

**BEFORE THE SELWYN DISTRICT COUNCIL**

**IN THE MATTER OF** the Resource Management Act 1991

**AND**

**IN THE MATTER OF** Proposed Plan Change 67 being a request by GW Wilfield Ltd relating to land on the south side of Kingsdowne Drive bounded by Weedons Ross Road to the west, West Melton

**AND** Proposed Plan Change 73 being a request by Rolleston West Residential Ltd in relation to approximately 160 hectares of land generally on the western side of the Rolleston Township, to the west of Dunns Crossing Road and south of Main South Road (State Highway 1)

**AND** Proposed Plan Change 75 being a request by Yoursection Limited to rezone approximately 24.7ha of land located generally on the south eastern side of Rolleston township, adjacent to and south of Falcons Landing residential development and to the west of Lincoln Rolleston Road

**AND** Proposed Plan Change 76 being a request by Dunweavin 2020 Limited for rezoning of approximately 13 hectares of rural land to residential land located on the south western edge of Rolleston with frontage to East Maddisons Road

**AND** Proposed Plan Change 78 being a request by Urban Estates Limited to rezone approximately 63 hectares of current rural land to residential land south of Falcons Landing and east of Acland Park, with frontages to Lincoln Rolleston Road and Selwyn Road, Rolleston

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**MINUTE OF COMMISSIONER DAVID CALDWELL RELATING TO PROCEDURAL  
MATTERS ARISING FROM THE RESOURCE MANAGEMENT (ENABLING HOUSING  
SUPPLY AND OTHER MATTERS) ACT**

**Dated 10 January 2022**

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1. By way of Minutes dated 16 and 17 December 2021, I sought the parties' views on whether I could or should re-open the hearings to enable the parties to provide submissions, or potentially evidence, on the Resource Management (Enabling Housing Supply and Other Matters) Act (**Amendment Act**) and its ramifications, or whether I must continue my deliberations on the evidence and submissions before me
2. I identified that the then Bill in its final form raised some issues in relation to housing capacity/demand matters, and potential issues around infrastructure.
3. In response to those Minutes, I have received the following:
  - (a) Memorandum of Counsel on behalf Urban Estates Limited (PC78);
  - (b) Statement in Response from Mr Thomson on behalf of Dunweavin 2020 Limited (PC76);
  - (c) Memorandum of Counsel on behalf of G W Wilfield Limited (PC67);
  - (d) Memorandum of Counsel for Yoursection Limited (PC75);
  - (e) Memorandum of Counsel on behalf of Rolleston West Residential Limited (PC73);
  - (f) Memorandum of Counsel for Christchurch City Council and Canterbury Regional Council (submitters); and
  - (g) Memorandum from Selwyn District Council (**SDC**) dated 22 December 2021.
4. I appreciate the prompt and focused response from all Counsel and representatives.
5. I note that in accordance with my Minutes, the Memoranda were provided contemporaneously rather than sequentially. I have considered whether it would be appropriate to enable the parties to comment further on the various Memoranda. Given the comprehensive nature of the responses, and that this relates simply to a procedural issue, I do not consider it is necessary, or appropriate, to provide that opportunity. The matter I have raised is not one of the merits, it is simply one of process and I am fully satisfied that I have sufficient information to reach a view.
6. Again, given that this is a procedural matter, I do not propose to traverse the submissions and Memoranda in detail. No disrespect to Counsel and representatives is intended. The issues I raised have been fully addressed and I have considered all of the submissions in the Memoranda provided.
7. Very much by way of summary, Counsel and representatives for the various applicants/proposers, and SDC in its Memorandum, all came to a similar conclusion. They all identified s34 of Schedule 3 which addresses the status of part completed proposed plan changes. As noted, the Amendment Act does not require private plan changes be withdrawn;

rather, those which have been notified but not determined before the commencement of the Amendment Act can continue.

8. As the Memorandum on behalf of SDC identified, the Amendment Act requires that Council prepare and notify an Intensification Planning Instrument (**IPI**) as a variation to its Proposed District Plan to incorporate the Medium Density Residential Standards (**MDRS**) and give effect to the relevant policies of the National Policy Statement on Urban Development. The IPI applies to relevant residential zones which, while defined as all residential zones, allows for some exceptions. Council's Memorandum identified that one of the first tasks of Council will be to determine where the IPI is applicable.
9. In relation to some of the concerns I identified regarding the implications of the Amendment Act, Council's Memorandum noted that it is an enabling piece of legislation; while it will change, by way of incorporation of the MDRS, the permitted density standards applicable within relevant residential zones, it does not require an increase in density. It also advised that there were a range of qualifying matters where, within relevant residential zones, there may be areas where the density standards should not be as enabling.
10. Mr Wakefield, on behalf of CCC and CRC, submitted that the implications the subject of the Memorandum were potentially significant and warranted careful consideration before any decisions are made. Mr Wakefield submitted that while the mandatory timing remains several months away, there was a high degree of certainty that the upcoming IPI processes will involve significant changes to the form and density of development in relevant residential zones. He submitted this would almost inevitably result in changes to housing capacity and demand figures and increase pressure on the infrastructure that is expected to service these residential zones.<sup>1</sup> He advised that CCC and CRC considered that eventuality warranted close consideration by the parties, and significantly SDC, before PPCs are determined.
11. Mr Wakefield also identified the deferral of the hearings into rezoning submissions on the Proposed Selwyn District Plan and addressed what CCC and CRC consider to be the housing capacity demand and related implications.

## Conclusion

12. I have carefully considered all of the matters raised. I agree that there is nothing in the Amendment Act that suggests that decisions on plan changes be delayed to await new evidence of the likely outcome of future and uncertain Council variation processes. The Amendment Act provides for those plan change processes to continue ahead of Council embarking on and notifying its IPI and variations.

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<sup>1</sup> Memorandum of Counsel for Christchurch City Council and Canterbury Regional Council 21 December 2021 at para [7]

13. Overall, I consider that the appropriate approach is for me to continue with my deliberations and recommendations. I do not consider I need to, or should, re-open the hearings. To do so would result in unnecessary delay and costs. Accordingly I will continue with my deliberations and recommendations.

A handwritten signature in blue ink, reading "D Caldwell", is positioned above a horizontal line.

**David Caldwell**  
Hearing Commissioner

Dated: 10 January 2022