a proposed District Plan, I consider that the purpose of the Act is 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. Rather, PC81 and PC82 seek to change the Plan's zoning pattern. The appropriateness of the purpose of the plan change in achieving the purpose of the RMA is also a requirement under s32, which is considered below.

Statutory Documents

151. As noted earlier, the District Plan (including as amended by any plan change) must:
- a. give effect to any operative national policy statement (s75 (3)(a)) and any regional policy statement (s75 (3)(c));
 - b. have regard to any management plan or strategy prepared under other Acts (s74 (2)(b)(i));
 - c. take into account any relevant planning document recognised by an iwi authority and lodged with the territorial authority, to the extent that its content has a bearing on the resource management issues of the district (s75(2A)); and
 - d. must not be inconsistent with any regional plan (s75(4)(b)).
152. The content of these documents as they relate to PC81 and PC82 is discussed in the applications and set out further below.

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

Application – PC81

153. The applicant has identified the provisions within the NPS-UD that they consider are relevant to this proposal, and included an assessment against them.⁹³ It states:

The proposed Plan Change is generally consistent with the objectives and policies of the NPS-UD, noting that the proposal will retain a relatively compact urban shape and well-functioning urban environment, with an extension of an existing zone. The site is able to be serviced adequately and will allow for both land use and transport efficiencies.

154. The applicant's assessment is that PC81 is unanticipated by the District Plan and CRPS, but engages with Policy 8 as it would add significantly to development capacity and contribute to a well-functioning urban environment.

⁹³ PC81 - Attachment 5: Section 32 Evaluation, pp. 44-51 and Table 8.

155. With regard to the significance of the development capacity, they state that the enablement of up to 350 additional dwellings by the proposed Plan Change represents up to 4.5% of the existing dwellings in Rolleston and 1.4% in the District, which would in turn provide 3.8% of Rolleston's and 1.2% of the District's housing stock in 2027. In addition, they state that the current supply of land for residential growth at Rolleston has been largely developed already.

Application – PC82

156. The applicant has identified the provisions within the NPS-UD that they consider are relevant to this proposal, and included an assessment against them.⁹⁴ It states that the proposal:
- a. Will consolidate the residential area close to the town centre and to public transport links;
 - b. Adds significantly to land and housing supply, providing housing choice that in turn supports housing affordability;
 - c. Can be serviced within the capacity of existing and planned public infrastructure.
 - d. Due to its accessibility and the increasing self-sufficiency of Rolleston, will reduce the need for private vehicle trips, reducing potential for greenhouse gas emissions.
157. With regard to the significance of the development capacity, it states the proposal is expected to add 1320 lots to the housing supply for Rolleston, being an additional 24% to the number of dwellings existing in Rolleston existing as at 2018.

Submissions

158. Waka Kotahi (PC81-0006 & PC82-0013) notes that recent decisions have considered the interface between the NPSUD and CRPS. It states that if PC81 does not *"align with the intentions of"* the NPSUD and the provisions of the CRPS then it may necessitate further consideration of the approval of the proposal. It notes that the Sites are outside the Projected Infrastructure Boundary and identified FDAs, and states that *"In general, locations within the Projected Infrastructure Boundary will have in place a longer-term plan to provide accessibility to employment and key services that supports the wellbeing of a community"*. Further, it considers that it is most desirable to prioritise developments within these the Projected Infrastructure Boundary and identified FDAs in order to *"promote a sustainable, consolidated centres-based urban growth pattern for the district."*
159. CCC (PC81-0007 & PC82-0014) notes that the plan changes are 'unanticipated' by RMA planning documents, given they are outside the Projected Infrastructure Boundary in Map A of the CRPS, and have not been included as a future development area in PC1 to the CRPS. However, it considers that the Plan Changes are not consistent with Policy 8 of the NPSUD as in their view neither proposal provides significant development capacity nor contributes to a well-functioning urban environment. It considers that they will therefore not give effect to the NPSUD and in its view must both be declined. In terms of development capacity, it considers that significance needs to be considered in terms of the needs of the local community that it is intended to support. It notes that the Greater Christchurch Housing Development Capacity Assessment (HDCA) identifies a short-fall of capacity in the medium term, but notes that this has been reduced by the approval of in other private changes. With respect to PC81 they note

⁹⁴ PC82 - Attachments 12 and 12A.

that the HDCA also does not take into account the capacity enabled by the introduction of the MDRS and do not consider that 350 lots represents significant development capacity.

160. With respect to a “well-functioning urban environment” CCC notes that Policy 1 of the NPSUD provides a minimum of what constitutes a well-functioning urban environment and other factors therefore influence what is a well-functioning urban environment. It considers that the plan changes would compromise the intentionally planned urban environment envisioned in the CRPS, and as it is outside the projected infrastructure boundary and would require the extension of infrastructure to an area otherwise not planned for, it considers it does not support an integrated approach to development. As noted earlier, this includes particular concerns about the downstream effects on the Greater Christchurch transport network in absence of public transport.
161. Environment Canterbury (PC81-0008 & PC82-0015) considers that it has not been sufficiently demonstrated that the plan changes will add significantly to development capacity, contribute to a well-functioning urban environment, or is or will be well connected. In terms of capacity, it states that a significant amount of housing development capacity is already enabled by the CRPS, which takes into account the projected shortfall identified through the Our Space 2018-2048 Greater Christchurch Settlement Pattern Update (Our Space) process. It notes that neither Site has been identified through Our Space of the CRPS as necessary to meet future growth demands in Greater Christchurch over the 30-year period to 2048.
162. In relation to PC81, Environment Canterbury (PC81-0008) considers that the anticipated yield from PC81 will not make a substantial contribution to the housing bottom lines and needs identified in the HDCA, nor is it large enough to support a range of transport modes.
163. Environment Canterbury (PC81-0008 & PC82-0015) also considers that with the inclusion of FDAs through PC1 to the CRPS, there is already sufficient development capacity to meet expected housing demand over the medium term, and also note that the HDCA does not take into account the capacity enabled by the introduction of the MDRS. As such, it does not consider that the PC81 provides significant development capacity, and considers is questionable whether PC82 does so.
164. In terms of a well-functioning urban environment, Environment Canterbury considers that provision of development capacity beyond that planned for and required to meet expected demand needs to be balanced with other responsibilities and functions of local authorities (for example Section 30(1)(ba) and (gb) of the RMA) that require the strategic integration and an efficient and effective provision of infrastructure). While accepting that unplanned/out of sequence development may support competition in land and development markets, it is concerned that it could equally undermine urban form objectives, delay development in growth and urban regeneration areas already identified through the CRPS and thereby underutilise the associated supporting infrastructure in these locations, therefore undermining the achievement of a well-functioning urban environment.
165. In terms of being well-connected along transport corridors, Environment Canterbury notes that MfE guidance relating to the implementation of the NPSUD states that ideally the transport corridors should be connected via a range of transport modes or there should be plans for this in the future, and if possible, private vehicle travel should not be relied on for travel to services and to other urban areas. It considers that :

The ‘well-functioning urban environment’ and ‘well-connected along transport corridors’ criteria signal the importance of considering the location of a proposed development in relation to other

areas and amenities, relative accessibility, and transport infrastructure and / or options, when assessing unplanned development proposals such as this proposed plan change.

166. It also states that the plan changes do not give effect to Objective 6(a) and (b); Objective 8(a); Policy 3; and Policy 6 of the NPSUD.
167. With respect to those parts of the NPS-UD that relate to greenhouse gas emissions, Waka Kotahi (PC81-0006 & PC82-0013) notes that New Zealand has a net zero carbon target by 2050; that the transport sector is a significant contributor to greenhouse gas emissions through carbon emissions resulting from vehicle use; and that greenhouse gas emissions are addressed in Objective 8 and Policy 1 of the NPS-UD. Its submissions also refer to recent transport plans that recognise that multi-modal transport systems, where public transport active or shared modes are the primary choice for travel, provide many benefits in reducing carbon emissions, and identify the need the re-shape towns and cities to reduce reliance on cars. It considers that the Request will *“likely further contribute to the transport associated carbon emissions as there appears to be a reliance on private vehicle use due to the limited job opportunities and local amenities in the Rolleston township, resulting in private vehicle commuter traffic into Christchurch City.”* It further notes that the location of the majority of the Site outside the Projected Infrastructure Boundary means that there is limited planning for provision of improved public transport to support future residents. It seeks that specific consideration is given to whether the plan change is consistent with the provisions on the NPS-UD and what improvements could be made to reduce the contribution of carbon emissions from the Site.

Analysis

168. I consider it important to note that Policy 1 sets out what constitutes (as a minimum), a well-functioning urban environment, and requires that planning decisions contribute to such environments. A well-functioning urban environment must meet all of the criteria in the policy, which includes, of particular relevance to this plan change, that they:
- a. have or enable a variety of homes that meet the needs of different households;
 - b. support, and limit as much as possible adverse impacts on, the competitive operation of land and development markets;
 - c. have good accessibility for all people between housing, jobs, community services, natural spaces, and open spaces, including by way of public or active transport; and
 - d. support reductions in greenhouse gas emissions.
169. In terms of a. and b. above, I consider that both proposals will enable a variety of homes to meet the needs of different households and will support the competitive operation of land and development markets.
170. However, in terms of c., I share the concerns of some submitters, that the proposal will provide limited accessibility between the proposed housing area *and jobs* (my emphasis) by way of active transport. This is because the location of these sites does not provide sufficient local employment to meet the needs for the potential residents and therefore relies on residents travelling for employment. My understanding is that there are not enough employment opportunities within Rolleston itself for the additional households created by the plan changes; and the distance to employment opportunities in Christchurch would therefore mean active transport opportunities are not practicable. In terms of active transport connections and

accessibility by public transport, I also note that Mr Nicholson considers that PC81 would have a low level of accessibility to public services and facilities as a result of poor walkability, difficult cycling conditions and a lack of public transport options.⁹⁵ In terms of PC82, he considers it has a moderate level of accessibility to public services and facilities.⁹⁶ As such I consider that the PC82 Site would have active transport accessibility between the Site and *local* jobs and facilities; (and could likely support public transport); but that the PC81 Site would not.

171. I therefore also agree with concerns raised by submitters that consequently the proposals may not support reductions in greenhouse gas emissions, because it will introduce additional households into an area that is dependent on private vehicle movements. However, in my view, the same situation arises currently in relation to existing zoned land or land identified for future development within Rolleston; it is not a particular feature of these Requests. Therefore, I do not consider the PC82 proposal is contrary to Policy 1 in this regard; but do consider that there are tensions with PC81.
172. In considering this matter, I also note that Our Space seeks to direct additional capacity to Rolleston (as well as Rangiora and Kaiapoi) in order to support public transport enhancement opportunities.⁹⁷ The Requests would therefore be consistent with this direction in broad terms. Our Space also notes that having a compact urban form increases the ability to contribute to the uptake of public transport opportunities, as well as reduced trip distances that enable active modes of transport.⁹⁸ As noted earlier Mr Nicholson has concerns that the rezoning of these Sites would not contribute to a compact urban form.
173. On balance I consider that there is some tension between the proposals and Policy 1, because they would have a low level of connectivity with Rolleston and would not contribute to a compact urban form; but that this is worse for the PC81 Site because it also has a lower level of accessibility.
174. I also note that Objective 6 seeks that local authority decisions on urban development that affects urban environments are integrated with infrastructure planning and funding decisions; strategic over the medium term and long term; and responsive, particularly in relation to proposals that would supply significant development capacity. In the context of this plan change, I note that because the Request is not currently anticipated, it has not formed part of planning for infrastructure servicing. However, the evidence of Mr England outlines the planning associated with the WWTP and confirms that the Site can be integrated with this. However, he notes that additional water will need to be supplied because the Site sits outside the RSP.
175. However, I also consider that Objective 6 requires the Request to be considered in the context of the infrastructure planning and funding, and integration of this with the wider urban environment, that has been undertaken with respect to the WWTP. More specifically, as outlined by Mr England, the capacity of the wastewater network to not only service this Site, but also to service other planned growth is reliant on the ability for the planned extension to the WWTP to be implemented. In particular, he considers that *“it is critical that this plan change, specifically PC82, proposal does not cause any reverse sensitivity issues which would obstruct the future Pines 120 consenting and upgrade program or lead to an increase in odour or other*

⁹⁵ Mr Nicholson, at 11.9.

⁹⁶ Mr Nicholson, at 17.9.

⁹⁷ Our Space, page 28.

⁹⁸ Our Space, page 23.

*complaints relating to the Pines WWTP.*⁹⁹ In my view, this is necessary to ensure that this decision is strategic over the medium and long term, because any restriction on the WWTP resulting from this rezoning could ultimately restrict wider growth in the District.

176. There are various directions in Part 3 of the NPS-UD that I consider are also relevant. These include:

- a. Policy 3.2 which requires that “at least” sufficient development capacity is provided within the district to meet the expected demand for housing, in the short, medium and long terms. This is discussed further below.
- b. Policy 3.5 which requires that local authorities be satisfied that additional infrastructure to service the development is likely to be available. Based on Mr England’s advice, I consider that this direction is met with respect to wastewater, but confirmation that additional water can be made available to supply the Site will be required, with respect to ensuring adequate water supply.
- c. Policy 3.8, which provides direction on how local authorities are to consider plan changes that provide significant development capacity that is not otherwise enabled in a plan or is not in sequence with planned land release. This requires that ‘particular regard’ is had to the development capacity provided if that capacity:
 - i. would contribute to a well-functioning urban environment;
 - ii. is well-connected along transport corridors; and
 - iii. meets the criteria set in a regional policy statement for determining what is considered to add significantly to development capacity.

177. I note, in relation to the latter matter, that there are as yet no criteria in the CRPS.

178. As noted above:

- PC81 is expected to enable 350 additional dwellings, representing up to 4.5% of the existing dwellings in Rolleston and 1.4% in the District, and expected to provide 3.8% of Rolleston’s and 1.2% of the District’s housing stock in 2027; and
- PC82 is expected to enable 1320 additional dwellings, being an additional 24% to the number of dwellings existing in Rolleston existing as at 2018.

179. I acknowledge that the Council accepted the plan changes for notification on the basis of the above argument put forward by the applicant, with the submission and hearing process enabling further consideration of the significance of the proposed development capacity. While noting the concerns of submitters, I am satisfied, for the reasons set out in the economic assessments included in the Requests,¹⁰⁰ that the plan changes provide significant development capacity, albeit that the capacity provided by PC82 is more significant.

180. If the development capacity is considered to be significant, particular regard must be had to this development capacity, if the capacity would also contribute to a well-functioning urban environment; and is well-connected along transport corridors. Given their location, the Sites

⁹⁹ Mr England, at 33.

¹⁰⁰ Appendix G of the PC81 Request and Appendix 14 and 15 of PC82 Request.

would be well-connected along transport corridors. As noted above I consider that, taking into account Mr Nicholson's assessment – that the proposals would have a low level of connectivity with Rolleston and would not contribute to a compact urban form, and PC81 would also have low levels of accessibility – that the plan changes, particularly PC81, may not contribute to a well-functioning urban environment.

Capacity

181. In considering the NPS-UD, I consider it important to consider the growth planning undertaken by the Council. My understanding is that the Council has prepared, or been involved the preparation of various strategic documents prepared over the last 15 years which have contained overarching objectives pertaining to, and identified appropriate areas for, anticipated future growth.¹⁰¹
182. Of particular relevance, I note that Our Space is focused on how to best accommodate housing and business land needs in a way that integrates with transport and other infrastructure provision, builds greater community resilience, and contributes to a sustainable future for Greater Christchurch that meets the needs and aspirations of communities. It provides targets for housing for 30 years and outlines how any identified shortfall in capacity to meet these targets will be met, including through the identification of areas for housing growth. This planning was intended to promote *"a compact urban form, which provides for efficient transport and locates development in a manner that takes into account climate change and sea level rise."*¹⁰² This is reflected in additional capacity being directed to Rolleston, Rangiora and Kaiapoi in support of the public transport enhancement opportunities identified in Our Space.¹⁰³ Subsequent changes to the CRPS were signalled in Our Space as being required to facilitate this and have since been reflected in a plan change to the CRPS.
183. I also understand that a Greater Christchurch Spatial Plan is being prepared, which is intended to build on and replace the UDS and Our Space, integrate with a Mass Rapid Transit Business Case and ultimately inform Long Term Plans, the Regional Policy Statement, District Plans and the Regional Land Transport Plan. I understand that this will encompass a Future Development Strategy as required under the NPS-UD and therefore will necessarily give effect to the capacity requirements of the NP-SUD. Related to this, the effect of the Amendment Act is that additional capacity will be enabled within the District's urban areas which are within Greater Christchurch.
184. I have considered how the above relates to the NPS-UD. I note that the NPS-UD only requires that sufficient capacity is provided; not that more is precluded. However, the Council has not identified that the rezoning of this land is required in order to give effect to the minimum requirements of the NPS-UD; nor has it been considered necessary in more localised assessments of capacity and planning for growth. In my view, it is relevant to consider this alongside the significance of the development capacity provided by the Request. In this instance, the applicant argues that the contribution the rezoning will make to development capacity is significant because of the additional residential capacity it will provide within the Rolleston Township. I also note that the provision of further capacity in Rolleston is consistent with the preference for growth of this township, and would therefore also contribute towards achievement of the outcomes sought with respect to Rolleston.

¹⁰¹ Including the Urban Development Strategy, Canterbury Regional Policy Statement, Selwyn District Plan, Our Space (being a Future Development Strategy under the National Policy Statement on Urban Development Capacity 2016) and Selwyn 2031.

¹⁰² Our Space, Executive Summary.

¹⁰³ Our Space, page 28.

Canterbury Regional Policy Statement (CRPS)

Applications

185. Both applications contain an assessment of the plan change provisions against the CRPS.¹⁰⁴ This includes consideration of Objectives 5.2.1, 6.2.1, 6.2.2, 6.2.3, 6.2.4, 7.2.1, 7.2.4, 11.2.1 and 15.2.1 and Policies 5.3.7, 6.3.1, 6.3.2, 6.3.3, 6.3.4, 6.3.5 and 6.3.7. In my view, the applicants have identified those provisions within the CRPS that are relevant to the proposal. The PC81 application also considered Objective 16.2.1, which I consider is equally applicable to PC82, and of relevance seeks that development is located and designed to enable the efficient use of energy, including maintain an urban form that shortens trip distances. For completeness I note the PC82 evaluation includes provisions in other chapters of the CRPS, but I do not consider these relevant to the plan change, which is essentially acknowledged in the assessment of those provisions.
186. To avoid repetition, unless stated below, I agree with the assessment undertaken by the applicants. This includes that both applications acknowledge that, in terms of Objectives 6.2.1 and 6.2.2, these Requests are contrary to those parts of these provisions which directs where urban growth is to be located. Both applications consider that this is overcome by Objective 6(c) and Policy 8 of the NPS-UD.
187. For completeness I also note that the submission from Environment Canterbury provides more specific identification of, and assessment of the proposal against the provisions within the CRPS.

Submissions

188. CCC (PC81-0007 & PC82-0014) considers that as the Sites are outside the area anticipated for urban development, they will not give effect to the CRPS. It considers that as district plans are required to give effect to any regional policy statement, a change to the CRPS must be sought in advance of, or concurrently with each plan change. As such a change to the CRPS has not been sought, CCC considers that each plan change must be declined.
189. Environment Canterbury (PC81-0008 & PC82-0015) considers that PC81 and PC82 are inconsistent with various provisions in the CRPS and the strategic sub-regional land use and infrastructure planning framework for Greater Christchurch. It considers that the NPSUD does not negate the urban growth framework in the CRPS and the obligation to give effect to it. It notes that neither site has been identified as appropriate for urban development, and is therefore inconsistent with various objectives and policies in the CRPS relating to urban development.¹⁰⁵ With respect to infrastructure, it notes that the combination of plan change requests within the Selwyn District could collectively yield in excess of 6,000 additional households and could *“significantly alter the most appropriate infrastructure options to facilitate future development.”* It considers that this suggests that a strategic planning exercise is required to consider the most appropriate scale, direction and timing of any growth for the township, linked to a coordinated assessment of the available options to overcome identified infrastructure constraints.

¹⁰⁴ PC81 - Attachment 5: Section 32 Evaluation, pp. 52-59 and Table 9; PC82 – Appendix 8.

¹⁰⁵ Objective 6.2.1(3); Objective 6.2.2; Objective 6.2.6, Policy 6.3.1(4) and Policy 6.3.11.

190. With respect to transport, because of the concerns noted earlier in relation to public transport and lack of integrated transport options, Environment Canterbury (PC81-0008 & PC82-0015) considers that PC81 does not meet various transport provisions in the CRPS.¹⁰⁶

Analysis

191. Objective 5.2.1 seeks that development is located and designed so that it functions in a way that meets a number of clauses set out in the policy. This includes that it achieves consolidated, well designed and sustainable growth in and around existing urban areas as the primary focus for accommodating the region's growth (clause (1)). The applicant (PC81) states that this is achieved because the Site *"is located directly on the fringe of urban Rolleston..."* The PC82 application states, in relation to this objective that *"It is a logical extension of a well-established township... that is well designed and connected with the existing urban areas creating sustainable suburban communities."*
192. In terms of consolidation and well-designed growth, I note that Mr Nicholson's view is that both Sites have a low level of connectivity with Rolleston and would not contribute to a compact urban form; and the PC81 Site would have a low level of accessibility to public services and facilities.
193. Further sub-clauses of Objective 5.2.1 seek that the location and design of development: is compatible with and will result in the continued safe, efficient and effective use of regionally significant infrastructure (2(f)); avoids adverse effects on significant natural and physical resources including regionally significant infrastructure, and where avoidance is impracticable, remedies or mitigates those effects on those resources and infrastructure (2(g)); and avoid conflicts between incompatible activities (2(i)). In the context of the PC82 Request, these clauses are particularly relevant with respect to the WWTP, which falls within the CRPS definition as 'regionally significant infrastructure'; and (g) and (i) are also relevant to the RRP. The PC82 application states, in relation to these clauses, that *"there is no prospect of conflicts between incompatible uses as the Site will adjoin urban land used residentially to the east and north."* In my view, this does not take into account the proximity of the Site to the WWTP or RRP.
194. I also note that Objective 6.2.1 is broader than simply referring to locations for urban growth, and also seeks that recovery, rebuilding and development are enabled within Greater Christchurch through a land use and infrastructure framework that:

9. integrates strategic and other infrastructure and services with land use development

10. achieves development that does not adversely affect the efficient operation, use, development, appropriate upgrade, and future planning of strategic infrastructure and freight hubs;

11. optimises use of existing infrastructure;

195. In my view, the direction in both Objective 5.2.1 and 6.2.1 is particularly relevant to this Plan Change, and ultimately requires that the development facilitated by the Request:

¹⁰⁶ Policies 6.3.2(3), 6.3.3.(8), 6.3.4 and 6.3.5.

- a. Does not affect the continued operation of the WTP, but also does not adversely affect the ability for the upgrades and future planning associated with the WTP to be implemented.
 - b. Does not impede the optimal use of either the WWTP or the RRP or result in conflict between the proposed higher density residential use and these facilities.
196. As noted earlier, Mr Bender and My Boyd have concerns about the appropriateness of the proposed separation distance from the RRP composting activities and consider that there is potential for PC82 to result in reverse sensitivity effects on the RRP as a result. Mr England also has concerns that the Request has the potential to frustrate the consenting and ultimately the delivery of the proposed expansion to the WWTP that is required to service this Site, as well as other planned areas of growth. In its current form, I therefore consider the Request does not give effect to Objectives 5.2.1 and 6.2.1
197. With respect to water supply, I note that several provisions within the CRPS are also relevant, including Objective 6.2.1, sub-clauses (9) and (10) which, as set out above, seek that development integrates strategic and other infrastructure and services with land use development, and does not adversely affect the future planning of strategic infrastructure. Policy 6.3.5(2) directs that the nature, timing and sequencing of new development is co-ordinated with development, funding, implementation and operation of infrastructure, for a number of reasons including to:
- a. optimise the efficient and affordable provision of both the development and the infrastructure;
 - b. maintain or enhance the operational effectiveness, viability and safety of existing and planned infrastructure;
 - c. protect investment in existing and planned infrastructure; and
 - d. ensure new development does not occur until provision for appropriate infrastructure is in place.
198. As noted by Mr England, the Council has undertaken master planning to respond to growth within the District, and this includes planned capacity upgrades for the Rolleston water supply. However, to ensure that growth is both appropriately integrated with the provision of infrastructure, and that all planned growth is able to be serviced, he considers that priority of water allocation needs to be given to those developments within the RSP area.¹⁰⁷ As the Plan Change Sites are outside the RSP, other consented water would need to be made available to service the demand from the Site. Should this not be feasible, I consider rezoning of the Sites would be in conflict with the provisions of the CRPS outlined above.
199. Objective 6.2.4 seeks to prioritise the planning of transport infrastructure so that it maximises integration with identified priority areas and “new settlement patterns” and facilitates the movement of people and goods and provisions of services in Greater Christchurch, while achieving a number of outcomes. These include reducing dependence on private motor vehicles, reducing emissions and promoting the use of active and public transport nodes. My understanding of this objective, and the related policy direction is that it is aimed towards planning of transport infrastructure, and therefore the lack of current public transport to the

¹⁰⁷ Mr England, at 10-14.

Site does not conflict with the policy; rather my understanding is there is nothing about the Site that would impede the ability for transport planning to be integrated with this development.

200. Policy 6.3.5 also directs:

Recovery of Greater Christchurch is to be assisted by the integration of land use development with infrastructure by:

- 1. Identifying priority areas for development to enable reliable forward planning for infrastructure development and delivery;*
- 2. Ensuring that the nature, timing and sequencing of new development are co-ordinated with the development, funding, implementation and operation of transport and other infrastructure in order to:*
 - a. optimise the efficient and affordable provision of both the development and the infrastructure;*
 - b. maintain or enhance the operational effectiveness, viability and safety of existing and planned infrastructure;*
 - c. protect investment in existing and planned infrastructure; and*
 - d. ensure new development does not occur until provision for appropriate infrastructure is in place;*
- 3. Providing that the efficient and effective functioning of infrastructure, including transport corridors, is maintained, and the ability to maintain and upgrade that infrastructure is retained;*
- 4. Only providing for new development that does not affect the efficient operation, use, development, appropriate upgrading and safety of existing strategic infrastructure, including by avoiding noise sensitive activities within the 50dBA Ldn airport noise contour for Christchurch International Airport, unless the activity is within an existing residentially zoned urban area, residential greenfield area identified for Kaiapoi, or residential greenfield priority area identified in Map A (page 6-28); and*
- 5. Managing the effects of land use activities on infrastructure, including avoiding activities that have the potential to limit the efficient and effective, provision, operation, maintenance or upgrade of strategic infrastructure and freight hubs.*

201. In my view, for the proposal to satisfy the direction of this policy, there would need to be:

- a. Satisfaction that the provision of infrastructure to service the Site could be done in such a way that it would not undermine coordination of the integration of infrastructure with other planned development; and
- b. Satisfaction that the development would not compromise the efficient and effective functioning of the WWTP and RRP.

202. Consistent with my comments above, I consider the Request in its current form does not achieve this.

203. Policy 6.3.3 provides direction in relation to outline development plans. I note that this applies to “greenfield priority areas” (GPA), consistent with other direction in the CRPS which anticipates that urban development would only occur in such areas. I consider notwithstanding the site is not within a GPA, the direction is still relevant. It includes direction for the ODP to: include (as relevant) land required for community facilities or schools ((3)(b)); demonstrate how effective provision is made for a range of transport options including public transport options and integration between transport modes, including pedestrian, cycling, public transport, freight, and private motor vehicles (8); and 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 (9). I note that these are all matters that have been considered earlier in this report in relation to traffic effects and connectivity, community facilities and potential reverse sensitivity effects.

Canterbury Land and Water Regional Plan (LWRP) and Canterbury Air Regional Plan (CARP)

204. Under s75(4)(b) of the RMA, the District Plan cannot be inconsistent with a regional plan, which in respect to this application include the LWRP and the CARP. The establishment of activities within the plan change site will either need to meet the permitted activity conditions of these plans or be required to obtain a resource consent. In broad terms I consider that the effects associated with requirements under these regional plans can be considered at the time of detailed development, and note that there is nothing particular about the site or its proximity to other land uses that I would consider would impede the ability to appropriately mitigate effects such that consent could be obtained. I also note that Environment Canterbury, in their submission, did not raise any concerns with the incompatibility of the development of the site for residential purposes with the provisions of the LWRP or CARP. Therefore, I consider that the Request is not inconsistent with the LWRP and the CARP.

Mahaanui Iwi Management Plan (IMP)

205. The Mahaanui Iwi Management Plan (IMP) is a planning document recognised by an iwi authority and lodged with the council, which includes content that relates to the district's resource management issues. Under s74(2A) of the RMA, the Council, in considering this plan change, must take into account the IMP. The PC81 application includes an assessment of the relevant provisions within the IMP.¹⁰⁸ I agree with the content and conclusions of that assessment and consider that they also apply to PC82.

Rolleston Structure Plan (RSP)

206. The RSP, as a strategy prepared under another act (the Local Government Act), is a relevant matter to have regard to under s74(2)(b)(i). The RSP was developed as part of delivering the UDS and seeks to provide a strategic framework to manage the rapid growth occurring, and anticipated within Rolleston. Its stated purpose is "*to consider how existing and future development in Rolleston should be integrated in order to ensure that sustainable development occurs and makes best use of natural resources.*"¹⁰⁹ It then identifies principles for future development, rather than detailed planning for individual growth areas. The Plan Change Sites are outside the RSP, but in my view this simply reflects that planning for growth, the District Plan, CRPS and RSP have been aligned; and Policy 8 allows for consideration of the appropriateness of the rezoning regardless of this.

Consistency with the plans of adjacent territorial authorities

207. Matters of cross-boundary interest are outlined in the District Plan (in Section A1.5 of the Township Volume). Of relevance to both PC81 and PC82, this includes effects on the strategic and arterial road network from people commuting between Selwyn and Christchurch. The methods state that this is identified as an effect of residential growth in the Plan and notes that CCC can submit in proposals to re-zone land for growth. In this instance, CCC have submitted on this plan change and identified concerns regarding cross-boundary effects arising from the proposal.

¹⁰⁸ PC81: Attachment 5: Section 32 Evaluation, paragraphs 173-181.

¹⁰⁹ *Rolleston Structure Plan*, September 2009, page 6.

Consideration of alternatives, benefits and costs

208. Section 32 requires the consideration and evaluation of the extent to which the objectives of the proposal are the most appropriate way to achieve the purpose of the Act (s32(1)(a)); as well as an assessment of whether the provisions in the proposal are the most appropriate way to achieve the objectives (of both the proposal and the existing District Plan objectives), having regard to the efficiency and effectiveness of the provisions and having considered other reasonably practicable options (s32(1)(b)).

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

209. I note that both plan change applications include new or amended objectives,¹¹⁰ but an assessment of these is not provided. My understanding is that these additional objectives reflect the Council's proposed drafting, developed to provide a stand-alone Living MD Zone to give effect to the MDRS, and which are directed to be included in the District Plan under clause 6(1) of Schedule 3A of the RMA. On the basis that they are required to be included, I consider that the test under s32(1)(a) for these plan changes is about the extent to which the purpose of the proposal is the most appropriate way to achieve the purpose of the RMA.

210. The stated purpose of the PC81 proposal is to provide for an extension of the adjoining existing urban residential area of Rolleston in a manner that adds significantly to development capacity and provides for increased competition and choice in residential land markets.¹¹¹ The application then states:

*Provision for a variety of densities (including medium density and lower density development) within the Plan Change area is considered appropriate to provide choice, help address declining housing affordability, and enable persons and the community to provide for their health and wellbeing, while avoiding, remedying or mitigating potential adverse effects. While the proposal will result in a change to an urban form from the rural form that exists currently, the proposal is considered to be an efficient use of the physical land resource.*¹¹²

211. The stated purpose of the PC82 proposal is:

*...to change the zoning of the application site in the Operative District Plan from Rural Outer Plains Zone to Living MD and Business 1 Zones in a controlled and managed way through an Outline Development Plan and by adopting, as far as possible, planning zones and subdivision, activity and development standards of the operative plan.*¹¹³

212. It is stated that this will provide: additional housing and residential land choice in Rolleston which will complement the adjoining residential land (including that proposed in PC73); urban development which connects to the existing township, enabling efficient use of existing and future infrastructure and current land resources; and strong economic benefits by enabling population growth which in turn helps support greater self-sufficiency and the benefits arising from that.

213. In considering these against the purpose of the RMA, I do not consider that any matter of national importance is relevant to PC81 or PC82. In terms of other matters set out in s7 of the

¹¹⁰ New Objective B3.4.7; amended Objective B4.1.1; and new Objective B4.1.3.

¹¹¹ Paragraph 107 of Attachment 5: Section 32 Evaluation.

¹¹² Paragraph 108 of Attachment 5: Section 32 Evaluation.

¹¹³ Appendix 13 of the Request, page 2.

RMA, I consider that the efficient use and development of natural and physical resources (s7(b)), the maintenance and enhancement of amenity values (s7(c)), and the maintenance and enhancement of the quality of the environment (s7(f)) are relevant to the plan changes.

214. I note that matters raised in submissions that relate to amenity values and quality of the environment have been considered in the assessment of issues raised in submissions set out above. I consider that the location of the site outside areas identified for urban development in the CRPS is relevant to the consideration of whether the proposal results in an efficient use of natural and physical resources (s7(b)). Physical resources include various infrastructure, such as transport networks, the WWTP and the RRP. I am satisfied, based on Mr Collins advice, that the proposal results in an efficient use of the transport network. I note that the provision of additional water will be required in order to ensure that there is sufficient water available to service not only the Site but also other sites, where the Council has anticipated development. However, I also consider that it is necessary to be satisfied that these Requests will not result in conflict and/or reverse sensitivity effects arising in relation to the proposed residential development and existing infrastructure – namely the WWTP and RRP. Specifically, I consider 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 these physical resources to be able to be efficiently used and developed.
215. In considering the appropriateness of the proposal in achieving the purpose of the RMA, I also consider it necessary to take into account whether the Request gives effect to the NPS-UD and CRPS,¹¹⁴ which have been prepared to give effect to the purpose of the RMA, and in particular, provide direction on how the use, development and protection of natural and physical resources are to be managed to achieve the RMA's purpose. As noted earlier, I consider that the Request in its current form does not meet the direction in the CRPS around infrastructure, and Mr Nicholson has also identified concerns that the location and design of the development will not achieve consolidated and well-designed growth.
216. I also consider that the existing direction in the Selwyn District Plan should be considered in assessing the appropriateness of the proposal at achieving the purpose of the RMA, given that the Plan has been prepared to give effect to the purpose of the RMA.
217. I note the PC81 and PC82 applications also includes an assessment of each Request against the objectives and policies of the District Plan.¹¹⁵ In my view, the applicants have identified those provisions that are relevant to each proposal.¹¹⁶ Both assessments identify that the proposal will not achieve Objective B4.3.3 and Policy B4.3.1 which seeks that within the Greater Christchurch area, new residential development is contained within existing zoned areas or priority areas identified within the Regional Policy Statement. The applicants consider that this inconsistency is overcome by NPS-UD. Except as set out below, I generally agree with the applicant's assessment, or do not consider matters of difference to be material to the conclusions reached.
218. Objective B4.3.4 seeks that new areas for residential development support the *"timely, efficient and integrated provision of infrastructure, including appropriate transport and movement networks through a coordinated and phased development approach."* The assessment within

¹¹⁴ Excluding those aspects of the CRPS documents that are affected by Policy 8 of the NPS-UD.

¹¹⁵ PC81: Attachment 5: Section 32 Evaluation, Table 1; PC82: Appendix 10.

¹¹⁶ While these differ slightly in terms of the specific provisions each identifies, I consider that where they differ the specific provisions are either not particularly relevant, or that the proposals are sufficiently similar that the conclusions reached in one are equally applicable to the other.

the PC82 application simply states that by adopting the operative standards and zones, the proposal supports the timely, efficient and integrated provision of servicing. In my view, further consideration is required, in that the objective expressly seeks that the provision of infrastructure is undertaken in an integrated way that is coordinated and phased. This is important when considering if the proposal would impact on the ability for the WWTP to be upgraded to provide additional capacity, and similarly, on the ability for the RRP to increase its activities (particularly composting) to serve the growing population.

219. Objective B4.3.1 seeks that the expansion of townships does not adversely affect physical resources or other activities. Objective B3.4.3 seeks that reverse sensitivity effects between activities are avoided; and Policy B2.2.5 seeks to avoid potential reverse sensitivity effects of activities on the efficient development, use and maintenance of utilities. Policy B3.4.39 also directs the avoidance of rezoning land for new residential development adjoining or near to existing activities which are likely to be incompatible with residential activities, unless any potential 'reverse sensitivity' effects will be avoided, remedied or mitigated. In my view, taking into account the direction in these provisions, as well as the overarching direction in the CRPS, this needs to account for planned development of the WWTP. Consistent with my earlier comments, I consider that the PC82 Request in its current form does not align with these provisions.
220. Based on Mr Nicholson's evidence, I also consider that neither Request will achieve Objective B3.4.4 and Policy B4.3.6 which seeks that the growth of townships achieves a compact urban form; or Objective B3.4.5 which seeks that urban growth provide a high level of connectivity within the development and with adjoining land areas and suitable access to a variety of forms of transport.
221. In relation to Policy B4.3.75, which encourages integration between rezoning land for new residential development at Rolleston and associated provisions for utilities, community facilities and areas for business development, I consider that the amendments to the plan changes to include additional provisions regarding the provision of new educational facilities align with this direction.
222. If these matters can be overcome, such that the Hearings Commissioner considers the purpose of the proposal to be the most appropriate way to achieve the purpose of the RMA, then a further assessment is required of the appropriateness of the provisions in the proposal, which is set out below.

Whether the Provisions in the Proposal are the Most Appropriate way to Achieve the Objectives

223. The Request identifies the changes to the Plan's provisions that are proposed by the applicant. In terms of the appropriateness of the provisions at achieving the objectives of the proposal and the existing Plan objectives, I firstly note that a number of the provisions reflect those required to be included by Schedule 3A of the RMA. In terms of other provisions, I consider that additional changes are required. These are set out in more detail below.

8. Proposed Amendments to the District Plan

224. If the Hearings Commissioner is minded to recommend that Plan Changes 81 & 82 be approved, then in addition to the proposed amendments to the District Plan set out in the amended application¹¹⁷, I consider that additional changes are required, as follows:

¹¹⁷ Outlined in the attachments to the letter sent to the Council from Novo Group, dated 16 August 2022.

- An additional rule restricting subdivision until a potable water supply is available which is capable of serving any lots within the subdivision, in order to address Mr England's concerns about the supply of water.
- Amending the additional subdivision rule (numbered 12.1.3.50 in the PC82 Request) to:
 - restrict any development (including earthworks and other construction-related activity) of both the PC81 and PC82 Sites, prior to the commencement of the upgrade of the SH1/Dunns Crossing Road/ Walkers Road intersection;
 - restrict the issuing of a completion certificate under section 224 of the RMA within the PC82 Site until:
 - the signalisation of Dunns Crossing Road / Burnham School Road;
 - the upgrade of Dunns Crossing Road / Selwyn Road / Gould Road;
 - the upgrade to the Lowes Road / Dunns Crossing Road intersection; and
 - the realignment of the Brookside Road at Dunns Crossing Road.
 - amend the restriction of the creation of residential allotments within 1500m of the WWTP until the sooner of Council certification or 31 December 2026.
- An additional rule restricting the creation of any vehicle connection from the PC82 Site to Brookside Road or Edwards Road prior to the sealing of the full length of Edwards Road and the upgrade of the Edwards Road / Ellesmere Junction Road intersection.
- An additional rule requiring that any subdivision application which would affect the existing water race or ponds on the PC81 Site include a field-based ecological assessment, and inclusion of an assessment matter allowing for consideration of any recommendations of the ecological assessment, particularly in relation to whether the water race, ponds or any wetland features on the property should be retained.
- Amending the PC81 ODP to:
 - Identify an area at the corner of Selwyn and Dunns Crossing Roads to allow for the realignment of Selwyn Road and the Selwyn Road/Goulds Road intersection.
 - Identify gateway treatments to support the transition from a rural to urban environment
 - Extend the north-south secondary road to connect with the southern east-west primary road.
 - Include a second pedestrian / cycle crossing facility across Dunns Crossing Road at the northernmost connection.
 - Identify the road frontage upgrades along Dunns Crossing and Selwyn Roads as requiring an urban upgrade with shared pedestrian and cycle facilities.
 - Align the ODP text with the roading upgrade requirements and water supply matter referred to above.

- Amend the ODP text relating to the existing water race to include words to the effect that prior to subdivision, a field-based ecological assessment should be carried out to confirm ecological values. The assessment should include recommendations about whether any wetland features on the property should be retained, plus guidance on ecological enhancement and waterway realignment. The subdivision layout should be amended to incorporate results of the ecological assessment, if necessary.
- Amending the PC82 ODP to:
 - Increase the extent of the Odour Constrained Area (i.e. the buffer from the RRP and WWTP) to better address reverse sensitivity issues.
 - Identify gateway treatments to support the transition from a rural to urban environment
 - Identify the Brookside Road and Edwards Road frontages as walking and cycling routes.
 - Align the ODP text with the roading upgrade requirements and water supply matter referred to above.
 - Amend the ODP text relating to further investigation, to require further investigation of ecological values of the water race, and its potential naturalisation and integration into the residential development.

225. If the Commissioner is of a mind to recommend approval of the Requests, the Council respectfully requests the opportunity to prepare any specific provision changes, in terms of policies, rules as well as the ODP (including text), in consultation with the proponents, to ensure that they are appropriately integrated with the Plan and can be effectively administered, prior to the Commissioner providing a final recommendation.

9. Conclusions and Recommendation

226. As set out in Section 5, the statutory matters that must be considered in relation to a plan change require the assessment of sections 31, 32, 74 and 75, and regard must be had to the overall purpose and principles set out in Part 2 of the Act. The key question is whether the rezoning is more appropriate, than the current zoning, in achieving the purpose of the RMA.
227. In terms of the proposal's inconsistency with Objective B4.3.3 of the Plan and various provisions within the CRPS that direct the location of growth, I am satisfied that this 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 Rolleston.
228. In my view, both plan changes, when considered on their own merits, should be declined because they would have poor levels of connectivity with Rolleston and would not contribute to a compact urban form. It is my view that this creates a tension with their ability to achieve to a well-functioning urban environment, particularly in the case of PC81.
229. While I note Mr Nicholson's comments that the Sites would have better connectivity if land between the Sites, along with PC70, were rezoned, this is not in front of the Commissioner in terms of this hearing.

230. I also note the need to ensure that additional consented water is made available to supply the sites.
231. In addition to the above, with respect to PC82, I also have concerns about the potential impact of increased residential development on existing infrastructure assets. In my view, 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. Similarly, I consider 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. In my view, 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.



Liz White

19 August 2022